



Date June 8, 2015

SELECTION OF NELSON CONSTRUCTION AND DEVELOPMENT AS THE PREFERRED DEVELOPER OF THE AIR RIGHTS OVER THE NEW 7th AND GRAND PARKING GARAGE

WHEREAS, the 7th and Grand Parking Garage is near the end of its useful life and on March 23, 2015, by Roll Call No. 15-488, the City Council approved a Professional Services Agreement with Substance Architecture, LLC, for design and construction phase services for the replacement of the garage, and the scope of services requires that the design include structural and architectural elements allowing future development and use of the air rights above the garage structure; and,

WHEREAS, the City Manager issued a Request For Proposals ("RFP") to identify qualified developers interested in developing the air rights over the new 7th and Grand Parking Garage and responses to the RFP were received from three development teams as follows:

- Linden Street Partners, represented by Scott Richardson, Managing Partner, 1165 Columbine Street, #7, Denver, CO 80206.
- Nelson Construction and Development, represented by Mike Nelson, President, 218 6th Avenue, Suite 200, Des Moines, IA 50309.
- Sherman Associates, Inc., represented by George Sharman, President, 233 Park Avenue South, Suite 201, Minneapolis, MN 55415

WHEREAS, the City Staff have reviewed the three development proposals and recommend the selection of Nelson Construction and Development as the preferred developer, with a development proposal consisting primarily of luxury apartments, all as more specifically described in the accompanying Council Communication.

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

1. Nelson Construction and Development is hereby selected as the City's preferred developer for the air rights over the 7th and Grand Garage.
2. The City Manager is hereby authorized and directed to negotiate with Nelson Construction and Development to refine and finalize their project design, to present the project to applicable boards and commissions, to finalize the project financing, and to prepare a formal development agreement for the purchase and redevelopment of the City-owned air-rights over the 7th and Grand Garage, for presentation to the City Council at a future meeting.
3. The City Council hereby gives notice that in the event the City Manager is able to negotiate a Development Agreement with Nelson Construction and Development for the



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purchase and redevelopment of the City-owned air-rights over the 7th and Grand Garage upon terms acceptable to the City Council, the City Council would then declare its intent to approve the sale of such air-rights for development in conformance with that agreement at a future public hearing, unless a competing proposal that exceeds the standards established by that agreement is received within a designated time period of not less than 30 days after publication of notice of the public hearing. Unless a competing proposal which exceeds the standards established by the proposed Development Agreement is received within such designated time period, it is the further intent of the City Council to take action at that public hearing to approve the sale to the Property to Nelson Construction and Development, or its designee.

( Council Communication No. 15- )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, 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

Mayor

City Clerk