



Roll Call Number

19-0644

Agenda Item Number

28

Date April 22, 2019

**APPROVING SECOND AMENDMENT TO  
PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT  
TO WAIVE PILOT PAYMENTS FOR TWO YEARS  
FOR THE DES MOINES SOCIAL CLUB**

WHEREAS, on October 22, 2012, by Roll Call No. 12-1643, the City Council approved a Development Agreement between the City and Des Moines Social Club ("Development Agreement") for the restoration and renovation of the Old Central Fire Station No. 1 located at 900 Mulberry Street ("Property"); and

WHEREAS, in accordance with the terms of the Development Agreement, as amended, the City and the Des Moines Social Club entered into an Agreement for Payment in Lieu of Taxes dated March 8, 2013 ("PILOT Agreement"), in connection with the Property; and

WHEREAS, on June 23, 2014, by Roll Call No. 14-0967, the City Council approved the Second Amendment to Development Agreement and related documents including the First Amendment and Joinder to PILOT Agreement to acknowledge transfer of the Property to DMSC Building and to confirm that both DMSC Building and Des Moines Social Club are bound by and remain liable for all payments and obligations under the PILOT Agreement; and

WHEREAS, in recognition of substantial improvements to be performed by DMSC Building and Des Moines Social Club with respect to the Property, it is in the best interests of the City for the City to agree to a temporary two-year waiver of PILOT payments for the Property as set out in the Second Amendment to PILOT Agreement on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Second Amendment to PILOT Agreement on file in the Office of the City Clerk is hereby approved and the Mayor is hereby authorized and directed to sign the Second Amendment on behalf of the City and the City Clerk is directed to attest the Mayor's signature.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to file the fully executed Second Amendment in the Office of the Polk County Recorder.

★ Roll Call Number

19-0644

Agenda Item Number

28

Date April 22, 2019

-2-

BE IT FURTHER RESOLVED that the City Manager or his designees are hereby authorized and directed to continue to administer the Development Agreement, as amended, and the Second Amendment to PILOT Agreement on behalf of the City and monitor compliance by Des Moines Social Club and DMSC Building with the terms and conditions of the Development Agreement, as amended, and the Second Amendment to PILOT Agreement.

(Council Communication No. 19-170) Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lawrence R. McDowell
Deputy City Attorney

G:\APPDATA\LEGAL\LAWYERS\LRMRC\Des Moines Social Club - PILOT.docx

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

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.

Handwritten signature: M. Frank...

Handwritten signature: Diane Rauh City Clerk