

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 5, 2016
	Agenda Item No.	14
	Roll Call No.	<u>16-2055</u>
	Communication No.	<u>16-674</u>
	Submitted by:	Matthew A. Anderson, Assistant City Manager

AGENDA HEADING:

Recommend approval of resolution for temporary Right of Entry Agreement to allow grading and fill work to commence for the Connolly Lofts project at 401 SE 6th Street and 400 SE 7th Street.

SYNOPSIS:

Resolution providing for Right of Entry Agreement to City-owned land for Market District One, LLC for the purposes of commencing grading and fill work in accordance with a City-approved grading plan.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

Market District One, LLC (Frank Levy, Partner, 3408 Woodland Avenue, Suite 504, West Des Moines, IA 50266) is proposing to purchase .80 acres of vacant land from the City of Des Moines for a new multi-family residential project at 401 SE 6th Street, to be called the Connolly Lofts. The proposed \$10.7 million, 58-dwelling unit project will consist of a four (4)-story building in the emerging Market District, and at one of the gateways into the Historic East Village.

The project is on a tight construction timeline due to an impending deadline to receive full benefits of Workforce Housing Tax Credits that have already been awarded by the Iowa Economic Development Authority. The developer has approached the City’s Real Estate Division and Office of Economic Development to seek gaining access to the site to initiate project grading and fill work prior to purchase of the property. Approval of a Temporary Right of Entry Agreement would allow for the work to commence to help accommodate the developer’s project schedule, and has been a common practice for other development projects on City-owned land working through the land sale process.

The Agreement is conditional upon receiving site plan approval from the Plan and Zoning Commission and issuance of a Grading Permit by the City’s Engineering Department, and requires adequate insurance protection be established, should the development not proceed. A public hearing for the sale of this City-owned property is scheduled for January 9, 2017.

PREVIOUS COUNCIL ACTION(S):

Date: November 21, 2016

Roll Call Number: [16-2001](#)

Action: [Revised](#) development proposal from Market District One, LLC to develop City-owned property at 401 SE 6th Street and 400 SE 7th Street in the Metro Center Urban Renewal Area and setting date of hearing, (1-9-17). ([Council Communication No. 16-668](#)) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: December 1, 2016

Resolution Number: N/A

Action: Plan and Zoning Commission approved request from Market District One, LLC (developer) for review and approval of a Site Plan for “Connolly Lofts” on property located at 400 SE 6th Street and 401 SE 7th Street. Corigliano moved staff recommendation for approval subject to conditions. Motion carried 11-0.

Board: Urban Design Review Board

Date: November 1, 2016

Resolution Number: N/A

Action: Motion to approve preliminary design and financial terms with Board comments noted by Weisenbach. Seconded by Heiman-Godar. Motion Carried 8-0-3 (abstentions).

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Council approval of City-owned sale of land, vacation and conveyance of excess rights-of-way adjoining property, and approval of Final Economic Development Agreement.

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