

Date..... October 26, 2009.....

**RESOLUTION APPROVING AN URBAN RENEWAL  
DEVELOPMENT AGREEMENT FOR REDEVELOPMENT OF  
THE FORMER SILVER CINEMA BUILDING AT 6000 AURORA AVENUE**

WHEREAS, on August 24, 2009, by Roll Call No. 09-1559, the City Council of the City of Des Moines approved the preliminary terms of an agreement with 6000 Aurora, LLC (the "Developer"), represented by Kurt Mumm, officer, for redevelopment of the former Silver Cinema building at 6000 Aurora Avenue (hereinafter the "Property"); and,

WHEREAS, the City Manager has negotiated an urban renewal development agreement ("the Development Agreement") with Developer which provides that Developer shall remove the sloped floors and a majority of the theater walls, upgrade the electrical and HVAC systems and take all other appropriate actions to prepare the building for installation of customary tenant improvements for retail and office use of the Property (collectively "the Improvements") by December 31, 2009; and,

WHEREAS, the Development Agreement provides that upon completion of the Improvements and verification of such by the City Manager or his designee, the City shall pay to Developer an economic development grant in the amount of \$70,000; and

WHEREAS, the Property is located within the Merle Hay Commercial Urban Renewal Area which has experienced declining commercial occupancy rates, employment and property values, and the deteriorating condition of the Property has a detrimental impact upon the efforts of the City and other parties to revitalize the Area; and,

WHEREAS, the economic development incentives to be provided to Developer for the redevelopment of the Property and the creation of additional employment opportunities are provided by the City pursuant to Chapters 15A and 403 of the Code of Iowa, and Developer's obligations under the Development Agreement to renovate the Property for retail and office use will generate the following public gains and benefits: (i) it will preserve and expand the local tax base by restoring a vacant deteriorating building to economic use; (ii) it will further the City's efforts to create and retain job opportunities within the Urban Renewal Area which might otherwise be lost; and (iii) it will encourage further private investment in the Urban Renewal Area and surrounding neighborhoods; and,

WHEREAS, City believes that the renovation of the Property and the fulfillment 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 applicable state and local laws and requirements under which the Merle Hay Commercial Urban Renewal Project has been undertaken, and warrant the provision of the economic assistance set forth in the Development Agreement.

( continued)

Date October 26, 2009

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

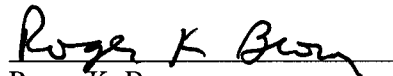
1. The Development Agreement between the City and 6000 Aurora, LLC, which is on file in the Office of the City Clerk, is hereby approved and the Mayor is hereby authorized and directed to sign the Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

2. Upon satisfaction of the conditions for advancement of the economic development grant pursuant to Article I of the Development Agreement and confirmation of same by the City Manager, the Finance Department is hereby authorized and directed to advance the economic development grant to the Developer in accordance with the terms of the Development Agreement.

( Council Communication No. 09- **740** )

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

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

C:\Rog\Eco Dev\6000 Aurora\RC Approve 09-10-26.doc

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