



Roll Call Number

18-2028

Agenda Item Number

5

Date December 10, 2018

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE URBAN RENEWAL DEVELOPMENT AGREEMENT WITH HRC NFS I, LLC AND HUBBELL REALTY COMPANY FOR CONSTRUCTION OF A MULTI-FAMILY HOUSING PROJECT AT GRAY'S STATION**

WHEREAS, on August 14, 2017, the City Council approved an Urban Renewal Development Agreement between HRC NFS I, LLC and Hubbell Realty Company (the "Developer") and the City by Roll Call Number 17-1408 in an area now known as Gray's Station (the "Agreement"); and,

WHEREAS, on November 5, 2018, the City Council by Roll Call No. 18-1859, the City Council approved preliminary terms of an amendment to that agreement; and,

WHEREAS, the City Manager has negotiated a "First Amendment to Urban Renewal Development Agreement Between City Of Des Moines, Iowa, and HRC NFS I, LLC and Hubbell Realty Company" (the "Proposed First Amendment"); and,

WHEREAS, the Proposed First Amendment modifies the obligations of the parties, including providing \$830,000 in additional incentives for the Developer; and,

WHEREAS, the Proposed First Amendment is on file and available for inspection in the office of the City Clerk; and,

WHEREAS, at its meeting on November 5, 2018, the Urban Design Review Board recommended that the Council should approve the Proposed First Amendment.

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

1. The City Council hereby makes the following findings in support of the Proposed First Amendment with the Developer:
  - a) The Developer's obligations to construct the Improvements as provided by the Agreement and the Proposed First Amendment furthers the objectives of the Urban Renewal Plan to provide additional housing, employment opportunities and tax base in the Metro Center Urban Renewal Project Area, and to preserve and create an environment which will protect the health, safety and general welfare of City residents.
  - b) The economic development incentives for the creation of the employment opportunities and development of the Improvements are provided by the City to Developer pursuant to the Urban Renewal Law and Chapter 15A of the Code of Iowa, and Developer's obligations under this Agreement to construct the Improvements will generate the following public gains and benefits: (i) it will advance the improvement and redevelopment of the Metro Center Urban Renewal Area in accordance with the Urban Renewal Plan; (ii) it will encourage further private investment to reverse the pattern of disinvestment and declining property values in the



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surrounding area; and, (iii) it will further the City's efforts to retain and create job opportunities within the Urban Renewal Area which might otherwise be lost.

- c) The construction of the Improvements is a speculative venture and the construction and resulting benefits would not occur without the economic incentives provided by this Agreement.
  - d) The City Council believes that the redevelopment of the Property pursuant to the Agreement and the Proposed First Amendment, and the fulfillment generally of the Agreement and the Proposed First Amendment, are in the vital and best interests of City and the health, safety, morals, and welfare of its residents, and in accord with the public purposes and provisions of the applicable state and local laws and requirements under which the project has been undertaken, and warrant the provision of the economic assistance set forth in the Agreement.
3. The First Amendment to Urban Renewal Development Agreement Between City Of Des Moines, Iowa, and HRC NFS I, LLC and Hubbell Realty Company, is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Des Moines.
  4. Upon requisition by the City Manager or the City Manager's designee, the Finance Department shall advance the installments on the Economic Development Grant pursuant to Article 5 of the Agreement.
  5. The City Manager or his designees are hereby authorized and directed to administer the Agreement as amended on behalf of the City, including the filing of the Amendment, and to monitor compliance by the Developer with the terms and conditions of the Agreement as amended. The City Manager is further directed to forward to City Council all matters and documents that require City Council review and approval in accordance with the Agreement.

(Council Communication No. 18- 654 )

MOVED by Boesen to adopt.  
FORM APPROVED:

Thomas G. Fisher Jr.  
Thomas G. Fisher Jr., Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN				✓
GATTO	✓			
GRAY	✓			
MANDELBAUM				✓
WESTERGAARD	✓			
TOTAL	5			2

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.

MOTION CARRIED

APPROVED

J. M. Frankhu Cownie  
Mayor

Diane Rauh  
City Clerk