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Date December 6, 2021

APPROVAL OF CORRECTED THIRD AMENDMENT AND RESTATED URBAN
RENEWAL DEVELOPMENT AGREEMENT
WITH THE GREATER DES MOINES BOTANICAL GARDEN

WHEREAS, by Roll Call No. 21-1756 of November 15, 2021, the City Council took action to approve the Third Amendment and Restated Urban Renewal Agreement with the Greater Des Moines Botanical Garden (“Agreement”) and an incorrect version of the Agreement was on file in the Office of the City Clerk; and

WHEREAS, a corrected version of the Agreement is now on file in the Office of the City Clerk for approval and signature by the Mayor on behalf of the City.

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

1. The preamble statements and the findings in support of the Third Amendment and Restated Urban Renewal Development Agreement contained in Roll Call No. 21-1756 are hereby ratified and confirmed.
2. The Third Amendment and Restated Urban Renewal Development Agreement with the Botanical Garden which is now on file in the Office of the City Clerk is hereby approved and the Mayor is hereby authorized and directed to sign the Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor’s signature and affix the seal of the City, and said approved Agreement shall supplant the prior version of the Agreement that was on file in conjunction with the adoption of Roll Call No. 21-1756.
3. Upon satisfaction of the conditions for payment of future installments of the \$2,900,000 economic development grant pursuant to Article 1 of the of the Third Amendment and Restated Urban Renewal Development Agreement and confirmation of same by the City Manager and the Legal Department, the Finance Department is hereby authorized and directed to advance the installments of the grant to the Botanical Garden in accordance with the terms of the Agreement.



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4. The City Manager or his designees are hereby authorized and directed to administer the Third Amendment and Restated Urban Renewal Development Agreement on behalf of the City, and to monitor compliance by the Botanical Garden with the terms and conditions of the Agreement.

Moved by _____ to adopt.

APPROVED AS TO FORM:

/s/ Lawrence R. McDowell
Lawrence R. McDowell
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

CERTIFICATE

I, P. Kay 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