RESOLUTION APPROVING FIRST AMENDMENT TO URBAN RENEWAL DEVELOPMENT AGREEMENT WITH DOLL DISTRIBUTING LLC FOR CONVEYANCE AND REDEVELOPMENT OF CITY-OWNED PROPERTY IN THE GUTHRIE AVENUE BUSINESS PARK URBAN RENEWAL AREA

WHEREAS, on September 26, 1988, by Roll Call No. 88-4238, the City Council of the City of Des Moines approved the Urban Renewal Plan for the Guthrie Avenue Business Park Urban Renewal Project (hereinafter referred to as "Plan"), an area generally bounded by Guthrie Avenue to the north, Washington Avenue to the south, the Union Pacific railroad right-of-way to the east and East 17th Street to the west and said Plan has subsequently been amended; and

WHEREAS, on April 20, 2009, by Roll Call No. 09-678, the City Council approved an Urban Renewal Development Agreement with Doll Distributing, LLC ("Developer"), whereby the Developer undertook to purchase and redevelop Disposition Parcel 28A, at 1901 DeWolf Street, in the Guthrie Avenue Business Park for expansion of an existing distribution center and warehouse in compliance with an approved Conceptual Plan, and thereafter the City Council approved issuance of a Certificate of Completion for said improvements; and

WHEREAS, on August 10, 2015, by Roll Call No. 15-1354, the City Council received and filed a developer-initiated proposal and preliminary terms of agreement with the Developer and directed the City Manager to proceed with negotiation of a development agreement with the Developer for purchase and development of the City-owned property immediately south of 1901 DeWolf Street ("Property"), legally described below; and

WHEREAS, on August 24, 2015, by Roll Call No. 15-1438, the City Council accepted the Developer's proposal and the proposed form of Development Agreement in the Guthrie Avenue Business Park Urban Renewal Area and set a date for a hearing on the Agreement, including the conveyance of the Property to Developer; and

WHEREAS, on September 28, 2015, by Roll Call No. 15-1646, following said hearing, the City Council approved the Development Agreement with the Developer, including the Property conveyance; and

WHEREAS, City staff and the Developer have negotiated different terms, set forth in the First Amendment to Urban Renewal Development Agreement as on file in the office of the City Clerk, in regard to one closing credit owed to the Developer, which terms will allow for the Developer to relocate, rather than remove and remediate, a soil stockpile upon the Property, and will allow for the City to retain more proceeds from the sale of the Property as the previously required remediation estimates equaled or exceeded the anticipated purchase price of the Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the First Amendment to the Urban Renewal Development Agreement, as on file in the office

of the City Clerk, is hereby approved; the Mayor is authorized and directed to execute the agreement on behalf of the City of Des Moines and the City Clerk to attest to his signature; and the City Manager or his designee(s) are authorized and directed to monitor compliance by the Developer with said Agreement and the First Amendment thereto.

(Council Comm. No. 15-555)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

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