



Roll Call Number

20-1452

Agenda Item Number

44

Date September 14, 2020

RESOLUTION APPROVING SECOND AMENDMENT TO URBAN RENEWAL DEVELOPMENT AGREEMENT WITH JANSSEN LODGING, INC., FOR THE RENOVATION OF THE HOTEL FORT DES MOINES AT 1000 WALNUT AND APPROVING CONCEPTUAL DEVELOPMENT PLAN

WHEREAS, on August 8, 2016, by Roll Call No. 16-1340, the City Council approved a Development Agreement with Janssen Lodging, Inc. (the “Developer”) for the renovation of the Hotel Fort Des Moines at 1000 Walnut (the “Hotel”) at an anticipated project cost of \$37 million dollars; and,

WHEREAS, on May 7 2018, by Roll Call No. 18-0773, the City Council approved a First Amendment to Development Agreement with the Developer; and,

WHEREAS, the Developer has nearly completed the Improvements, but it would not be beneficial to either the Developer or the City for the Developer to immediately open the hotel due to the impact of the COVID-19 virus on the hotel industry; and,

WHEREAS, the City Manager has negotiated a proposed Second Amendment to the Development Agreement extending the completion date to July 1, 2021.

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

1. The Second Amendment to Urban Renewal Development Agreement between the City and the Developer, the 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.

2. The City Manager or his designees are hereby authorized and directed to administer on behalf of the City, the attached Second Amendment to Urban Renewal Development Agreement Between City of Des Moines, Iowa and Jansen Lodging, Inc., including recording the Second Amendment, and to monitor compliance by the Developer with the terms and conditions of the Agreement and its amendments. 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.



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(Council Communication No. 20- 385)

MOVED by Gatto to adopt.

FORM APPROVED:

/s/ Thomas G. Fisher Jr.

Thomas G. Fisher Jr.
Assistant City Attorney

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

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.

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk

Prepared by/Return to: Thomas G. Fisher Jr., Assistant City Attorney, 400 Robert D. Ray Drive
Des Moines, IA 50309 (515) 283-4547
Taxpayer: No Change
Grantors' Names: Janssen Lodging, Inc.
Grantee's Name: City of Des Moines, Iowa
Legal Description: See Exhibit A, page 4

**Second Amendment to Urban Renewal Development Between
City of Des Moines, Iowa and Janssen Lodging, Inc.**

This **Second Amendment to Development Agreement** (the "Amendment"), is made on August ^{September} ~~15~~¹⁵, 2020, by and between the **City of Des Moines, Iowa**, a municipal corporation, having its offices at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa (the "City"), and **Janssen Lodging, Inc.**, an Iowa corporation (the "Developer").

WHEREAS, the City and Developer are parties to an Urban Renewal Development Agreement dated August 8, 2016 (the "Agreement") for a proposed redevelopment on real estate at 10th and Walnut Street in Des Moines, Iowa, more specifically described in Exhibit A, which was amended on May 7, 2018 in an unrecorded First Amendment to Development Agreement (the "First Amendment"); and,

WHEREAS, the parties desire to amend certain portions of the Agreement and the First Amendment to revise the portions of the Agreement related to historic restoration and to adjust certain dates within the Agreement.

NOW, THEREFORE, the Parties Amend the Agreement as follows:

1. Section 1.2 of the Agreement is amended to read:

Sec. 1.2 Time for Completion of Improvements. The Improvements shall be substantially completed by July 1, 2021, so as to qualify for the issuance of the Certificate of Completion under Section 2.4 of this Agreement.

2. Section 7.2 of the Agreement is deleted.

3. Except as expressly amended above, the Agreement (as amended by the First and Second Amendments thereto) shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed on or as of the Effective Date.

JANSSEN LODGING, INC.
an Iowa corporation



By: _____
Raj Patel, President

STATE OF IOWA }
 } ss:
COUNTY OF } POLK

This instrument was acknowledged before me on ~~August~~ ^{September} 15, 2020, by Raj Patel as President of **Janssen Lodging, Inc.**, an Iowa corporation, on behalf of whom the instrument was executed.





Notary Public in the State of Iowa
My commission expires: Aug. 25, 2022

CITY OF DES MOINES, IOWA

ATTEST:

By: *P. Kay Cmelik*
P. Kay Cmelik, City Clerk

By: *T.M. Franklin Cownie*
T.M. Franklin Cownie, Mayor

STATE OF IOWA } ss:
COUNTY OF POLK

On this 7th day of October, 2020, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared T.M. FRANKLIN COWNIE and P.KAY CMELIK, to me personally known, and who, being by me duly sworn did state that they are the Mayor and City Clerk, respectively, of City of Des Moines, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; that the instrument was signed on behalf of City of Des Moines, Iowa, by authority of its City Council, as contained in the Resolution adopted by City Council under Roll Call No. 20- 1452 of City Council on the 14th day of September, 2020, and that T.M. FRANKLIN COWNIE and p KAY CMELIK acknowledged the execution of the instrument to be the voluntary act and deed of City of Des Moines, Iowa, by it and by them voluntarily executed.

Sandi L. Deery
Notary Public in the State of Iowa

APPROVED AS TO FORM:

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



EXHIBIT A
LEGAL DESCRIPTION

Lots 1, 2, and Fractional Lot 3; that strip of ground formerly used as an alley between said Fractional Lot 3 and said Lot 2; the East 19.22 feet of Lots 7 and 8, and the 16.5 foot wide North/South alley right-of-way lying East of and adjoining said Lots 7 and 8 and lying East of and joining the 16.5 foot wide East/West alley right-of-way lying North of and adjoining said Lot 7 and the 16.5 foot wide East/West alley right-of-way lying North of and joining the East 19.33 feet of said Lot 7, all in Block 20, H.M. HOXIE'S ADDITION TO THE TOWN OF FORT DES MOINES, an Official Plat;

Lots 3 and 4 in Block 3 in WEST FORT DES MOINES, an Official Plat;

The East 19.22 feet of Lot 9 and the North/South alley lying East and adjoining said Lot 9, OFFICIAL PLAT OF GROUND COMPRISING LOTS 5 AND 6, BLOCK 20, HOXIE'S ADDITION TO THE TOWN OF FORT DES MOINES AND A SMALL PIECE OF GROUND NOT NUMBERED IN THE NORTHWEST CORNER OF KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, an Official Plat;

All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

EXCEPT PARCEL "A" as depicted and described in that certain Plat of Survey dated December 10, 2014, recorded January 21, 2015, in Book 15446 at Page 433 of the records of the Recorder for Polk County, Iowa.