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Date April 3, 2017

**RESOLUTION APPROVING FIRST AMENDMENT TO URBAN RENEWAL
DEVELOPMENT AGREEMENT WITH MARKET DISTRICT ONE, LLC
(401 SE 6TH STREET AND 400 SE 7TH STREET,
METRO CENTER URBAN RENEWAL AREA)**

WHEREAS, on March 20, 2000, by Roll Call Nos. 00-788 and 00-789, the City Council of the City of Des Moines approved the Urban Renewal Plan for the Metro Center Urban Renewal Project, and such Plan has been amended eighteen times (the urban renewal plan as so amended is herein referred to as the "Plan"), encompassing an irregularly shaped area that includes the downtown core and the areas surrounding the downtown core; and

WHEREAS, on October 10, 2016, by Roll Call No. 16-1721, the City Council authorized the City Manager to negotiate an urban renewal development agreement based on preliminary terms of agreement with Market One, LLC n/k/a Market District One, LLC, represented by Frank Levy, Partner ("Developer"), for sale of City-owned property located at the intersections of SE 6th Street and East Martin Luther King Jr. Parkway, locally known as 401 SE 6th Street and 400 SE 7th Street (collectively "Property") and located in the Market District, for development of a 4-story, estimated 58-unit multi-family residential building and parking lot for residents; and

WHEREAS, on November 21, 2016, by Roll Call No. 16-2001, the City Council accepted the Developer's development proposal and the proposed revised form of Development Agreement in the Metro Center Urban Renewal Area and set a date for a hearing on the Agreement, including the conveyance of the Property to Developer; and

WHEREAS, by Roll Call No. 16-2001, the City Council set January 4, 2017 at 1:00 p.m. for the deadline for other parties to submit competing proposals to purchase and develop the Property and directed that published notice be given of the urban renewal competitive bid process and the City's intention to accept the Developer's proposal in the absence of timely submission of competing proposals, and no competing proposals were submitted; and

WHEREAS, on January 9, 2017, by Roll Call No. 17-0067, the City Council approved the Urban Renewal Development Agreement with Market District One, LLC ("Agreement") for the above-referenced project and approved the Conceptual Development Plan for the project; and

WHEREAS, the Agreement provides that closing shall occur within ninety (90) days of the date of approval of the Conceptual Development Plan, which date is April 9, 2017; and

WHEREAS, the Developer has requested additional time to assess the financial needs for the project, and City staff has agreed that the closing date can be extended to July 1, 2017, as stated in a First Amendment to the Agreement negotiated by the Developer and staff.



Roll Call Number

Agenda Item Number

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Date April 3, 2017

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 First Amendment to 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 as amended.

(Council Comm. No. 17-342)

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				
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