

Date May 10, 2010

RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH AVIVA INVESTORS NORTH AMERICA, INC., FOR THE RETENTION AND CREATION OF JOBS AT THE DAVIS BROWN TOWER

WHEREAS, on March 8, 2010, by Roll Call No. 10-393, the City Council approved preliminary terms of agreement with Aviva Investors North America, Inc. ("Aviva"), and directed the City Manager to proceed with negotiations of a formal agreement consistent with those preliminary terms to retain the approximately 190 jobs provided by Aviva in downtown Des Moines; and,

WHEREAS, the City Manager has negotiated a Development Agreement with Aviva whereby in consideration of the Economic Development Grant to be provided by City, Aviva has agreed to lease, renovate and occupy approximately 50,000 square feet of finished space within the Davis Brown Tower at 215 10th Street for use as its home office facilities and to retain the approximately 200 jobs it currently provides in the City of Des Moines, to add additional jobs, and to provide the opportunity for further long-term growth in its business; and,

WHEREAS, the Economic Development Grant to be provided by City shall be paid in semi-annual installments for 7 years commencing on March 15, 2011, with each semi-annual installment to reimburse Aviva actual parking expenses incurred in the proceeding six months for parking in the Davis Brown Tower, up to an annual maximum of \$183,270, and 100% of their actual parking expenses incurred in a City-owned garage; and,

WHEREAS, Aviva seeks to relocate its business and its employs, from its current facilities in the Hub Tower at 699 Walnut Street, to a facility which better serves its needs, and has declared its intention to relocate its operations and the associated employment opportunities to another community unless it receives the economic incentives provided herein; and,

WHEREAS, the economic development incentives to be provided by the City to Aviva for remaining in the downtown area and retaining and expanding its current employment base shall be provided pursuant to Chapters 15A and 403 of the Code of Iowa, and Aviva's obligations under the Development Agreement to relocate into the Davis Brown Tower and retain its employment base within the City will generate the following public gains and benefits: (i) it will further the City's efforts to create and retain job opportunities within the City which might otherwise be lost; (ii) it will preserve and expand the local tax base; and (iii) it will encourage further private investment in the Metro Center Urban Renewal Area and surrounding areas; and,

WHEREAS, the City believes that the retention of Aviva and the relocation of its operations and workforce to the Davis Brown Tower and the fulfillment generally of the Development Agreement are in the vital and best interests of City and the health, safety, morals, and welfare of its residents, and in accord with the public purposes and provisions of the

Date May 20, 2010

applicable state and local laws and requirements under which the Metro Center Urban Renewal Project has been undertaken, and warrant the provision of the economic assistance set forth in the agreement; and,

WHEREAS, the Development Agreement is on file and available for public inspection in the office of the City Clerk; NOW THEREFORE,

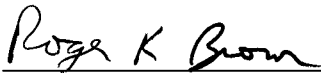
BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The Development Agreement with Aviva Investors North America, Inc., as described above is hereby approved, and the Mayor is hereby authorized and directed to sign such agreement on behalf of the City. The City Clerk is hereby further authorized and directed to attest to the Mayor's signature on such document.
2. The City Manager or the City Manager's designee shall administer the Development Agreement on behalf of the City. Upon request by the City Manager or the City Manager's designee, the Finance Director shall cause the annual installments on the Economic Development Grant from the City to Aviva to be timely advanced in accordance with the terms of the said Development Agreement.

(Council Communication No. 10 - 239)

MOVED by _____ adopt.

FORM APPROVED:



Roger K. Brown, Assistant City Attorney
 C:\Rog\Eco Dev\Aviva\RC 10-05-10 Approve Agr.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, 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.

 Mayor

 City Clerk