



**Roll Call Number**

26-0435

**Agenda Item Number**

17

**Date** April 6, 2026

**RESOLUTION TERMINATING THE AGREEMENT WITH 6<sup>TH</sup> AVENUE CORRIDOR, INC. (6AC) FOR THE EARLY TRANSFER OF FUNDS AND DIRECTION TO RETURN FUNDS TO 6AC**

**WHEREAS**, on May 22, 2023, the City of Des Moines and 6<sup>th</sup> Avenue Corridor, Inc. (“6AC”) entered into an agreement requiring 6AC to provide a matching funds of up to \$350,000 toward the construction costs of Phase 3 of the 6<sup>th</sup> Avenue Streetscape Project; and

**WHEREAS**, at or about that same time, 6AC transferred \$225,000 to the City to hold pursuant to the agreement; and

**WHEREAS**, since the time of the agreement, the City’s Engineering Department has determined that matching funds from 6AC are no longer necessary in order for the City to complete the construction; and

**WHEREAS**, the parties now wish to terminate the agreement and return the funds to 6AC; and

**WHEREAS**, the agreement provided that in the event of contract termination, 6AC would be entitled to interest at a rate of 25% in addition to the principal amount.

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

1. The City agrees to terminate the May 22, 2023 agreement between the City and 6AC;
2. The City Manager or his designee is authorized and directed to execute any documents necessary to formalize termination of the agreement, subject to approval as to form by the Legal Department;
3. The City Manager or his designee is hereby authorized and directed to issue payment in the total amount of \$232,076.48 representing repayment of retained funds plus accrued interest.

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(Council Communication No. 26-126)

Moved by Gatto to adopt Second by Voss

Approved as to form:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, BARRON, WESTERGAARD, MANDELBAUM, GATTO, 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.

MOTION CARRIED APPROVED

Connie Bussen Mayor

Laura Baumgartner City Clerk