



Roll Call Number

22-0703

Agenda Item Number

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Date May 9, 2022

RESOLUTION APPROVING THE FIRST AMENDMENT TO URBAN RENEWAL DEVELOPMENT AGREEMENT FOR THE PROPERTY LOCATED AT 207 CROCKER STREET, WITH 207 CROCKER, LLC AND JENSEN OSWALD, LLC AND APPROVAL OF A MINIMUM ASSESSMENT AGREEMENT

WHEREAS, on May 21, 2018, by Roll Call No. 18-0087, the City Council approved an Urban Renewal Development Agreement (“Agreement”) with 207 Crocker, LLC (“Developer”) to convert an existing, largely vacant office building at 207 Crocker Street, legally described in Exhibit A of the proposed amendment (“Property”), into a 91-room Fairfield Inn hotel (“Project”) and to provide tax increment financing to support the Project, which Agreement was dated May 21, 2018, and filed in Book 16971 at Page 184 in the office of the Polk County Recorder; and

WHEREAS, the Developer plans to transfer title of the Property to Jensen Oswald, LLC; and

WHEREAS, the Developer wishes to assign its interest in the Agreement to a new developer entity, Jensen Oswald, LLC, and Jensen Oswald, LLC wishes to add a minimum assessment agreement to the Agreement; and

WHEREAS, in furtherance of those wishes, the Office of Economic Development has negotiated a First Amendment to the Agreement (“First Amendment”) to allow Developer to assign its interest in the agreement to Jensen Oswald, LLC, upon the City’s receipt of the recorded deed transferring title of the Property to Jensen Oswald, LLC, and to enter in to a minimum assessment agreement (“Minimum Assessment Agreement”) with Jensen Oswald, LLC, in the form attached to the First Amendment to the Agreement, which reflects a value of \$8,000,000 for the improvements on the Property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The First Amendment between the City, the Developer, and Jensen Oswald is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute the First Amendment on behalf of the City of Des Moines.
2. The Minimum Assessment Agreement between the City and Jensen Oswald, LLC, is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute said Minimum Assessment Agreement on behalf of the City of Des Moines.
3. The City Manager or his designees are hereby authorized and directed to administer on behalf of the City, the attached First Amendment and Minimum Assessment Agreement,



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including the filing of the Agreement(s), and monitoring compliance by the Developer with the terms and conditions of the Agreement(s). The City Manager is further directed to forward to City Council all matters and documents that require City Council review and approval in accordance with the Agreement, the First Amendment, and the Minimum Assessment Agreement.

(Council Communication No. 22- 215)

MOVED by Boesen to adopt.

SECOND by Gatto.

FORM APPROVED:

/s/ Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL. Includes signature of Mayor Pro Tem and 'MAYOR PRO TEM' stamp.

CERTIFICATE
I, P. KAY CMELIK, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.
Signature of P. Kay Cmelik, City Clerk