

ORDINANCE NO. 15,940

AN ORDINANCE AMENDING ORDINANCE NO. 15,423 ESTABLISHING THE IOWA CONVENTION AND ENTERTAINMENT REINVESTMENT DISTRICT PURSUANT TO IOWA CODE CHAPTER 15J TO AMEND THE BOUNDARIES OF THE DISTRICT AND INCLUDE TWO ADDITIONAL NON-IRA REVENUE FUNDED DISTRICT PROJECTS.

WHEREAS, the City of Des Moines has submitted to the Iowa Economic Development Authority ("IEDA") an application and District Plan to establish a reinvestment district pursuant to Iowa Code Chapter 15J, the Iowa Reinvestment Act (the "Act" or "IRA"), and IEDA has approved said application and District Plan; and

WHEREAS, the City and IEDA have entered into a Reinvestment District Contract showing an award date of May 22, 2015 (the "Contract"); and

WHEREAS, pursuant to the Act and the Contract, the City Council passed Ordinance No. 15,423 on November 9, 2015 to establish the Iowa Convention and Entertainment Reinvestment District ("District") and carry out the purposes of the Act and Contract; and

WHEREAS, IEDA has approved an amendment to the District Plan to amend the boundaries of the District and to include two additional new hotel projects that are not utilizing IRA revenues; and

WHEREAS, in accordance with the approved amendment to the District Plan, the City desires to amend Ordinance No. 15,423 to amend the boundaries of the District and to include two additional new hotel projects that are not utilizing IRA revenues.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA THAT:

Section 1: Section 1 of Ordinance No. 15,423 is hereby amended to amend the boundaries of the District to the following described real estate located in the City of Des Moines, Polk County, Iowa:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF WALNUT STREET AND THE WEST RIGHT OF WAY LINE OF 2ND AVENUE; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY LINE OF 5TH AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF GRAND AVENUE; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY LINE OF 3RD STREET; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE OF 3RD STREET TO THE NORTH RIGHT OF WAY LINE OF GRAND AVENUE; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY LINE OF 5TH AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE OF 5TH AVENUE TO THE SOUTHWEST CORNER OF LOT C IN THE NEW Y.M.C.A. PLAT, AN OFFICIAL PLAT; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT C TO THE SOUTHEAST CORNER OF SAID LOT C; THENCE CONTINUING EAST ALONG

THE EASTERLY EXTENSION OF SAID SOUTH LINE OF SAID LOT C TO A POINT ON THE EAST LINE OF LOT B IN SAID PLAT; THENCE NORTH ALONG SAID EAST LINE OF SAID LOT B TO A POINT ON THE SOUTH LINE OF LOT A IN SAID PLAT; THENCE CONTINUING NORTH ON THE NORTHERLY EXTENSION OF THE MOST EASTERLY LINE OF SAID LOT B TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID PLAT; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID PLAT TO THE SOUTHEAST CORNER OF LOT 15 IN SAID PLAT; THENCE CONTINUING WEST ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 10.7 FEET; THENCE NORTHWESTERLY TO A POINT ON THE NORTH LINE OF SAID LOT 15, SAID POINT BEING 1.0 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 15, ALSO SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF WATSON POWELL JR PARKWAY; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF WATSON POWELL JR PARKWAY TO SAID EAST RIGHT OF WAY LINE OF 5TH AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE OF 5TH AVENUE TO THE NORTH RIGHT OF WAY LINE OF WATSON POWELL JR PARKWAY; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE OF WATSON POWELL JR PARKWAY TO THE EAST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN BLOCK 2, BIRD'S ADDITION, AN OFFICIAL PLAT; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY TO THE SOUTH RIGHT OF WAY LINE OF PARK STREET; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF PARK STREET TO ITS INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF 4TH STREET; THENCE NORTHWEST ALONG A STRAIGHT LINE TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF PARK STREET AND THE WEST RIGHT OF WAY LINE OF 4TH STREET; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE OF PARK STREET TO THE EAST LINE OF PARCEL 2016-38, SAID PARCEL 2016-38 RECORDED IN BOOK 15928 PAGE 399 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE NORTH AND WEST ALONG THE EAST AND NORTHERLY LINES OF SAID PARCEL 2016-38 TO THE MOST NORTHWEST CORNER OF SAID PARCEL 2016-38, SAID MOST NORTHWEST CORNER OF SAID PARCEL 2016-38 IS ALSO THE SOUTHEAST CORNER OF PARCEL 2016-39 AND ALSO RECORDED IN BOOK 15928 PAGE 399 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE NORTHWEST ALONG THE SOUTHWEST LINE OF SAID PARCEL 2016-39 TO THE NORTHWEST CORNER OF SAID PARCEL 2016-39, SAID NORTHWEST CORNER OF SAID PARCEL 2016-39 IS ALSO THE SOUTHEAST CORNER OF PARCEL 2016-37 AND ALSO RECORDED IN BOOK 15928 PAGE 399 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE NORTHERLY AND WESTERLY ALONG THE EASTERLY AND NORTHERLY LINES OF SAID PARCEL 2016-37 TO THE EAST LINE OF GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, AN OFFICIAL PLAT; THENCE NORTH ALONG SAID EAST LINE OF SAID GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES TO THE NORTH RIGHT OF WAY LINE OF VACATED CENTER STREET; THENCE WEST ALONG SAID NORTH VACATED RIGHT OF WAY LINE OF VACATED CENTER STREET AND ITS WESTERLY EXTENSION TO THE WEST RIGHT OF

