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Date May 9, 2011

**APPROVAL OF URBAN RENEWAL DEVELOPMENT AGREEMENT
WITH THE GREATER DES MOINES BOTANICAL GARDEN**

WHEREAS, by Roll Call Nos. 00-0788 and 00-0789 of March 20, 2000, the City Council adopted an Urban Renewal Plan for the Metro Center Urban Renewal Project to stimulate economic revitalization of the downtown area and to contribute to the public health, safety and welfare; and

WHEREAS, by Roll Call No. 11-0628 of April 11, 2011, the City Council adopted the Tenth Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Project to expand the Urban Renewal Area to include the Des Moines River west bank and property east of the Des Moines River south of University Avenue; and

WHEREAS, the City and the Greater Des Moines Botanical Garden (“Botanical Garden”) have entered into a Lease, Operation, Management And Maintenance Agreement on this date (“Lease”) for the Des Moines Botanical Center and adjacent grounds and accessory structures (“Botanical Center”); and

WHEREAS, in accordance with the terms of the Lease, the Botanical Garden is responsible for the funding and construction of additional improvements and expanded gardens for the Botanical Center and is responsible for the enhanced operation, management and maintenance of the Botanical Center to serve, in part, as a positive asset to business development in the Metro Center Urban Renewal Project Area and the City; and

WHEREAS, an Urban Renewal Development Agreement (“Development Agreement”) has been prepared which provides for a \$2,000,000 economic development grant to the Botanical Garden to be paid in installments and to be used exclusively for the costs related to the enhanced operation, management and maintenance of the Botanical Center in accordance with the terms, conditions and covenants of the Lease.

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

1. The City Council hereby makes the following findings in support of the Development Agreement:

- a. The economic development assistance and the obligations assumed by the Botanical Garden under the Development Agreement will generate the following public gains and benefits: (i) will initiate the expansion and improvement of the Botanical Center in accordance with the Urban Renewal Plan; (ii) will encourage further private investment and will attract and retain other businesses in the Metro Center Urban

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Renewal Project Area; (iii) will encourage the creation and retention of job opportunities within the Metro Center Urban Renewal Project Area which might otherwise be lost; (iv) will help to maintain and expand taxable values in the Metro Center Urban Renewal Project Area; and, (v) will have a positive economic impact on the City by enhancing the quality of life within the City and by contributing to the City's efforts to retain and attract a skilled workforce and promote economic growth; and,

b. The expansion, improvement, and enhanced operation, management and maintenance of the Botanical Center will further the purposes and objectives of the Urban Renewal 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 Metro Center Urban Renewal Project Area, to establish conditions which will attract new investments and prevent recurrence of blight and blighting conditions, 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 riverfront, cultural and other public facilities, resources and investments, to provide facilities that will meet the recreation, educational and cultural needs of persons who work and live in and near the Metro Center Urban Renewal Project Area, to provide facilities that will enhance the use and enjoyment of the Des Moines riverfront and City parks by persons who work and live in the area as well as City residents and visitors to the downtown, and to support the maintenance and rehabilitation of sound existing structures and the preservation of properties of architectural merit; and,

c. The provision of economic development assistance is necessary to enable the expansion, improvement and enhanced operation, management and maintenance of the Botanical Center in accordance with the terms of the Lease and the Development Agreement and such assistance will generate public gains and benefits for urban renewal and economic development which gains and benefits are warranted in comparison with the amount of such assistance; and,

d. The expansion, improvement, and enhanced operation, management and maintenance to the Botanical Center pursuant to the Lease and the Development Agreement, the intangible interest the City will retain through the actions of the Botanical Garden in furtherance of the Urban Renewal Plan and the fulfillment generally 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 Metro Center Urban Renewal Project has been undertaken, and warrant the provision of the economic assistance set forth in the Development Agreement.

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2. The Urban Renewal Development Agreement with the Botanical Garden 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 Development Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature and affix the seal of the City.

3. Upon satisfaction of the conditions for payment of installments of the \$2,000,000 economic development grant pursuant to Article 1 of the Development Agreement and confirmation of same by the City Manager and the Legal Department, the Finance Department is hereby authorized and directed to advance the installments of subject grant to the Botanical Garden in accordance with the terms of the Development Agreement.

4. The City Manager or his designees are hereby authorized and directed to administer the Development Agreement on behalf of the City, and to monitor compliance by the Botanical Garden with the terms and conditions of the Development Agreement.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Lawrence R. McDowell
 Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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