

Date June 27, 2016

RESOLUTION APPROVING URBAN RENEWAL DEVELOPMENT AGREEMENT WITH 317 E. COURT, LLC, AND 322 E. COURT, LLC FOR THE REDEVELOPMENT, ADAPTIVE REUSE AND RESTORATION OF THE EXISTING BUILDINGS AT 317 EAST COURT AVENUE AND 322 EAST COURT AVENUE FOR COMMERCIAL DEVELOPMENT AND APPROVING CONCEPTUAL DEVELOPMENT PLAN

WHEREAS, on March 21, 2016, by Roll Call No. 16-0470, the City Council approved preliminary terms of agreement with 317 E. Court, LLC, and 322 E. Court, LLC (collectively, the "Developer"), Jake Christiansen, Christiansen Development, 215 E. 3rd Street, Suite 300, Des Moines, Iowa, for the renovation of three existing commercial buildings located at 317 East Court Avenue and 322 East Court Avenue at an anticipated project cost of \$6.2 million to begin in 2016; and,

WHEREAS, by said Roll Call No. 16-0470, the City Council also directed the City Manager to proceed with negotiation of a formal agreement consistent with the approved preliminary terms; and,

WHEREAS, the City Manager has negotiated an Urban Renewal Development Agreement (the "Agreement") with the Developer whereby the Developer has agreed to develop 317 East Court Avenue and 322 East Court Avenue for commercial retail and restaurant use, all as more fully described in the accompanying Council Communication; and,

WHEREAS, the proposed Agreement and Conceptual Development Plan are on file and available for inspection in the office of the City Clerk; and,

WHEREAS, at its meeting on May 17, 2016, the Urban Design Review Board voted 10-0 to recommend approval of the financial assistance to be provided by the City and on June 7, 2016 voted 6-0 to approve the design of the project.

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 proposed Agreement with the Developer:
 - a) The Developer's obligations to construct the Improvements as provided by the Agreement furthers the objectives of the Urban Renewal Plan to provide additional housing, employment opportunities and tax base in the East Village within the Metro Center Urban Renewal Project Area, and to preserve and create an environment which will protect the health, safety and general welfare of City residents.

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- b) The economic development incentives for the creation of the employment opportunities and development of the Improvements are provided by the City to Developer pursuant to the Urban Renewal Law and Chapter 15A of the Code of Iowa, and Developer's obligations under this Agreement to construct the Improvements will generate the following public gains and benefits: (i) it will advance the improvement and redevelopment of the Metro Center Urban Renewal Area in accordance with the Urban Renewal Plan; (ii) it will encourage further private investment to reverse the pattern of disinvestment and declining property values in the surrounding area; and, (iii) it will further the City's efforts to retain and create job opportunities within the Urban Renewal Area which might otherwise be lost.
 - c) The construction of the Improvements is a speculative venture and the construction and resulting benefits would not occur without the economic incentives provided by this Agreement.
 - d) The City Council believes that the redevelopment of the Property pursuant to the Agreement, and the fulfillment generally of the 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 project has been undertaken, and warrant the provision of the economic assistance set forth in the Agreement.
2. The Conceptual Development Plan for the project, which is Exhibit B to the Agreement, is hereby approved,
 3. The Urban Renewal Development Agreement between the City and the developer is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Des Moines.
 4. Upon requisition by the City Manager or the City Manager's designee, the Finance Department shall advance the installments on the Economic Development Grant pursuant to Article 4 of the Agreement.

(continued)

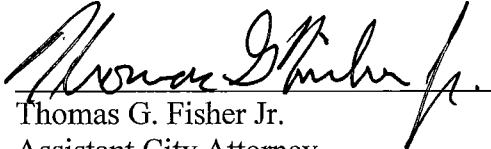
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5. The City Manager or his designees are hereby authorized and directed to administer the Urban Renewal Development Agreement on behalf of the City, including the filing of the Agreement, and to monitor compliance by the Developer with the terms and conditions of the Agreement. The City Manager is further directed to forward to City Council all matters and documents that require City Council review and approval in accordance with the Agreement.

(Council Communication No. 16- **335**)

MOVED by _____ to adopt.

FORM APPROVED:


 Thomas G. Fisher Jr.
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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