

Date May 6, 2013

APPROVAL OF URBAN RENEWAL DEVELOPMENT GRANT AGREEMENT
WITH DES MOINES PERFORMING ARTS

WHEREAS, on December 15, 1975, by Roll Call No. 5636, the City Council approved the Lease of Land for Private Redevelopment By and Between the City of Des Moines and Civic Center of Greater Des Moines (n/k/a Des Moines Performing Arts) for development of the Civic Center and the Civic Center Area referred to as Nollen Plaza; and

WHEREAS, the Civic Center and Nollen Plaza serve as an important and successful regional attraction, located in downtown Des Moines, that provides a significant enhancement to our citizens' quality of life; and

WHEREAS, the Nollen Plaza improvements are more than thirty years old and the property is in need of major renovations and improvements in order to continue as a first-class recreational and cultural amenity in the downtown; and

WHEREAS, Des Moines Performing Arts is responsible for the funding and construction of the renovations and improvements to Nollen Plaza and surrounding area in accordance with the Schematic Design approved by the City Council by separate resolution of this date, which renovations and improvements include an open plaza for large community events, intimate gathering areas, an interactive fountain, gardens, trees, paved walkways, adjacent sidewalks, lighting, seating, street lights, traffic signals and public art; and

WHEREAS, the construction and installation of the improvements to Nollen Plaza and surrounding area, including the installation of public art, will cost approximately \$9,000,000 and such Improvements will serve, in part, as a positive asset to business development in the Metro Center Urban Renewal Project Area, downtown and the City; and

WHEREAS, the renovation, improvement, and expanded recreational and cultural use of Nollen Plaza furthers the objectives of the Metro Center 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 cultural and other public facilities, resources and investments, to assure open spaces and other features are designed to high standards of efficiency, effectiveness and appealing appearance, to provide facilities that will meet the recreation, educational and cultural needs of persons who work and live in and near the

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Project Area, to provide facilities that will enhance the use and enjoyment of the City parks by persons who work and live in the area as well as City residents and visitors to the downtown; and

WHEREAS, an Urban Renewal Development Agreement ("Development Agreement") has been prepared which provides for a \$400,000 economic development grant to Des Moines Performing Arts to be paid in four equal annual installments and to be used exclusively for the payment or reimbursement of costs related to the construction or installation of improvements to Nollen Plaza and surrounding area or costs related to its operation, management and maintenance; and

WHEREAS, the economic development assistance shall be provided by the City to Des Moines Performing Arts pursuant to Iowa Code Chapters 15A and 403 and it has been determined that the performance of the obligations by Des Moines Performing Arts under the Agreement will generate the following public gains and benefits: (i) it will initiate the renovation, improvement and expanded recreational and cultural use of Nollen Plaza in accordance with the Metro Center Urban Renewal Plan; (ii) it will encourage further private investment and will attract and retain other businesses in the Metro Center Urban Renewal Project Area; (iii) it will encourage the creation and retention of job opportunities within the Metro Center Urban Renewal Project Area which might otherwise be lost; (iv) it will help to maintain and expand taxable values in the Metro Center Urban Renewal Project Area; and, (v) it 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

WHEREAS, the provision of economic development assistance from the City is necessary to enable the renovation, improvement and expanded recreational and cultural use of Nollen Plaza in accordance with the terms of 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,

WHEREAS, City believes that the renovation, improvement and expanded recreational and cultural use of Nollen Plaza, the intangible interest the City will retain through the actions of the Des Moines Performing Arts in furtherance of the Metro Center 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 Iowa Code Chapters 15A and 403, and warrant the provision of the economic assistance set forth in the Development Agreement.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Urban Renewal Development Agreement between the City and Des Moines Performing Arts 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.

BE IT FURTHER RESOLVED that upon satisfaction of the conditions for advancement of the economic development grant installments pursuant to Article 1 of the Development Agreement, and confirmation of the same by the City Manager or his designee, the Finance Director is hereby authorized and directed to advance the installments of the economic development grant in accordance with the terms of the Development Agreement.

BE IT FURTHER RESOLVED that the City Manager or his designee are hereby authorized and directed to administer the terms of the Development Agreement on behalf of the City.

(Council Communication No. 13- 231 Attached)

APPROVED AS TO FORM:

Moved by _____ to adopt.



 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	
_____ 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