

Date..... October 8, 2007

RESOLUTION SETTING DATE OF HEARING ON PROPOSED AMENDED AND RESTATED URBAN RENEWAL AGREEMENT FOR THE SALE OF LAND FOR PRIVATE REDEVELOPMENT TO VISION FUELS DES MOINES, L.L.C.

WHEREAS, on January 22, 2007, by Roll Call No. 07-145, the City Council approved an *Urban Renewal Agreement for Sale of Land for Private Redevelopment* (the "Agreement") with Vision Fuels Des Moines, L.L.C. (the "Developer"), for the sale of approximately 128 acres of City-owned land located within the SE AgriBusiness Urban Renewal at a site south of Vandalia Road between SE 36th and SE 42nd Streets, for the construction of a 110 million gallon dry mill ethanol production facility, with a railroad spur and other associated improvements; and,

WHEREAS, it was subsequently discovered that the railroad switching and storage yards required to receive rail service from the Norfolk Southern and Burlington Northern railroads sufficient to serve a 110 million gallon ethanol production facility could not be constructed on the original 128 acre site; and,

WHEREAS, the City has received a communication from Dan Cornelison, CEO and President of Developer, regarding its progress towards financing and construction of the planned ethanol production facility, and requesting that the Agreement be amended to include 36 acres of additional adjoining City-owned land and to reflect the anticipated schedule for financing, permitting, construction and completion of the facility; and

WHEREAS, September 24, 2007, by Roll Call No. 07-1871, the City Council received and filed the communication from Dan Cornelison, and directed the City Manager to negotiate with Vision Fuels on the sale of the additional 36 acres and other appropriate amendments to the Agreement, for consideration by the City Council after notice and public hearing at a later date; and,

WHEREAS, the Developer has demonstrated to the City Manager's satisfaction that the sale of the additional 36 acres is required for the railroad storage and switching yards necessary to serve a 110 million gallon ethanol production facility at this site, independent of the developer; and,

WHEREAS, the City Manager has negotiated an amendment to the Agreement to sell the additional 36 acres, together with the original 128 acres, for a purchase price of \$2,398,000 and other consideration as set forth in the Amended and Restated Urban Renewal Agreement for Sale of Land for Private Redevelopment (the "Amended and Restated Agreement") which is on file and available for public inspection in the office of the City Clerk; and,

WHEREAS, the sale of the property to Developer for redevelopment as an ethanol production facility is a disposition of real property for purposes of redevelopment as an industrial

(continued)

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building or facility and is exempt from the competitive disposition requirements under Section 403.8(2) of the Iowa Urban Renewal Law; NOW THEREFORE,

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

1. That the City of Des Moines proposes to enter into the Amended and Restated Agreement with Vision Fuels Des Moines, L.L.C., for the sale and conveyance of approximately 164 acres of City-owned land located south of Vandalia Road between SE 36th and SE 42nd Streets, as more specifically described as Parcels "A", "B" and "C" in the accompanying Exhibit "A", in consideration of a purchase price of \$2,398,000 and other consideration.

2. That the meeting of the City Council at which the proposed Amended and Restated Agreement, and the sale and conveyance of such real estate is to be considered shall be on October 22, 2007, said meeting to be held at 5:00 p.m., in the Council Chambers.

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code, by publication in the Des Moines Register on October 11, 2007.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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Attachments:

Exhibit "A" – Legal Description
Notice of Proposal

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

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

MOTION CARRIED

APPROVED

.....
Mayor