



Roll Call Number

Agenda Item Number

22-1482

Ex. 1

Date September 12, 2022

RESOLUTION APPROVING FIRST AMENDMENT TO URBAN RENEWAL DEVELOPMENT AGREEMENT BY AND BETWEEN CITY OF DES MOINES, IOWA AND NATIONWIDE MUTUAL INSURANCE

WHEREAS, on May 8, 2006, by Roll Call No. 06-950, the City Council approved an Urban Renewal Development Agreement by and between City of Des Moines, Iowa and Nationwide Mutual Insurance Company ("Agreement"); and,

WHEREAS, the Agreement requires the City to make certain payments following an employment compliance period based on employment during the compliance period; and,

WHEREAS, the terms regarding these payments are ambiguous and the parties have materially different interpretations of those terms; and,

WHEREAS, the parties wish to amend the Agreement to clarify the ambiguous terms and resolve the differences in interpretation; and,

WHEREAS, except as expressly amended in this First Amendment, the Agreement shall remain in full force and effect.

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

- 1. The proposed First Amendment to Urban Renewal Development Agreement By and Between City of Des Moines, Iowa, and Nationwide Mutual Insurance Company (Metro Center Urban Renewal Project) ("First Amendment"), is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute such documents on behalf of the City.
2. The Finance Director is hereby directed to administer payments in accordance with all terms and conditions of the Agreement and the First Amendment.
3. The City Manager or the City Manager's designee is hereby authorized and directed to administer the First Amendment on behalf of the City.
4. The City Manager or his designee is directed to submit a copy of the fully executed First Amendment to the Finance Department to enable the Finance Director to make any appropriate disclosure filings in accordance with the City's Disclosure Policy.

(continued)



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-2-

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(Council Communication No. 22- 434)

Moved by Gatto to adopt. Second by Boesen.

Sponsors: Mayor Cownie and Council Member Mandelbaum.

FORM APPROVED:

Thomas G. Fisher Jr. signature

Thomas G. Fisher Jr. Deputy City Attorney

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

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner signature

Laura Baumgartner, City Clerk

MOTION CARRIED APPROVED T.M. Frankin Cownie Mayor