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Date August 22, 2016

**RESOLUTION APPROVING AMENDED AND RESTATED URBAN RENEWAL
DEVELOPMENT AGREEMENT WITH FORT DES MOINES RESTORATION, LLC,
FOR THE REHABILITATION OF EXISTING BUILDINGS IN HISTORIC FORT DES
MOINES FOR RESIDENTIAL USE**

WHEREAS, on February 23, 2015, by Roll Call No. 15-0311, the City Council approved an Urban Renewal Development Agreement with Fort Des Moines Restoration, LLC (hereinafter "Fort Des Moines Restoration"), represented by Justin Doyle, Member, regarding a proposed project to rehabilitate six of the existing buildings in Historic Fort Des Moines into approximately 142 market rate housing units, to improve and widen the private streets known as Gruber and Thayer Streets within the project area, and to install all necessary utilities and horizontal infrastructure for such development at an estimated total project cost of \$38 million; and,

WHEREAS, construction of the project has been delayed while awaiting an award of historic tax credits from the Iowa Department of Cultural Affairs necessary for project financing, which award has now been granted subject to completion of the project in compliance with all requirements of the Historic Preservation and Cultural and Entertainment District Tax Credit Program; and,

WHEREAS, Fort Des Moines Restoration has requested the Development Agreement be amended to grant a one-year delay in the timeline for commencement and completion of construction and for payment of the financial incentives provided by the City; and, to allow the assignment of the Development Agreement to FDM Development Partnership, LLLP, which has been created to serve as the developer of the project; and,

WHEREAS, the City's Office of Economic Development has negotiated an Amended and Restated Urban Renewal Development Agreement (the "Amended Agreement") with Fort Des Moines Restoration, LLC, that incorporates the amendments requested by the Developer and also updates the formula for calculating the project generated tax increment (the "Project TIF") used in the calculation of the semi-annual installments on the Economic Development Grant to reflect the material changes that have been made to the Iowa property tax laws; and,

WHEREAS, the Amended Agreement is on file and available for inspection by the public in the office of the City Clerk.

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

1. The Amended and Restated Urban Renewal Development Agreement between the City and Fort Des Moines Restoration, LLC, is hereby approved, and the Mayor and City

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Clerk are hereby authorized and directed to execute the Amended Agreement on behalf of the City of Des Moines.

2. The City Clerk shall cause the Amended Agreement to be recorded in the office of the Recorder of Polk County, Iowa.
3. 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 Amended Agreement.
6. The City Manager or his designees are hereby authorized and directed to administer the Amended Agreement on behalf of the City, and to monitor compliance with the terms and conditions of the Amended 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 Amended Agreement.

(Council Communication No. 16- **480**)

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk