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Date December 22, 2014

APPROVAL OF SECOND AMENDMENT TO URBAN RENEWAL DEVELOPMENT AGREEMENT WITH THE GREATER DES MOINES BOTANICAL GARDEN

WHEREAS, by Roll Call No. 11-0825 of May 9, 2011, the City Council approved an Urban Renewal Development Agreement between the City and The Greater Des Moines Botanical Garden ("Development Agreement") which Development Agreement provides for the construction of additional improvements and expanded gardens for the Botanical Center and by Roll Call No. 13-1206 of July 29, 2013, the City Council approved a First Amendment thereto; and

WHEREAS, by separate resolution of this date, the City Council has approved the Second Amendment to the Lease and Operation, Management and Maintenance Agreement for the Botanical Center which obligates The Greater Des Moines Botanical Garden to make expanded improvements including complete replacement of geodesic dome panels and associated hardware; and

WHEREAS, the City and The Greater Des Moines Botanical Garden desire to amend the Development Agreement with respect to expanded improvements and the provision of a \$150,000 additional economic development grant; and

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 Second Amendment to Development Agreement:

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

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b. The provision of additional economic development assistance is necessary to enable the expanded improvements and enhanced operation, management and maintenance of the Botanical Center in accordance with the terms of the Lease, as amended, and the Development Agreement, as amended, 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,

c. The expanded improvements, and enhanced operation, management and maintenance to the Botanical Center pursuant to the Lease, as amended, and the Development Agreement, as amended, the intangible interest the City will retain through the actions of The Greater Des Moines Botanical Garden in furtherance of the Urban Renewal Plan and the fulfillment generally of the Development Agreement, as amended, 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 additional economic assistance set forth in the Development Agreement, as amended.

2. The Second Amendment to the Urban Renewal Development Agreement between the City and The Greater Des Moines Botanical Garden, on file in the Office of the City Clerk, is hereby approved and the Mayor is authorized and directed to sign the Second Amendment 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 the \$150,000 additional economic development grant pursuant to Article I of the Development Agreement, as amended, and confirmation of the same by the City Manager and the Legal Department, the Finance Department is hereby authorized and directed to advance such additional grant to The Greater Des Moines Botanical Garden in accordance with the terms of the Development Agreement, as amended.

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

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lawrence R. McDowell
Deputy City Attorney

(Council Communication No. 14-597)

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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