



**Date** November 6, 2023

**RESOLUTION APPROVING THE SECOND AMENDMENT TO THE URBAN RENEWAL DEVELOPMENT WITH MARKET ONE, LLC, AND ACCEPTANCE OF REVISED CONCEPTUAL DEVELOPMENT PLAN**

WHEREAS, the City and Developer are parties to the Urban Renewal Development Agreement dated February 10, 2014, and recorded on February 20, 2014, in Book 15109, at Pages 79-100, in the office of the Recorder of Polk County, Iowa and amended by a First Amendment to Development Agreement approved on or about July 28, 2014 by Des Moines City Council Roll Call No. 14-1180 (hereinafter referred to as the "Agreement"); and,

WHEREAS, the City and Developer desire to amend the Agreement to remove a portion of the Property locally known as 101 and 119 SE 3<sup>rd</sup> Street and currently included in the Agreement and subject to restrictive covenants so that the restrictive covenants can be removed and the removed parcel can be conveyed to a third party.

WHEREAS, the parties have negotiated a Second Amendment to Urban Renewal Development Agreement in form attached hereto and on file in the City's Office of Economic Development Office amending the Agreement to remove the parcel of real property locally known as 101 and 199 SE 3<sup>rd</sup> Street; and

WHEREAS, Developer has prepared a Revised Conceptual Development Plan removing the property located at 101 and 119 SE 3<sup>rd</sup> Street from the Plan and a copy of the plan is attached hereto and on file in the City's Office of Economic Development.

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

1. The attached Second Amendment to Urban Renewal Development Agreement is approved and the Mayor is authorized to execute the Agreement on the part of the City and the City Clerk is authorized to attest to the Mayor's signature on the Agreement;
2. The Revised Conceptual Development in the form attached hereto is hereby approved; and
3. The City Manager or his designee is hereby authorized to administer the Amended Agreement including making any filings or recording as deemed necessary.



Roll Call Number

Agenda Item Number

30

Date November 6, 2023

(Council Communication No. 23-502)

Moved by \_\_\_\_\_ to adopt.

Second by \_\_\_\_\_

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.  
Gary D. Goudelock Jr.  
Assistant City Attorney

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

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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