



Roll Call Number

25-1411

Agenda Item Number

32

Date October 20, 2025

**APPROVING FIRST AMENDMENT AND ASSIGNMENT OF URBAN RENEWAL
DEVELOPMENT AGREEMENT AND PARTIAL RELEASE OF RESTRICTIVE
COVENANT WITH FW REHAB, LLC**

WHEREAS, on January 25, 2021 by Roll Call No. 21-0109, the City Council approved final terms of an Urban Renewal Development Agreement with FW Rehab, LLC (Abbey Gilroy, Executive Director, 2331 University Avenue, Suite 202, Des Moines, IA 50311) for the renovation of the 11,400-square-foot building at 3610 6th Avenue for a mixed-use building, including commercial and multi-family residential uses; and

WHEREAS, on December 20, 2021 by Roll Call No. 21-1937, the City Council issued a Certificate of Completion for the Improvements pursuant to the terms of the Development Agreement; and

WHEREAS, the building has been sold to Andersen Real Estate, L.L.C., and the associated development agreement is being assigned and assumed by the new ownership entity, Andersen Real Estate, L.L.C. (Emily Jones, Member, 3610 6th Avenue, Des Moines, IA 50313); and

WHEREAS, the original Development Agreement included unimproved land (located at 3612 6th Avenue) within the legal description and definition of the subject property. This unimproved land area has not been conveyed to Andersen Real Estate, L.L.C. and is not a part of the original project nor the associated incentive; and

WHEREAS, the original Development Agreement included a Declaration of Covenants that encumbered the property at 3610 and 3612 6th Avenue; and

WHEREAS, FW Rehab, LLC, Andersen Real Estate, L.L.C., and the City have negotiated a First Amendment to the Development Agreement in form on file in the Office of the City Clerk that redefines the subject property to exclude the unimproved land at 3612 6th Avenue and removes this property from the scope of the Declaration of Covenants.

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

1. The First Amendment to the Development Agreement in form on file is hereby approved and the Mayor is hereby authorized and directed to execute the First Amendment, Assignment, and Partial Release of Restrictive Covenants and the City Clerk is hereby authorized and directed to attest to the Mayor's signature thereon.
2. The City Manager and/or his designee(s) are hereby authorized to administer the Agreement as assigned in accordance with its terms as amended.



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3. The City Clerk is authorized and directed to release the executed documents to the Office of Economic Development for recording or any other necessary purpose.

(Council Communication No. 25-382)

MOVED BY Gatto TO APPROVE. SECOND BY Coleman

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			
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 Boesen Mayor

Laura Baumgartner City Clerk