



Roll Call Number

26-0590

Agenda Item Number

22

Date April 20, 2026

APPROVING AMENDED AND RESTATED URBAN RENEWAL DEVELOPMENT AGREEMENT AND ENVIRONMENTAL MITIGATION AGREEMENT WITH MARKET DISTRICT APARTMENTS, LP

WHEREAS, Market District Apartments, LP (“Developer”) owns property in the City locally known as 509 SE 6th Street which is legally described as follows:

LOTS 1, 2, 9 AND 10 IN BLOCK 47 IN TOWN OF DE MOINE AND ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2 IN BLOCK 47 TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

(referred to herein as the “Property”); and

WHEREAS, a portion of the Property is subject to certain restrictive covenants in favor of the City restricting residential uses on that portion of the Property legally described as:

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2, BLOCK 47, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (VACATED BY ORDINANCE NO. 11,762, PASSED JANUARY 6, 1992)

; and

WHEREAS, on or about December 14, 2021, a Phase II Environmental Site Assessment was conducted for a portion of the Property indicating the presence of certain environmental contaminants, including arsenic, lead, benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-c,d)pyrene, dibenz(a,h)anthracene, and tetrachloroethylene in excess of Iowa Statewide Standards; and

WHEREAS, on or about July 7, 2025, a Phase II Environmental Site Assessment was conducted for the Property showing certain volatile organic compounds, total extractable hydrocarbons, RCRA 8 metals, and polycyclic aromatic hydrocarbons above Statewide Minimum Standards and others above minimum laboratory detection limits but below Statewide Minimum Standards; and

WHEREAS, as a result of the review of the Phase II assessments, the Iowa Department of Natural Resources (“DNR”) notified Developer of certain mitigation plans



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and environmental covenants that would be required if Developer wished to redevelop the Property; and

WHEREAS, Developer now wishes to construct a 4-story, 46-unit apartment building and City wishes to encourage and incentivize such residential construction; and

WHEREAS, City is amenable to removing the restrictive covenants prohibiting residential uses on the Property provided Developer agrees to and abides by certain terms and conditions set forth in an Environmental Mitigation Agreement in form on file in the Office of the City Clerk; and

WHEREAS, the City of Des Moines, Iowa ("City") and Market District Apartments, LP entered into an Urban Renewal Development Agreement ("Agreement"), as authorized by the Des Moines City Council on March 9, 2026, by Roll Call No. 26-0309; and

WHEREAS, the parties now wish to amend and restate the Agreement to clarify that the loan the City is providing to Developer for acquisition of certain City-owned Real Estate will be forgivable at the City's option upon Developer's satisfactory compliance with all required terms and to amend Exhibit D – Promissory Note to reflect the same; and

WHEREAS, the parties have negotiated a written amendment to reflect the foregoing in form on file in the office of the City Clerk

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

1. The Mayor is hereby directed and authorized to execute the Environmental Mitigation Agreement in form on file in the Office of the City Clerk along with any accompanying documents approved by the City Attorney or his designee, including, but not limited to the Performance Bond required pursuant to the Agreement and the Clerk is hereby directed and authorized to attest to the Mayor's signature on same;
2. The Amended and Restated Urban Renewal Development Agreement by and between the City and Market District Apartments, LP in the form on file in the office of the City Clerk is hereby approved;
3. The Mayor is authorized to execute the Amendment on behalf of the City and the City Clerk is authorized to attest to the Mayor's signature on said document;



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4. The City Manager and/or his designee(s) are hereby authorized and directed to administer the Agreements on behalf of the City.
5. As soon as reasonably possible following execution by the Mayor and attestation by the City Clerk, the City Clerk is directed to submit a copy of the fully executed document to the Finance Department to determine whether disclosure or filing is required for Electronic Municipal Market Access.

(COUNCIL COMMUNICATION NO. 26-153 and 26-156)

MOVED BY Voss TO APPROVE. SECOND BY Barron

APPROVED AS TO FORM:

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



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

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 Boesen

Mayor

Laura Baumgartner

City Clerk