



Roll Call Number

19-1878

Agenda Item Number

57

Date November 18, 2019

RESOLUTION HOLDING HEARING AND APPROVING URBAN RENEWAL DEVELOPMENT AGREEMENT WITH CONNOLLY LOFTS ASSOCIATES, L.P. TO PURCHASE AND DEVELOP CITY-OWNED PROPERTY AT 401 SE 6TH STREET AND 400 SE 7TH STREET IN THE METRO CENTER URBAN RENEWAL AREA, AND APPROVING CONCEPTUAL DEVELOPMENT PLAN

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 25 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, City staff and Connolly Lofts Associates, L.P., represented by Frank Levy, Officer ("Developer"), have negotiated terms relating to the sale of City-owned property located at the intersections of SE 6th Street and East Martin Luther King Jr. Parkway, locally known as 401 SE 6th Street and 400 SE 7th Street (collectively "Property") and located in the Market District, for development of a 4-story, estimated 57-unit multi-family residential building, including approximately 4 dwelling units affordable to households at or below 50% of area median income, and an estimated 49 on-site parking spaces for residents (collectively "Improvements"); and

WHEREAS, the Developer and City staff have negotiated an Urban Renewal Development Agreement ("Development Agreement") for Developer to purchase and develop the Property, which Development Agreement is in substantially the form on file in the office of the City Clerk; and

WHEREAS, the Development Agreement, as received by the City Council on October 14, 2019, by Roll Call No. 19-1643, proposes development of the Property and financial incentives as follows:

1. Purchase from the City and development of the Property, consisting of approximately 45,067 square feet of land and legally described below, for the above-described residential housing project.
2. Supplemental Economic Development Grant to be paid in 12 semi-annual installments, providing a declining percentage of project generated tax increment (TIF) funding starting at 100 percent in the first year of grant payments and declining to 75 percent in the sixth year of grant payments, in the estimated total amount of \$724,859.00, or \$432,161.00 on a net present value (NPV) basis.
3. Economic Development Forgivable Loan in the amount not to exceed \$444,366.00, advanced at the time of closing on Developer's purchase of the Property, which loan shall be forgiven if Developer constructs the required Improvements and qualifies for issuance of the Certificate of Completion; and

WHEREAS, said Development Agreement provides that the Developer will purchase the Property for the Purchase Price of \$830,000.00, subject to closing credit, if applicable, in the amount of the lowest of three bids estimating the cost of environmental remediation on the Property required by the Iowa Department of Natural Resources (IDNR), or other state or federal regulations, to be incurred by Developer and not to exceed \$200,000.00 regardless of bid amount; and

WHEREAS, on October 14, 2019, by Roll Call No. 19-1643, the City Council received the Developer's proposal and the proposed form of Urban Renewal Development Agreement for the Improvements, and exhibits thereto including Special Warranty Deed, mortgage, promissory note, Declaration of Covenants, and assignment of security interest in



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work products from professional services agreements (all collectively "Development Agreement"), in the Metro Center Urban Renewal Area, and established the public gains and benefits pursuant to the Urban Renewal Law and Chapter 15A of the Code of Iowa as well as the objectives of the Plan that are met by the proposed Project, and set a date for a hearing on the Agreement, including the conveyance of the Property to Developer; and

WHEREAS, by Roll Call No. 19-1643, the City Council set November 18, 2019 at 5:00 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 Connolly Lofts Associates, L.P.'s proposal in the absence of timely submission of competing proposals, and no competing proposals have been submitted; and

WHEREAS, Roll Call No. 19-1643, further provides that in the event that no qualified competing proposals are received, the City Council intends to approve the sale of the Property to Connolly Lofts Associates, L.P., and to authorize execution of the Development Agreement following public hearing on November 18, 2019; and

WHEREAS, on November 5, 2019, the Urban Design Review Board, by a consensus of members present, received the proposed Conceptual Development Plan and recommended approval of the financial assistance for the Project as described herein.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed Development Agreement are hereby overruled, and the hearing is closed.
2. The 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.
3. The Conceptual Development Plan, which is Exhibit "C" to the Development Agreement and in form on file in the office of the City Clerk, is hereby approved.
4. The Economic Development Director or her designee are directed to submit a copy of the fully executed Development Agreement to the Finance Department to enable the Finance Director to make any appropriate disclosure filings in accordance with the City's adopted revised Disclosure Policy.
5. The sale of the Property, legally described as follows, to Connolly Lofts Associates, L.P. for the purchase price listed below, subject to closing credit related to the cost of environmental remediation on the Property as described above and in the Development Agreement, is hereby approved in accordance with the terms of said Agreement; the Mayor is authorized and directed to execute all necessary closing documents and 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:

PARCEL 2016-55 DESCRIPTION (PLAT OF SURVEY, POLK COUNTY RECORDER BOOK 17148, PAGE 240):

LOTS 1, 9, AND 10, A PORTION OF LOT 2, THE VACATED NORTH - SOUTH ALLEY WEST OF AND ADJACENT TO SAID LOTS 9 AND 10, ALL IN BLOCK 42, TOWN OF DE MOINE , AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; VACATED EAST ML KING JR PARKWAY SOUTH OF AND ADJOINING SAID LOTS 2 AND 9 AND THE INTERVENING ALLEY; VACATED RACCOON STREET NORTH OF AND ADJOINING SAID LOTS 1 AND 10 AND

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INTERVENING ALLEY; VACATED SE 7TH STREET BETWEEN RACCOON STREET AND EAST MARTIN LUTHER KING JR PARKWAY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BLOCK 42 OF SAID TOWN OF DE MOINE; THENCE N30°00'30"E, A DISTANCE OF 8.51 FEET; THENCE N74°57'52"E, A DISTANCE OF 321.96 FEET; THENCE S14°53'27"E, A DISTANCE OF 139.84 FEET; THENCE S74°57'52"W, A DISTANCE OF 277.81 FEET; THENCE NORTHWESTERLY ALONG A 77.50 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A DISTANCE OF 56.76 FEET, SAID CURVE HAVING A CHORD BEARING OF N79°48'35"W AND A CHORD DISTANCE OF 55.50 FEET TO THE WEST LINE OF LOT 2 IN BLOCK 42 OF SAID TOWN OF DE MOINE; THENCE N14°49'54"W ALONG THE WEST LINE OF LOTS 2 AND 1 IN BLOCK 42 OF SAID TOWN OF DE MOINE, A DISTANCE OF 110.18 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1.035 ACRES (45,067 SQUARE FEET).

6. The Developer is hereby granted a Temporary Right-of-Entry to the Property, in form on file in the office of the City Clerk, for purposes of commencing work on the Project prior to closing on the acquisition of the Property.

(Council Comm. No. 19-496)

MOVED BY Gatto to adopt.

FORM APPROVED:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, I.P. Kay Cmelik, 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.

I.P. Kay Cmelik

City Clerk