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August 10, 2009

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**RESOLUTION ACCEPTING DEVELOPER-INITIATED DEVELOPMENT
PROPOSAL FROM THE WORLD FOOD PRIZE FOUNDATION TO DEVELOP
DISPOSITION PARCEL NO. 01-1 IN METRO CENTER URBAN RENEWAL PROJECT AND
APPROVING MINIMUM REQUIREMENTS AND COMPETITIVE CRITERIA FOR DEVELOPMENT**

WHEREAS, on March 30, 2000 by Roll Call Nos. 00-788 and 00-789, the City Council of the City of Des Moines approved the Urban Renewal Plan for the Metro Center Urban Renewal Project (hereinafter referred to as "Plan"); and

WHEREAS, on October 8, 2001, by Roll Call No. 01-3105, the City Council directed City staff to negotiate with and assist with proposals to develop the Capitol City Vision Iowa projects, including development of the World Food Prize Center in the old library building on Disposition Parcel No. 01-1 located east of Second Avenue between Locust and Walnut Streets; and

WHEREAS, on October 22, 2001, by Roll Call No. 01-3224, the City Council adopted the Fifth Amendment to the Plan to incorporate the proposed Capitol City Vision Iowa projects and to provide for the dedication or conveyance of development sites for the projects including the conveyance of Disposition Parcel No. 01-1 for the World Food Prize Center; and

WHEREAS, the World Food Prize Foundation ("Developer") has presented to the City a developer-initiated proposal ("Proposal") for long-term lease private development of Disposition Parcel No. 01-1 including the old library building thereon ("Leased Premises"), which Proposal is on file in the Office of the City Clerk; and

WHEREAS, the Proposal and the Urban Renewal Agreement for Lease of Property for Private Development ("Lease Agreement") incorporated therein, tendered herewith and executed by the Developer, proposes restoration and renovation of the old library building for the Dr. Norman E. Borlaug Hall of Laureates which shall be integral to fulfilling The World Food Prize Foundation mission to educate about the improvement of quality, quantity and availability of food throughout the world; and

WHEREAS, the development of the Leased Premises furthers the objectives of the Plan to preserve and create an environment which will protect the health, safety and general welfare of City residents and maintain taxable values within the Urban Renewal Project area, to provide for orderly expansion of downtown Des Moines as a retail, financial, business and cultural center of the metropolitan area, to encourage and support development which will enhance and make the best possible use of cultural and other public facilities, resources and investments, and provide facilities that will meet the recreational, education and cultural needs of persons who work and live in and near the Urban Renewal Project area and to support the maintenance and rehabilitation of sound existing structures and the preservation of properties of architectural and historic merit; and

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WHEREAS, the development of the Leased Premises will restore, preserve and maintain the historical and architectural significance and provide for continued public use of the old library building and will encourage further private investment of surrounding properties in the Urban Renewal Project area, and will attract, retain and be a compatible positive asset to new business development in the Urban Renewal Project area; and

WHEREAS, said Proposal meets the Minimum Development Requirements of the City for such development and appears to be comprehensive in form and content as evaluated by City staff; and

WHEREAS, said Developer has submitted a good faith deposit in the amount of \$50,000 for the proposed development; and

WHEREAS, it is necessary and appropriate that the City Council take certain actions in accordance with Iowa Code Section 403.8 with respect to the Leased Premises in order to accept the Proposal for the development of the Leased Premises and give full and fair opportunity for other potential developers to submit a Proposal for the development of the Leased Premises; and

WHEREAS, City staff has prepared Minimum Development Requirements and Competitive Criteria, on file in the Office of the City Clerk, for determining qualified development proposals and selecting a development proposal in the event competing proposals are received; and

WHEREAS, this Council believes the acceptance of the Developer's Proposal to develop the Leased Premises and the advertisement for competing development proposals is in the best interests of the City of Des Moines, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The Proposal, on file in the Office of the City Clerk, which includes the Lease Agreement executed by the Developer for development of the Leased Premises be and is hereby accepted and approved as to form for the purposes hereinafter stated.

