

Date..... May 18, 2009

RESOLUTION APPROVING ENVIRONMENTAL COVENANTS FOR THE PUBLIC RIGHTS-OF-WAY IN THE FORMER PITTSBURG-DES MOINES STEEL SITE

WHEREAS, on May 23, 2005, by Roll Call No. 05-1331, the City entered into a Preliminary Agreement with River Point West LLC (“River Point West”), Hubbell Realty Company and Hubbell Terminal Corporation (collectively “Hubbell”) which identified certain parameters regarding the redevelopment of the Riverpoint West Area located south of SW Martin Luther King Jr. Parkway between SW 9th and SW 16th Streets (excluding MidAmerican Energy’s substation and the railroad property); and,

WHEREAS, on November 21, 2005, by Roll Call No. 05-2793, the City Council approved a Brownfields Cleanup Revolving Loan Fund Loan Agreement and an Urban Renewal Development Agreement with Hubbell for the environmental remediation of the former Pittsburg-Des Moines Steel site west of SW 9th between Tuttle Street and Dart Way, and for the redevelopment of that portion thereof generally located between Murphy Street and Dart Way, between SW 9th and the extension of SW 11th Street; and,

WHEREAS, on October 8, 2007, by Roll Call No. 07-1991, the City Council approved an Amended and Restated Urban Renewal Development Agreement with River Point West for the first phase of the commercial component of the Riverpoint West Redevelopment Project involving the acquisition, clearance, installation of public infrastructure, preparation of “pad-ready” sites, and resale of the Phase 1 Commercial Redevelopment Area, consisting of that portion of the Riverpoint West Area generally located north of Murphy Street between SW 9th and SW 11th Streets and north of Tuttle Street and the extension of Tuttle Street between SW 11th and SW 15th Streets; and,

WHEREAS, on May 19, 2008, by Roll Call No. 08-935, the City Council approved an agreement with Hubbell and River Point West for the dedication of the necessary rights-of way and construction SW 11th Street south from Martin Luther King Jr Parkway to Dart Way, and the extension of Murphy Street west from SW 9th to SW 11th Street; and,

WHEREAS, the agreed upon environmental remediation plan for the former Pittsburg-Des Moines Steel site requires that the right-of-way dedicated for the extensions of SW 11th and Murphy Streets, and the balance of the site east of SW 11th Street be used for commercial use only and that residential uses or drinking wells be prohibited upon such property by a recorded declaration of covenants for the benefit of the present and future property owners and the Iowa Department of Natural Resources; NOW THEREFORE,

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

( continued )

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Date May 18, 2009

1. The Declaration of Restrictive Covenants by and between the City, Hubbell Terminal Corporation and River Point West, LLC, which prohibits the City-owned rights-of-way within the former Pittsburg-Des Moines Steel site from being used for residential or drinking well use is hereby approved.
2. The Mayor is hereby authorized and directed to sign the said Declaration of Restrictive Covenants on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

(Council Communication No. 09-302)

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**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.

\_\_\_\_\_  
City Clerk