



**Roll Call Number**

20-0346

**Agenda Item Number**

29

**Date** February 24, 2020

**RESOLUTION APPROVING FINAL TERMS FOR AN URBAN RENEWAL DEVELOPMENT AGREEMENT WITH BH 3750 GRAND, LLC FOR THE PARTIAL PRESERVATION AND CONSTRUCTION OF AN 8-STORY RESIDENTIAL BUILDING WITH APPROXIMATELY 42 CONDOMINIUMS AND 36 INDOOR PARKING STALLS AT 3750 GRAND.**

WHEREAS, on September 23, 2019 in Roll Call number 19-1502, the City Council approved a resolution authorizing the City Manager to negotiate an agreement with BH 3750 Grand, LLC, Harry Bookey, Developer, 400 Locust Street, Suite 790, Des Moines, Iowa (the "Developer") is proposing an economic development project located at 3750 Grand Avenue; and,

WHEREAS, the City Manager has negotiated an Urban Renewal Development Agreement (the "Agreement") with the Developer to construct a project that would include construction of an 8-story building with approximately 42 condominiums on the upper 6 stories and approximately 36 indoor parking stalls located on floors 1 and 2 would include a partial preservation of the vacant First Church of Christ Scientist property; and,

WHEREAS, the Developer will participate in Mid-American Energy's Commercial New Construction Energy Efficiency Program; and,

WHEREAS, the Developer seeks reimbursement of 100% of the project generated tax increment exclusive of land for ten years, with a cap of \$4,800,000; and,

WHEREAS, the Developer has provided the Office of Economic Development with a financial analysis of the project and seeks a financial assistance package to be provided from project generated tax increment as more specifically described in the accompanying Council Communication.

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 Agreement with the Developer:
  - a) The Developer's obligations to construct the Improvements as provided by the Agreement furthers the objectives of the Urban Renewal Plan to provide additional

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housing, employment opportunities and tax base in the 38<sup>th</sup> and Grand 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 38<sup>th</sup> and Grand Urban Renewal Area, TIF District #1 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 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 fulfillment generally of the Agreement, 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.
2. The Conceptual Development Plan for the project, which is contained in the Agreement, is hereby approved.
  3. The Urban Renewal Development Agreement between the City and BH 3750 Grand, LLC, 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. The Economic Development Director or the Directors designee is 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.

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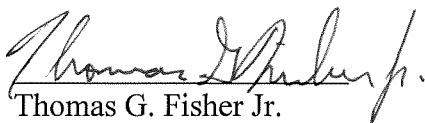
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- 5. Upon requisition by the City Manager or the City Manager's designee, the Finance Department shall advance the installments on the Economic Development Grant pursuant to Article 4 of the Agreement.
- 6. The City Manager or his designees are hereby authorized and directed to administer the Urban Renewal Development Agreement on behalf of the City, including the filing of the Agreement, and to monitor compliance by the Developer with the terms and conditions of the Agreement. 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. 20- 099 )

MOVED by Gatto to adopt.

FORM APPROVED:

  
 Thomas G. Fisher Jr.  
 Assistant City Attorney

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

MOTION CARRIED APPROVED  
  
 J. M. Franken  
 Mayor

CERTIFICATE

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.

  
 P. Kay Cmelik  
 City Clerk