



Roll Call Number

09-1788

Agenda Item Number

54

Date

September 28, 2009

RESOLUTION APPROVING URBAN RENEWAL AGREEMENT FOR
LEASE OF PROPERTY FOR PRIVATE DEVELOPMENT TO
THE WORLD FOOD PRIZE FOUNDATION TO DEVELOP
DISPOSITION PARCEL NO. 01-1 IN METRO CENTER URBAN RENEWAL PROJECT

WHEREAS, on March 30, 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 (hereinafter referred to as "Plan"); and

WHEREAS, on October 8, 2001, by Roll Call No. 01-3105, the City Council directed City staff to negotiate with and assist with proposals to develop the Capitol City Vision Iowa projects, including development of the World Food Prize Center in the old library building on Disposition Parcel No. 01-1 located east of Second Avenue between Locust and Walnut Streets; and

WHEREAS, on October 22, 2001, by Roll Call No. 01-3224, the City Council adopted the Fifth Amendment to the Plan to incorporate the proposed Capitol City Vision Iowa projects and to provide for the dedication or conveyance of development sites for the projects including the conveyance of interests in Disposition Parcel No. 01-1 for the World Food Prize Center; and

WHEREAS, the World Food Prize Foundation ("Developer") has presented to the City a developer-initiated proposal ("Proposal") for long-term lease and private development of Disposition Parcel No. 01-1 including the old library building thereon ("Leased Premises"), which Proposal is on file in the Office of the City Clerk; and

WHEREAS, the Proposal and the Urban Renewal Agreement for Lease of Property for Private Development ("Lease Agreement") incorporated therein, tendered and executed by the Developer, proposes restoration and renovation of the old library building for the Dr. Norman E. Borlaug Hall of Laureates which shall be integral to fulfilling The World Food Prize Foundation mission to educate about the improvement of quality, quantity and availability of food throughout the world; and

WHEREAS, by Roll Call No. 09-1443, dated August 10, 2009, the City Council accepted the Proposal and authorized publication of notice of intent to enter into the Lease Agreement at public hearing if no competing proposals were received by the Urban Design Review Board at its September 28, 2009 meeting; and

WHEREAS, said public notice was published in the Des Moines Register on August 20, 2009; and

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WHEREAS, the City received no competing proposals for the lease and development of the Leased Premises; and

WHEREAS, the development of the Leased Premises according to the terms and conditions set out in the Lease Agreement furthers the objectives of the Plan to preserve and create an environment which will protect the health, safety and general welfare of City residents and maintain taxable values within the Urban Renewal Project area, to provide for orderly expansion of downtown Des Moines as a retail, financial, business and cultural center of the metropolitan area, to encourage and support development which will enhance and make the best possible use of cultural and other public facilities, resources and investments, and provide facilities that will meet the recreational, education and cultural needs of persons who work and live in and near the Urban Renewal Project area and to support the maintenance and rehabilitation of sound existing structures and the preservation of properties of architectural and historic merit; and

WHEREAS, the development of the Leased Premises according to the terms and conditions set out in the Lease Agreement will restore, preserve and maintain the historical and architectural significance and provide for continued public use of the old library building and will encourage further private investment of surrounding properties in the Urban Renewal Project area, and will attract, retain and be a compatible positive asset to new business development in the Urban Renewal Project area; and

WHEREAS, the City Council has determined that the Leased Premises rent of \$1.00 for the fifty year lease term and the rent of \$1.00 for the optional fifty year extension to the lease term meets the fair market value thereof for uses in accordance with the Plan taking into account the restrictions upon the Leased Premises and the terms, covenants, conditions and obligations assumed by the Developer for construction, restoration and renovation of the old library building for a cultural and educational community betterment project that includes public uses and for the continued use, operation and maintenance of the Leased Premises and the improvements thereon in accordance with the terms of the Lease Agreement.

WHEREAS, in accordance with the published notice, those interested in the Proposal and the lease of the Leased Premises to Developer in accordance with the terms and conditions of the Lease Agreement, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; and

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WHEREAS, this Council believes the acceptance of the Proposal and the lease of the Leased Premises to Developer according to the terms and conditions set out in the Lease Agreement are in the best interests of the City of Des Moines, Iowa, and in furtherance of the purposes of Iowa Code Chapter 403; and

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

1. Upon due consideration of the facts and statements of interested persons, the hearing is hereby closed and it is determined the Urban Renewal Agreement for Lease of Property for Private Development between the City of Des Moines and The World Food Prize Foundation for the lease and development of the Leased Premises is in the public interest of the citizens of the City of Des Moines and in furtherance of the Plan, and is hereby approved; and

2. The Mayor is authorized and directed to execute the Lease Agreement on behalf of the City and the City Clerk is authorized and directed to attest to said signature and to affix the seal of the City.

3. The Public Use Agreement, incorporated in and made a part of the Lease Agreement, is hereby approved and the Mayor is authorized and directed to execute the Public Use Agreement on behalf of the City and the City Clerk is authorized and directed to attest to said signature.

4. Upon direction from the City Manager or his designee that the conditions set forth in Section 102 of the Lease Agreement have been satisfied, the Mayor is authorized and directed to execute the Memorandum of Lease Term and the City Clerk is authorized and directed to attest to said signature and the City Clerk is hereby further authorized and directed to submit the Lease Agreement, the Public Use Agreement and the Memorandum of Lease Term to the Polk County Recorder for filing and recording in the manner provided by law.

5. The sanitary sewer easement for the existing sanitary sewer on the Leased Premises, the storm sewer easement for the existing storm sewer on the Leased Premises and the street easement for the existing street and sidewalk on the Leased Premises are hereby approved and the City Clerk is authorized and directed to certify approval and acceptance of such easements by the City and the City Clerk is further authorized and directed to submit such easements to the Polk County Recorder for filing and recording in the manner provided by law.

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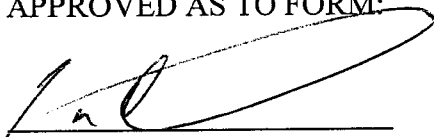
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6. The City Manager or his designees are hereby directed to administer the terms of the Lease Agreement on behalf of the City and monitor compliance by Developer with the terms of the Lease Agreement.

(Council Letter No. 09-681 Attached)

Moved by Hensley to adopt.

APPROVED AS TO FORM:


 Lawrence R. McDowell
 Deputy City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIER APPROVED
T. McFadden
 Mayor

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.

Diane Rauh City Clerk