

Date September 26, 2011

**RESOLUTION APPROVING URBAN RENEWAL DEVELOPMENT
AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR THE
REDEVELOPMENT OF THE FLEMING BUILDING AT 604 WALNUT
STREET BY ND 22 FLEMING, L.L.C.**

WHEREAS, on September 12, 2011, by Roll Call No. 11-1581, the City Council approved revised preliminary terms of agreement for City assistance to ND 22 Fleming, L.L.C. (the "Developer"), represented by Jack Christensen, Managing Member, for the redevelopment of the Fleming Building at 604 Walnut Street, and directed the City Manager to negotiate for a formal development agreement consistent with the approved preliminary terms; and,

WHEREAS, the City Manager has negotiated an Urban Renewal Development Agreement with the Developer, whereby the Developer has agreed to rehabilitate and renovate floors 3 through 11 of the Fleming Building into approximately 96 residential units, to retain the commercial use of the first floor, to have the option to retain the commercial use of the second floor or to convert it into approximately 15 additional apartments, and to upgrade the exterior appearance of the building and perform extensive renovation including asbestos abatement, new windows, new heating and cooling systems, new lighting and construction of a new internal stairwell, all to be in conformance with the proposed Conceptual Development Plan, in consideration of the City's agreement to provide Economic Development Grants payable in installments over 15 years as more specifically described in the accompanying Council Communication; and,

WHEREAS, on June 7, 2011, the Urban Design Review Board passed a motion to recommend approval of the proposed Conceptual Development Plan for the redevelopment of the Fleming Building, with the condition that a third window option be presented to the National Park Service, and that any changes recommended by the National Park Service on the fresh air intakes be presented to the Board for review; and,

WHEREAS, the City Manager recommends approval of the Urban Renewal Development Agreement, and conditional approval of the Conceptual Development Plan subject to the conditions recommended by the Urban Design Review Board, as more fully described in the accompanying Council Communication; NOW THEREFORE,

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

1. The Urban Renewal Development Agreement between the City and ND 22 Fleming, L.L.C., which is on file in the Office of the City Clerk, is hereby approved. The Mayor is hereby authorized and directed to sign the Development Agreement and the associated Minimum Assessment Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such documents.

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2. The City Manager or his designees are hereby authorized and directed to administer the Development Agreement on behalf of the City and to monitor compliance by Developer with the terms and conditions of the Agreement and the City Manager is directed to forward to the City Council all matters and documents that require City Council review and approval in accordance with the Agreement.
3. The proposed Conceptual Development Plan for the redevelopment of the Fleming Building which is on file in the Office of the City Clerk, is hereby approved subject to the following condition recommended by the Urban Design Review Board: Any changes made to the street facades to accommodate the requirements of the National Park Service (such as to address the air intakes) shall be presented to the Board for review and approval.
4. Upon satisfaction of the conditions for advancement of the Economic Development Grants pursuant to Article 4 of the Agreement and confirmation of same by the City Manager and the Legal Department, the Finance Department is hereby authorized and directed to advance the proceeds of such grant to the Developer in accordance with the terms of the agreement.

(Council Communication No. 11- 621)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED APPROVED				

T.M. Franklin 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