

Date July 13, 2020

RESOLUTION APPROVING AMENDMENT OF BLIGHTED PROPERTY REHABILITATION (BPR) PROGRAM AGREEMENT BETWEEN CITY OF DES MOINES AND RALLY CAP PROPERTIES, LLC FOR REHABILITATION OF PROPERTY LOCATED AT 693 19TH STREET TO ALLOW EXTENSION OF THE AGREEMENT TO APRIL 30, 2021

WHEREAS, on January 8, 2018, by Roll Call No. 18-0075, the City Council approved the Blighted Property Rehabilitation (BPR) Program and Program Policy to provide financial assistance to investors, non-profit organizations, and other qualified developers for projects involving the acquisition, demolition and/or rehabilitation of vacant, abandoned and/or blighted residential properties in the City of Des Moines, and directed the Community Development Department to administer the Program; and

WHEREAS, Rally Cap Properties, LLC applied for BPR Program funding to rehabilitate the Property at 693 19th Street by downsizing the existing building as a single-family residence, with proposed rehabilitation to maintain the historical integrity of design and materials in compliance with the Secretary of Interior's Standards; and

WHEREAS, the Community Development Department reviewed the request for funding assistance to help bridge the funding gap to rehabilitate the property as a single-family dwelling, and the proposed project met the requirements of the BPR Program policy for funding in an amount not to exceed \$66,000.00; and

WHEREAS, on April 8, 2019, by Roll Call No. 19-0558, the City Council approved the Blighted Property Rehabilitation Program Agreement between the City of Des Moines and Rally Cap Properties, LLC for funding in an amount not to exceed \$66,000.00 to facilitate rehabilitation of property located at 691 19th Street, Des Moines; and

WHEREAS, Rally Cap Properties, LLC has performed substantial work on the property, including replacement of roof, installation of skylights and general repair work; and

WHEREAS, Rally Cap Properties, LLC has requested an amendment of the Blighted Property Rehabilitation Program Agreement extending the agreement to April 30, 2021 to allow completion of the project; and

WHEREAS, the BPR Agreement allows extension of an additional time not to exceed 6 months by written contract amendment; and

WHEREAS, Community Development Department has reviewed the request and supports the extension of agreement until April 30, 2021

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

1. The amendment of the Blighted Property Rehabilitation Program Agreement between the City of Des Moines and Rally Cap Properties, LLC to allow extension of the agreement until April 30, 2021, is hereby

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approved; the Mayor is authorized and directed to sign the Agreement on behalf of the City; and the City Clerk is authorized and directed to attest his signature.

(Council Communication No. 20-305)

MOVED BY _____ TO ADOPT.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Judy K. Parks-Kruse, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, COWNIE, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, TOTAL, MOTION CARRIED, APPROVED.

CERTIFICATE

I, KAY P. CMELIK, 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

**AMENDMENT TO
AGREEMENT BETWEEN CITY OF DES MOINES AND RALLY CAP PROPERTIES,
LLC, UNDER THE BLIGHTED PROPERTY REHABILITATION PROGRAM FOR
PROPERTY LOCATED AT 693 19TH STREET, DES MOINES,
TO ALLOW FOR EXTENSION OF COMPLETION DATE**

WHEREAS, the City of Des Moines, Iowa (“City”) entered into an Agreement with Rally Cap Properties, L.L.C., (“Developer”) an Iowa Limited Liability company and existing under the laws of the State of Iowa, for Rehabilitation of Blighted property located at 693 19th Street, Des Moines, Iowa, on April 8, 2019; and

WHEREAS, Developer, now seeks additional time to complete the project contemplated under the Agreement; and

WHEREAS, the Agreement allows for the City to approve an extension of an additional time not to exceed 6 months by written contract amendment;

WHEREAS City and the Developer have negotiated the following amendment to said Agreement,

NOW THEREFORE, it is mutually agreed by the City and the Developer as follows:

1. That the Agreement is hereby amended in accordance with the terms set forth in this Amendment.
2. Section 4. Project Completion, is hereby deleted in its entirety and replaced by the following:

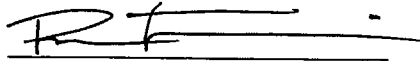
Section 4. Project Completion

Developer shall complete the rehabilitation work by April 30, 2021. If no work on the project has commenced before October 31, 2020, the City may rescind any subsequent payments and/or terminate the contract.

3. All other terms, provisions, and conditions originally set forth in the Agreement remain effective and binding upon the City and Assignee.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the ____ day of July, 2020.

DEVELOPER
RALLY CAP PROPERTIES, L.L.C.



By: Ryan Francois
Owner

“CITY”
CITY OF DES MOINES, IOWA

By: T. M. Franklin Cownie, Mayor

FORM APPROVED:

/s/ Judy K. Parks-Kruse

Judy K. Parks-Kruse, Assistant City Attorney