



Roll Call Number

19-1648

Agenda Item Number

61B

Date October 14, 2019

**APPROVAL OF AMENDED CONCEPTUAL DEVELOPMENT PLAN FOR PHASE 2 OF  
DEVELOPMENT BY NELSON DEVELOPMENT 1, LLC OF PROPERTY AT  
418 EAST GRAND AVENUE**

**WHEREAS**, on March 20, 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, and such Plan has been amended 24 times (the urban renewal plan as so amended is herein referred to as the "Plan"), encompassing an irregularly shaped area that includes the downtown core and the areas surrounding the downtown core; and

**WHEREAS**, on March 19, 2018, by Roll Call No. 18-0478, the City Council authorized the City Manager to negotiate an urban renewal development agreement based on preliminary terms of agreement with Nelson Development 1, LLC, represented by Michael Nelson (President) ("Developer"), for sale of City-owned property located at the intersections of East 4<sup>th</sup> Street and East Grand Avenue, locally known as 418 E. Grand Avenue (Polk County Assessor District/Parcel Nos. 040/01839-002-001 and 040/01839-002-002)(collectively "Property") and located in the East Village, for development in two phases consisting of a three-level parking structure with approximately 402 total parking spaces in Phase 1, and a 5-story mixed use building in Phase 2 with approximately 36,000 square feet of commercial, retail and office space on the ground floor and second story, and 105 residential apartment units on the upper three stories; and

**WHEREAS**, on June 11, 2018, by Roll Call No. 18-1016, the City Council accepted the Developer's proposal and the proposed form of Urban Renewal Agreements for the Phase 1 and Phase 2 Improvements, and exhibits thereto including Special Warranty Deeds, mortgages, promissory notes and Declarations of Covenants, and a Parking Lease Agreement for City use of a portion of the Phase 1 Improvements (all collectively "Development Agreement") in the Metro Center Urban Renewal Area and set a date for a hearing on the Agreement, including the conveyance of the Property to Developer; and

**WHEREAS**, on July 23, 2018, by Roll Call No. 18-1295, the City Council held the public hearing on the Agreement and conveyance of the Property to the Developer and approved the proposed Development Agreement, the Conceptual Development Plan as Exhibit "C" to the Development Agreement, and the sale of the Property for the purchase price and terms as stated in said Roll Call; and

**WHEREAS**, the Development Agreement requires that, as a condition precedent to closing on the Developer's acquisition from the City of the Phase 2 Property, the Developer receive City approval of an amendment to the Conceptual Development Plan for the Phase 2 Improvements, demonstrating that the durability, appearance, and quality of the exterior materials for the Improvements are substantially equivalent to those used in surrounding developments, including steel and/or concrete structures, with exterior finishes utilizing high quality materials such as full dimension brick, concrete and architectural metal panels, with materials utilized to have a minimum 50 year warranty with composition approved by the Urban Design Review Board; and



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WHEREAS, on August 20, 2019, a consensus of the members present at the Urban Design Review Board meeting recommended approval of the amended Conceptual Development Plan for the Phase 2 Improvements provided by the Developer, in form on file in the office of the City Clerk; and

WHEREAS, all other provisions and terms of the Development Agreement shall remain the same as approved by the City Council on July 23, 2018 by Roll Call No. 18-1295.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the amendment to the Conceptual Development Plan for the Phase 2 Improvements, as attached to and incorporated by reference in the Development Agreement for the Phase 2 Improvements approved on July 23, 2018 by Roll Call No. 18-1295, is hereby approved; and the Office of Economic Development is directed to administer said Development Agreement in accordance with said amended Conceptual Development Plan. (Council Communication No. 19-451)

MOVED BY Gatto to adopt.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

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

CERTIFICATE

I, Laura Baumgartner, Acting 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.

J. M. Franklin Cownie, Mayor

Laura Baumgartner, Acting City Clerk