



Roll Call Number

Agenda Item Number

27

Date January 28, 2019

RESOLUTION APPROVING CONVEYANCE OF CITY-OWNED LAND
TO RIVER POINT WEST LLC

WHEREAS, on January 14, 2019, by Roll Call No. 19-0073, the City Council conditionally approved the *Third Amended and Restated Urban Renewal Development Agreement* (the "Development Agreement") with River Point West LLC (hereinafter "RPW"), represented by George Sherman, Manager, whereby RPW has undertaken the acquisition, clearance, and redevelopment of an area now known as "Gray's Landing" and generally located south of Martin Luther King, Jr. Parkway and west of SW 9th Street; and,

WHEREAS, the City's approval of the Development Agreement was conditioned on receiving written approval of the Development Agreement from the U.S. Department of Housing and Urban Development ("HUD"), which approval has been indefinitely delayed by the ongoing government shutdown; and,

WHEREAS, on January 14, 2019, by Roll Call No. 19-0072, the City Council approved a Three-Party Agreement with RPW and HRC NFS 1, LLC (hereinafter "HRC"), for the exchange of parcels between the City, RPW and HRC, to facilitate the extension of Tuttle Street, Murphy Street and DART Way westward from SW 11th Street through the Gray's Landing project; and,

WHEREAS, the Three-Party Agreement specifically provides for the City to convey a portion of the real estate the City is acquiring from the Des Moines Regional Transit Authority located northwest of the intersection of SW 11th Street and DART Way and more specifically described below (the "DART Parcel"), to RPW in exchange for land that RPW is conveying to the City for the western extension of Tuttle Street, Murphy Street and DART Way; and,

WHEREAS, RPW has already conveyed to the City those parcels required for the western extension of Tuttle Street and Murphy Street, and is prepared to convey to the City the additional parcel needed for the western extension of DART Way, but the City has been unable to convey the DART Parcel to RPW because the Three-Party Agreement provides it is not effective until the Development Agreement is signed by the City; and,

WHEREAS, RPW has requested that the City Council waive the condition in the Three-Party Agreement requiring execution of the Development Agreement, to allow the immediate conveyance of the DART Parcel to RPW; and,

WHEREAS, the conveyance of the DART Parcel to River Point West LLC in exchange for the right-of-way to be conveyed by River Point West LLC to the City for the western extension of DART Way is a fair exchange and is needed for a public purpose, regardless of

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whether HUD approves or disapproves of the broader *Third Amended and Restated Urban Renewal Development Agreement*.

WHEREAS, the City's Economic Development Director recommends approval of this request.

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

1. The immediate conveyance of the DART Parcel described below to River Point West LLC in exchange for land that RPW is conveying to the City for the western extension of Tuttle Street, Murphy Street and DART Way as contemplated by the Three-Party Agreement is hereby approved.

A PART OF PARCEL 'A' OF LOT 81 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 13646 PAGE 937 AND PART OF LOT 80, ALL BEING IN FACTORY ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT 'L', FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT; THENCE SOUTH 39° (DEGREES) 15' (MINUTES) 32" (SECONDS) WEST, 7.81 FEET TO THE NORTHERLY CORNER OF PARCEL 'F' OF SAID FACTORY ADDITION PLAT 3 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 12787, PAGE 858; THENCE SOUTH 7°52'42" EAST ALONG THE EASTERLY LINE OF SAID PARCEL 'F', 1017.45 FEET; THENCE SOUTH 81°52'42" WEST, 191.27 FEET TO THE EASTERLY LINE OF SAID PARCEL 'A' AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 81°52'42" WEST 68.24 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 285.00 FEET, WHOSE ARC LENGTH IS 168.02 FEET AND WHOSE CHORD BEARS NORTH 51°59'27" WEST, 165.60 FEET TO THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 80; THENCE NORTH 0°00'30" EAST ALONG SAID EAST LINE, 161.24 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 'A'; THENCE NORTH 67°33'52" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 'A', 50.97 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 716.25 FEET, WHOSE ARC LENGTH IS 96.58 FEET AND WHOSE CHORD BEARS SOUTH 26°17'39" EAST, 96.51 FEET; THENCE SOUTH 30°06'28" EAST ALONG SAID EASTERLY LINE 215.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.59 ACRES (25,779 SQUARE FEET), MORE OR LESS.

2. The Mayor and City Clerk are hereby authorized and directed to sign the Special Warranty Deed for the DART Parcel on behalf of the City of Des Moines as anticipated by the Three-Party Agreement. The City Clerk is further directed to forward the executed deed to the City's Real Estate Division for release to River Point West LLC in exchange for the parcels

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already conveyed to the City by River Point West LLC and the conveyance of the additional parcel needed for the western extension of DART Way.

(Council Communication No. 19- 033)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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