WAY LINE OF 5TH AVENUE; THENCE CONTINUING WEST ALONG THE NORTH RIGHT OF WAY LINE OF CENTER STREET TO THE EAST RIGHT OF WAY LINE OF 7TH STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF 7TH STREET TO THE SOUTH RIGHT OF WAY LINE OF CENTER STREET; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF CENTER STREET TO THE WEST RIGHT OF WAY LINE OF 5TH AVENUE; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF 5TH AVENUE TO THE SOUTH RIGHT OF WAY LINE OF WALNUT STREET; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF WALNUT STREET TO THE WEST RIGHT OF WAY LINE OF THE VACATED NORTH/SOUTH ALLEY IN BLOCK 14, FORT DES MOINES, AN OFFICIAL PLAT; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF THE VACATED NORTH/SOUTH ALLEY IN SAID BLOCK 14 TO THE SOUTH RIGHT OF WAY LINE OF THE VACATED EAST/WEST ALLEY IN SAID BLOCK 14; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF THE VACATED EAST/WEST ALLEY IN SAID BLOCK 14 TO THE NORTHWEST CORNER OF LOT 3 IN SAID BLOCK 14; THENCE CONTINUING WEST ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF LOT 6 IN BLOCK 11 OF SAID FORT DES MOINES; THENCE CONTINUING WEST ALONG THE NORTH LINE OF SAID LOT 6 TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE CONTINUING WEST ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF LOT 3 IN SAID BLOCK 11; THENCE CONTINUING WEST ALONG THE NORTH LINE OF SAID LOT 3 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST 10 FEET OF LOT 2 IN SAID BLOCK 11; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST 10 FEET OF LOT 2 IN SAID BLOCK 11 TO THE SOUTH LINE OF SAID LOT 2; THENCE CONTINUING NORTH ALONG SAID WEST LINE OF THE EAST 10 FEET OF LOTS 2 AND 1 IN BLOCK 11 TO THE SOUTH RIGHT OF WAY LINE OF WALNUT STREET; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF WALNUT STREET TO THE EAST RIGHT OF WAY LINE OF 7TH STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF 7TH STREET TO THE NORTH RIGHT OF WAY LINE OF MULBERRY STREET; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE OF MULBERRY STREET TO SAID WEST RIGHT OF WAY LINE OF 5TH AVENUE; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF 5TH AVENUE TO THE SOUTH RIGHT OF WAY LINE OF WAGNER STREET; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF LOT 5 IN BLOCK 20 OF SAID FORT DES MOINES; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 5 AND ITS EASTERLY EXTENSION TO THE SOUTHWEST CORNER OF LOT 8 IN SAID BLOCK 20; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF SAID LOT 8 TO THE SOUTHEAST CORNER OF SAID LOT 8, SAID SOUTHEAST CORNER ALSO BEING ON THE WEST RIGHT OF WAY LINE OF 4TH STREET; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE OF 4TH STREET TO THE NORTH RIGHT OF WAY LINE OF THE MOST SOUTHERLY VACATED EAST/WEST ALLEY IN BLOCK 21 OF SAID FORT DES MOINES; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF THE MOST SOUTHERLY VACATED EAST/WEST ALLEY IN BLOCK 21 TO THE EAST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN SAID BLOCK

21; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN SAID BLOCK 21 TO SAID SOUTH RIGHT OF WAY LINE OF WALNUT STREET; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF WALNUT STREET TO SAID WEST RIGHT OF WAY LINE OF 2ND AVENUE; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE OF 2ND AVENUE TO THE POINT OF BEGINNING.

Section 2: Section 5 of Ordinance No. 15,423 is hereby amended to approve two additional non-IRA revenue funded projects to be undertaken in the District that are projected to be financed in the following manner:

Project 4

Renovation and restoration of the historic Midland Building at the corner of Mulberry Street and 6th Avenue for a full-service hotel called The Surety.

Developer Equity	\$7,409,084
Federal Historic Tax Credit Equity	5,063,496
State Historic Tax Credit Equity	5,398,580
Senior Debt Financing	<u>21,842,529</u>
Total Project Sources	\$39,713,689
Economic Development Grant to assist in payment of debt and other expenses (funded with tax increment revenues, no issuance of financing obligations or debt, funded on pay-as-you go rebate basis pursuant to a Development Agreement approved by the City Council on March 8, 2018 and amended October 22, 2018)	\$ 2,900,000 Est. npv (Payable in 30 installments)

Project 5

Renovation of the thirteen floors in the Financial Center Building at 207 7th Street for a full-service hotel.

Developer Equity	\$16,000,000
Debt Financing	35,772,564
TIF Supported Financing*	<u>7,500,000</u> npv (Payable in 30 installments)
Total Project Sources	\$59,272,564
*(Economic Development Grant funded with tax increment revenues, no issuance of financing obligations or debt, funded on pay-as-you go rebate basis pursuant to a Development Agreement approved by the City Council on June 8, 2020)	

Section 2: All other terms and provisions of Ordinance No. 15,423 are hereby ratified and affirmed.

Section 3: Ordinance No. 15,423 and this ordinance are intended to fully implement Iowa Code Chapter 15J, the Iowa Reinvestment Act. Any ordinance or parts of ordinances inconsistent with the terms of Ordinance No. 15,423 and this ordinance are hereby repealed.

Section 4: This ordinance shall be in effect after its passage, approval and publication as provided by law.

FORM APPROVED:

Lawrence R. McDowell, Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 20- 1802), passed by the City Council of said City at a meeting held on November 9, 2020 and signed by the Mayor on November 9, 2020 and published and provided by law in the Business Record on November 27, 2020. Authorized by Publication Order No. 11322.

P. Kay Cmelik, City Clerk