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2. For the purposes of defining the competitive bid process for development of the Leased Premises, said Proposal of Developer shall be deemed to be and to illustrate the minimum proposal acceptable to the City of Des Moines in terms of: general form of proposal and data required for competing proposals; Leased Premises description; rent; lease term and option term; Developer possession of Leased Premises; performance assurances; time for commencement and completion of improvements; time permitted for plan submission and review; development requirements for improvements; construction plans and certificate of completion; financing; required permitted uses; public use of Leased Premises; prohibitions against assignment and transfer; maintenance, repair and restoration; insurance and indemnification; lease termination, remedies and all miscellaneous provisions.
3. The Minimum Development Requirements and Competitive Criteria on file in the Office of the City Clerk are determined to meet the objectives and requirements of the Plan, as amended, and are hereby approved and adopted for use in the competitive bid process.
4. Competing proposals to the Developer's Proposal shall:
 - A. Provide a detailed description of the proposed development that shall indicate satisfaction of the Minimum Development Requirements.
 - B. Devise a proposed method and sources of financing which must be adequate to assure financing of the development in a timely manner.
 - C. Provide a good faith deposit in the amount of \$50,000 in acceptable form to the City of Des Moines.
5. It is hereby determined that the Developer possesses the qualifications and financial resources necessary to lease and develop the Leased Premises in the manner stated in its Proposal and the Lease Agreement in accordance with the Plan.
6. It is hereby determined that the Leased Premises rent of \$1.00 for the fifty year lease term and the rent of \$1.00 for the optional fifty year extension to the lease term to be paid by the Developer meets the fair market value thereof for uses in accordance with the Plan and shall be the established minimum rent for the competitive bid process, taking into account the restrictions upon the Leased Premises and the terms, covenants, conditions and obligations assumed by the

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Developer for construction, restoration and renovation of the old library building for a cultural and educational community betterment project that includes public uses and for the continued use, operation and maintenance of the Leased Premises and the improvements thereon in accordance with the terms of the Lease Agreement.

7. The City Clerk shall retain for public examination the Proposal and Lease Agreement executed by the Developer and in the event of no timely qualified competing proposals, the City Clerk shall submit the same to this Council for formal consideration, approval and execution at a public hearing during the regular City Council meeting of September 28, 2009.
8. The City Clerk shall be authorized to publish the attached notice of the competitive bid process and the public hearing on City's intent to accept the Developer's proposal and to enter into the Lease Agreement if no competing proposals are received.
9. The action of this City Council shall be considered to be and does hereby constitute final notice to all concerned of the intention of this City Council to consider acceptance and approval of the Developer's Proposal to lease and develop the Leased Premises and enter into the Lease Agreement with the Developer on September 28, 2009, in the event no competing proposals are received.
10. This resolution, the Proposal and Lease Agreement shall be on file at the Office of the City Clerk, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
11. Approval and acceptance of the Developer's Proposal is conditioned upon there being no better proposal submitted by a competitor for the development of the Leased Premises within the period hereinafter stated.
12. This competitive bid process, conducted in accordance with the terms of this resolution, is hereby determined to comply with the provisions of Iowa Code Section Chapter 403.8(2), requiring "reasonable competitive bidding procedures" for the lease of the Leased Premises and this competitive bid process is hereby determined to be the appropriate method for making the Leased Premises available for development in accordance with the Plan.

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13. The submittal of proposals and statements by the competing developers, including the form of Lease Agreement, shall be in substantial conformity with the provisions of this resolution.
14. All inquiries regarding the terms and conditions of this competitive bid process must be submitted in writing to the Office of Economic Development, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, 50309. All responses to inquiries shall be made in writing and will be kept on file at the Office of the City Clerk and the Office of Economic Development, City Hall. No written inquiries shall be accepted after 5:00 p.m. on September 22, 2009.
15. Written competing proposals for the lease and development of said Leased Premises must be received by the Office of Economic Development on or before 8:00 a.m., September 25, 2009. Said proposals shall be received in the Office of Economic Development located in the City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. In the event one or more competing proposals are received, each proposal will then be publicly viewed and considered by the Urban Design Review Board at a meeting on September 28, 2009 at 7:30 a.m. in City Hall.
16. The Urban Design Review Board is hereby nominated and appointed as the agent of the City of Des Moines, Iowa, to receive competing proposals for the Lease and development of said Leased Premises from Office of Economic Development staff members at its meeting on September 28, 2009. The Urban Design Review Board shall proceed at such time to acknowledge receipt of each proposal in its minutes and the Board is authorized and directed to make an analysis of each proposal for compliance with the requirements hereinabove stated and for quality of the proposal in view of the following criteria by which each proposal will finally be evaluated by this Council, to wit:
 - A. The degree to which the proposal meets the objectives and requirements of the Plan, as amended, as reflected by the adopted Minimum Development Requirements and Competitive Criteria.
 - B. The ability of the competing developer to commence and complete the development activity in an expeditious and timely manner.
 - C. Ambiguity or lack of information in the proposal shall be judged negatively.

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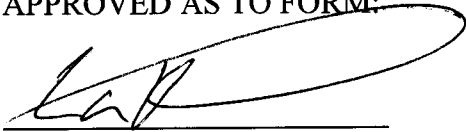
The Urban Design Review Board shall then forward its recommendations to the City Council.

- 17. If one or more competing proposals are received, the City Council will take action to select a proposal and approve lease of the Leased Premises at a regular meeting following receipt of recommendations from the Urban Design Review Board.

(Council Letter No. **D9-561** Attached)

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lawrence R. McDowell
Deputy City Attorney

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

MOTION CARRIED

APPROVED

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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