



Roll Call Number

15-1646

Agenda Item Number

54A

Date September 28, 2015

RESOLUTION APPROVING URBAN RENEWAL DEVELOPMENT AGREEMENT WITH DOLL DISTRIBUTING LLC TO CONVEY AND REDEVELOP CITY-OWNED PROPERTY IN THE GUTHRIE AVENUE BUSINESS PARK URBAN RENEWAL AREA

WHEREAS, on September 26, 1988, by Roll Call No. 88-4238, the City Council of the City of Des Moines approved the Urban Renewal Plan for the Guthrie Avenue Business Park Urban Renewal Project (hereinafter referred to as "Plan"), an area generally bounded by Guthrie Avenue to the north, Washington Avenue to the south, the Union Pacific railroad right-of-way to the east and East 17th Street to the west and said Plan has subsequently been amended; and

WHEREAS, on April 20, 2009, by Roll Call No. 09-678, the City Council approved an Urban Renewal Development Agreement with Doll Distributing, LLC ("Developer"), whereby the Developer undertook to purchase and redevelop Disposition Parcel 28A, at 1901 DeWolf Street, in the Guthrie Avenue Business Park for expansion of an existing distribution center and warehouse in compliance with an approved Conceptual Plan, and thereafter the City Council approved issuance of a Certificate of Completion for said improvements; and

WHEREAS, on August 10, 2015, by Roll Call No. 15-1354, the City Council received and filed a developer-initiated proposal and preliminary terms of agreement with the Developer and directed the City Manager to proceed with negotiation of a development agreement with the Developer for purchase and development of the City-owned property immediately south of 1901 DeWolf Street ("Property"), legally described below; and

WHEREAS, on August 24, 2015, by Roll Call No. 15-1438, the City Council accepted the Developer's proposal and the proposed form of Development Agreement in the Guthrie Avenue Business Park Urban Renewal Area and set a date for a hearing on the Agreement, including the conveyance of the Property to Developer; and

WHEREAS, by Roll Call No. 15-1438, the City Council set September 23, 2015 at 1:00 p.m. for the deadline for other parties to submit competing proposals to redevelop the Property and directed that published notice be given of the urban renewal competitive bid process and the City's intention to accept Doll Distributing's proposal in the absence of timely submission of competing proposals, and no competing proposals have been submitted; and

WHEREAS, Roll Call No. 15-1438 further provides that in the event that no qualified completing proposals are received, the City Council intends to approve the sale of the Property to Doll Distributing and to authorize execution of the Urban Renewal Development Agreement following public hearing on September 28, 2015.

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

1. The Urban Renewal Development Agreement, as on file in the office of the City Clerk, is hereby approved; the Mayor is authorized and directed to execute the agreement on behalf of the City of Des Moines and the City Clerk to attest to his signature; and the City Manager or his designee(s) are authorized and directed to monitor compliance by the Developer with said Agreement.



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2. The sale of the Property, legally described as follows, to Doll Distributing LLC for \$66,908.70, subject to closing credits described in the Urban Renewal Development Agreement, is hereby approved in accordance with the terms of the said Agreement; the Mayor is authorized and directed to execute all necessary closing documents and a Special Warranty Deed conveying the Property on behalf of the City upon the satisfaction of all conditions to closing contained in said Agreement; and the City Manager or his designee(s) are authorized and directed to proceed to closing on the conveyance in accordance with said Agreement:

A PARCEL OF LAND IN LOTS 1, 2, 23 AND 24 IN BLOCK 13; LOTS 1, 2, 23 AND 24 IN BLOCK 14; A PORTION OF VACATED EAST 19TH STREET (ORDINANCE NO. 13,536) BETWEEN BLOCKS 13 AND 14; AND A PORTION OF VACATED WAYNE STREET (ORDINANCE NO. 5787) ADJOINING BLOCK 14, ALL IN T.E. BROWN'S OFFICIAL PLAT OF THE NE 1/4 OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., EXCEPT THE NE 40 ACRES, AS RECORDED IN BOOK C, PAGE 462, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 24 OF SAID BLOCK 13; THENCE N00°11'38"W ALONG THE WESTERLY LINE OF SAID BLOCK 13, A DISTANCE OF 90.10 FEET TO THE SOUTHWEST CORNER OF PARCEL "A", AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 13160, PAGE 127; THENCE N89°59'26"E, ALONG THE SOUTHERLY LINE OF SAID PARCEL "A", 540.66 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "A", ALSO BEING A POINT ON THE MOST EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN QUIT CLAIM DEED RECORDED IN BOOK 5664, PAGE 108; THENCE S01°15'11"E, ALONG THE SAID EASTERLY LINE, 87.76 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF VACATED JEFFERSON AVENUE; THENCE S89°44'31"W, ALONG SAID NORTHERLY LINE, 542.28 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 48,148 SQUARE FEET (1.11 ACRES) MORE OR LESS.

(Council Comm. No. 15-519)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Council 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