

Date..... November 1, 2006

RESOLUTION SELECTING A PREFERRED AND ALTERNATE REDEVELOPER FOR THE REDEVELOPMENT OF DISPOSITION PARCEL NO. 1 IN THE DES MOINES AGRIMERGENT TECHNOLOGY PARK IN THE SE AGRIBUSINESS URBAN RENEWAL AREA

WHEREAS, in furtherance of the objectives of the Urban Renewal Law, City has undertaken the SE AgriBusiness Urban Renewal Project within the area located north of the Des Moines River between SE 14th Street and SE 43rd Street, for the purpose of creating and sustaining development in a healthy, high quality environment that will retain and create livable wage jobs and generate an increased tax base; and,

WHEREAS, the City owns the real estate within the SE AgriBusiness Urban Renewal Project designated as Disposition Parcel No. 1, which is located south of Vandalia Road between SE 36th and SE 43 Streets; and,

WHEREAS, On December 3, 2001, by Roll Call No. 01-3577, the City Council adopted the Agrimergent Technology Park Plan as a policy direction for this area, and on June 17, 2002, by Roll Call No. 02-1589, the City Council amended the Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project to incorporate the recommendation of the Agrimergent Technology Park Plan to designate Disposition Parcel No. 1 as part of an area of focused redevelopment activity; and,

WHEREAS, on August 21, 2006, by Roll Call No. 06-1713, the City Council approved a competitive process for the sale of all or a portion of Disposition Parcel No. 1 in compliance with the urban renewal competitive disposition requirements of Iowa Code §403.8, and the City Council approved a Request for Proposals and Minimum Development Requirements for the redevelopment of Disposition Parcel No. 1 in accordance with the Urban Renewal Plan; and,

WHEREAS, in response to the approved competitive process, the following three potential redevelopers submitted development proposals for the purchase and redevelopment of all or a portion of Disposition Parcel No. 1 for use as a dry mill fuel ethanol production facility with the capacities noted below:

- Lincolnway Energy, LLC 100-million gallon
Richard Brehm, CEO/President
- Vision Fuels Des Moines, L.L.C. 110-million gallon
David W. Walters, President
- Des Moines Ethanol, LLC 60-million gallon
Represented by Broin Companies
Larry Ward, Chairman

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Date..... November 1, 2006

-2-

WHEREAS, on October 19, 2006, the Urban Design Review Board reviewed the three proposals and recommended that Lincolnway Energy, LLC, be selected as the preferred redeveloper, and that Vision Fuels Des Moines, L.L.C., be selected as the alternate redeveloper; and,

WHEREAS, the City Manager recommends that Lincolnway Energy, LLC be selected as the preferred redeveloper, and that Vision Fuels Des Moines, L.L.C., be selected as the alternate redeveloper for the reasons set forth in the accompanying Council Communication; and,

WHEREAS, on October 23, 2006, by Roll Call No. 06-2135, the City Council continued its consideration of the matter to a special meeting to be held on November 1, 2006, at 6:00 p.m. in the Council Chambers; and,

WHEREAS, each of the potential redevelopers have been given an opportunity to present their proposals to the City Council; NOW THEREFORE,

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

1. Lincolnway Energy, LLC, is hereby selected as the City's preferred redeveloper for the sale and redevelopment of Disposition Parcel No. 1. The City Manager is hereby authorized and directed to negotiate with Lincolnway Energy, LLC, upon the terms of an *Urban Renewal Agreement for Sale of Land for Private Redevelopment* upon terms consistent with the Request for Proposals, the approved Minimum Development Requirements and the proposal submitted by that company.
2. In the event the City Manager is unable to negotiate an agreement with Lincolnway Energy, LLC, as provided above, the City Manager is further authorized to negotiate with Vision Fuels Des Moines, L.L.C., upon the terms of an *Urban Renewal Agreement for Sale of Land for Private Redevelopment* upon terms consistent with the Request for Proposals, the approved Minimum Development Requirements and the proposal submitted by that company.

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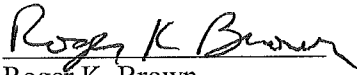
Date..... November 1, 2006

3. The *Urban Renewal Agreement for Sale of Land for Private Redevelopment* negotiated by the City Manager shall be presented for consideration by the City Council on November 20, 2006, at which time the City Council will consider declaring its intent to approve the contract at a public hearing to be held on December 18, 2006, unless a superior competing proposal is received by the City by 1:00 p.m. on December 15, 2006.

(Council Communication No. 06-)

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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