

★ **Roll Call Number**
24-1731

Agenda Item Number
35

Date December 23, 2024

APPROVAL OF FIRST AMENDMENT TO AN URBAN RENEWAL AGREEMENT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT BY AND BETWEEN THE CITY OF DES MOINES, IOWA AND DES MOINES INDUSTRIAL, LLC

WHEREAS, the City of Des Moines, Iowa (“City”) and Des Moines Industrial, LLC (“Developer”) entered into an Urban Renewal Agreement for Sale of Land for Private Redevelopment (“Agreement”), as authorized by the Des Moines City Council on December 16, 2019, by Roll Call No. 19-2067; and

WHEREAS, Des Moines Industrial, LLC transferred the Property (as described in the Agreement) and other land related to or integral to the construction and operation of the Improvements and facility contemplated in the Agreement, to Des Moines Industrial Land, LLC (“DSMI Land”), which transfer City consented to pursuant to a Consent to Transfer, recorded with the Office of the Polk County Recorder in Book 18340 at Page 254;

WHEREAS, the parties wish to amend the Agreement to clarify the Developer’s obligations thereunder, including (1) conveyance of stormwater detention basins, (2) removal of requirement to construct a bulk mineral storage building, (3) updating construction deadlines, (4) extending the deadline to qualify for the Economic Development Grant, (5) updating the TIF schedule, (6) modifying the legal description for purposes of calculating TIF, and (7) updating the Declaration of Covenants.

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

1. The First Amendment to the Agreement is hereby approved.
2. The Mayor is authorized and directed to sign the First Amendment as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

(Council Communication No. 24-533)

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Moved by Coleman to adopt.
Second by Gatto

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS				✓
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	6			1
MOTION CARRIED			APPROVED	

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.

Connie Preser Mayor

Laura Baumgartner City Clerk