

**CITY COUNCIL  
COMMUNICATION:**

**02-473**

**AGENDA:**

SEPTEMBER 9,  
2002

**SUBJECT:**

AMENDMENT TO  
THE  
DEVELOPMENT  
AGREEMENT WITH  
DEVELOPER FOR  
REHABILITATION  
OF THE MASONIC  
TEMPLE, 1011  
LOCUST

**TYPE:**

**RESOLUTION**  
ORDINANCE  
RECEIVE/FILE

**SUBMITTED BY:**

RICHARD CLARK  
DEPUTY CITY  
MANAGER

**ITEM 66-A**

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**SYNOPSIS —**

On the September 9, 2002, Council agenda is a roll call to approve an amendment to the development agreement between the City of Des Moines and the Developer of the Masonic Temple, 1011 Locust. (Downtown Preservation Partners, LLC; BH Temple, Inc.; and The Temple Partners, L.P. are the joint Developer of the project.)

BH Temple, Inc. acquired the Masonic Temple. BH Temple, Inc. is the sole manager of Downtown Preservation Partners, LLC (DPP). BH Temple, Inc. will, before the property is "placed in service", transfer the property to DPP. DPP will, in turn, transfer the property to the Temple Partners, L.P. Harry Bookey (400 Locust, Des Moines) is the Managing Partner of DPP.

**FISCAL IMPACT —**

The amendment does not change the City's funding commitment.

**RECOMMENDATION —**

**Approve the amendment to the development agreement with the Developer and direct the City Manager to carry out the City obligations.**

**BACKGROUND —**

On May 7, 2001, the Council selected DPP as the developer for the Masonic Temple. On October 17, 2001, BH Temple, Inc. (associated partner of DPP) acquired the property from the Masonic Temple Association of Des Moines, Inc.

On January 28, 2002, by Roll Call No. 02-293, the Council approved the development agreement with the Developer. Due to changes in the tenant mix and further development of the Central Library plan, it is now appropriate and necessary to amend the development agreement.

Following are the essential features of the amendment to the development agreement between the City and the Developer.

1. Exterior equipment will be permitted in service corridor but must be screened. The service corridor is defined as the property north of the north face of the building and south of the south right-of-way

line of the east/west alley. (See Urban Development Board Recommendation below.)

2. A trash compactor may be located within the service corridor. The trash must be emptied daily except for holidays.
3. As part of the City's planning for the Western Gateway Park, the City intends to prepare plans for a permanent screen to screen the service corridor north of the building from other property within the Park. The City intends to construct the permanent screen and Developer intends to pay \$15,000 toward the costs of construction of the permanent screen. The City and Developer shall collaborate on the plans for the permanent screen.
4. The construction clear zone with the Library is detailed in the attached map. The construction fence is located 52 feet from the building face on the south and 32 feet from the building face on the north. The library will be located a minimum of 55 feet from the Masonic Temple on the south and 35 feet from the building on the north.
5. The parking lot to northwest of the Masonic Temple property will be leased to the Developer until February 28 and on a month-to-month basis thereafter until the Library begins construction. The lease rate has been established by the development agreement and is \$1,000 per month.
6. As requested by the Developer, the sidewalk construction deadline is extended to September 10.
7. The City will not construct a permanent passenger drop-off and pick-up area within the block.
8. The City, by Ordinance No. 14,105 passed June 3, 2002, established regulations for short-term metered parking and loading zones on the north side of Locust Street and the west side of Tenth Street in the vicinity of the building. Prior to revision of such parking and loading zone regulations, the City and the Developer shall endeavor to develop mutually agreeable parking alternatives.

Urban Development Board Recommendation:

On August 6, the Board reviewed the proposed amendment, adding that the Developer should be required to screen the exterior equipment both horizontally and vertically.

City staff, together with Western Gateway architect, Bill Anderson, and Developer architect, Phil Parrott, have thoroughly reviewed the recommendation for a horizontal screen. It has been determined that the service corridor will be adequately screened by the vertical screen with new fire escapes being added to either end of the corridor; and that the addition of a horizontal screen will provide little additional benefit.

	Attachment
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