

RESOLUTION NO. 19-240

Fixing a date of meeting for public hearing on, receipt of proposals for, and approval of disposition of real property and interests in real property in the Johnston East Central TIF Urban Renewal Area

WHEREAS, the City of Johnston, Iowa (the “City”) has previously established the Johnston East Central TIF Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, the City has determined that a portion (the “Site”) of the area in the Urban Renewal Area is underdeveloped with substantial vacant areas and wishes to see such area to be developed; and

WHEREAS, the City has determined to carry out urban renewal projects on the Site consisting of improvement projects, including, without limitation, the construction of a new City Hall facility and campus; the installation of street, water system, sanitary sewer system and storm water drainage improvements; the installation of lighting, sidewalk, signage and trails; the construction of parking improvements; and the undertaking of incidental utility, landscaping and site improvements (collectively the “City Hall Improvements”); and

WHEREAS, the City desires that a portion of the Site that does not include the City Hall Improvements (the “Development Property”) to be developed with retail, dining, office, and other mixed-use development (the “Private Development Improvements” and together with the City Hall Improvements, the “Project”); and

WHEREAS, the Site is bordered by NW 62<sup>nd</sup> Avenue on the south, Merle Hay Road on the west, NW 63<sup>rd</sup> Place on the north, and more particularly described as the Johnston Town Center, Johnston, Iowa in the Preliminary Plat for the Site (the “Preliminary Plat”) on file with the City Clerk; and

WHEREAS, the City proposes to enter into a Development Agreement with a developer (the “Developer”) pursuant to which the City will agree to grant the Developer certain development rights with respect to the Development Property, including exclusive rights to develop, first rights to negotiate and rights of first refusal in consideration of the Developer’s undertakings and efforts to construct the City Hall Improvements and develop the Site and identify tenants and other uses for the Private Development Improvements; and

WHEREAS, the City intends to sell, lease (for periods of up to 50 years), or otherwise dispose of all or portions of the Site in one or more parcels from time to time to the Developer or entities affiliated with or identified by the Developer as portions of the Project are identified and finalized pursuant to the Development Agreement; and

WHEREAS, the Site is situated in the Urban Renewal Area and is owned by the City and it is now necessary to make provision for the disposition of the Site, in accordance with the

provisions of Section 403.8 of the Code of Iowa, to a Developer who can carry out the Project thereon;

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Johnston, Iowa, as follows:

Section 1. The City Council hereby prescribes the following process for the disposition of the Site. The City Council will advertise for additional proposals for the development of the Project in a newspaper of general circulation in the City at least once not less than 21 days in advance of the date on which the proposals shall be due. The City Council will detail the development objectives for the Project and the expectations of the Developer of the Project in the advertisement and shall make illustrative drawings of the Project available in the Office of the City Clerk. Proposals shall be due by no later than 10:00 a.m. on October 21, 2019 at the office of the City Clerk at City Hall, Johnston, Iowa. Each proposal shall set forth the would-be Developer's plan for the Project in accordance with the City's development objectives. A public hearing will be held on the proposal to sell, lease (for periods of up to 50 years), or otherwise dispose of the Site as set forth in Section 2 of this Resolution. Following the public hearing the City Council shall determine to sell, lease (for periods of up to 50 years) or dispose of the Site as provided in the proposal which, if carried out, would be in the best interests of the City.

Section 2. The City Council will hold a public hearing on the proposal to sell, lease (for periods of up to 50 years) or dispose of the Site as set out in the preamble hereof at 7:00 o'clock p.m., on the 21st day of October, 2019, at the City Hall, Johnston, Iowa. Following the public hearing the City Council will accept the proposal deemed to be in the best interests of the City.

Section 3. The City Clerk is hereby authorized and directed to give notice of this resolution and of the public hearing on the proposal to sell, lease (for periods of up to 50 years) or dispose of the Site, by publication, at least once, not less than twenty-one days prior to the date set for acceptance of proposals, in a newspaper of general circulation in the City. Such notice shall be substantially in the form which is attached to this Resolution.

Section 4. The City Council hereby declares that a proposal for the Project has been received from Hansen JTC, LLC resulting from the City's request for qualifications issued by the City on April 3<sup>rd</sup>, 2018, and unless a subsequent proposal is submitted which better represents the best interests of the City with respect to the Project this proposal shall be accepted and all or portions of the Site sold, leased (for periods of up to 50 years) or disposed of in accordance therewith. The City Council further declares that this Resolution constitutes the notification of intent to accept such proposal as provided for in Section 403.8 of the Code of Iowa.

Section 5. All resolutions or parts thereof which are in conflict herewith are hereby repealed.

Passed and approved this 16<sup>th</sup> day of September, 2019.

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Mayor

Attest:

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City Clerk

NOTICE OF PUBLIC HEARING AND REQUEST FOR  
PROPOSALS TO SELL, LEASE (FOR PERIODS OF UP TO 50 YEARS)  
OR OTHERWISE DISPOSE OF AND DEVELOP PROPERTY

The City Council of the City of Johnston, Iowa, will meet on the 21st day of October, 2019, at City Hall, 6221 Merle Hay Road, Johnston, Iowa, at 7:00 o'clock p.m., for the purpose of conducting a public hearing on the proposal to sell, lease (for periods of up to 50 years) or otherwise dispose of certain real property herein described as the Site.

The City owns the real property (the "Site") in the City which is bordered by NW 62<sup>nd</sup> Avenue on the south, Merle Hay Road on the west, NW 63<sup>rd</sup> Place on the north, and is described as the Johnston Town Center, Johnston, Iowa in the Preliminary Plat for the Site (the "Preliminary Plat") on file with the City Clerk and is more particularly described as:

PART OF LOTS 1, 2, 3, 4, 5, 6 AND ALL OF LOT 7, ALL BEING IN EAST MEADOW, AN OFFICIAL PLAT IN THE CITY OF JOHNSTON, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 7, THENCE SOUTH 00°01'53" WEST ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 841.65 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE SOUTH 89°03'34" WEST ALONG THE SOUTH LINE OF SAID LOT 7 AND THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 576.04 FEET TO THE SOUTHEAST CORNER OF THE WEST 390 FEET OF SAID LOT 6; THENCE NORTH 00°05'24" EAST ALONG THE EAST LINE OF SAID WEST 390 FEET OF LOT 6, A DISTANCE OF 231.60 FEET TO THE NORTHEAST CORNER OF SAID WEST 390 FEET OF LOT 6; THENCE SOUTH 88°57'47" WEST ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 90.02 FEET TO THE NORTHWEST CORNER OF THE EAST 90 FEET OF SAID WEST 390 FEET OF LOT 6; THENCE SOUTH 00°05'24" WEST ALONG THE WEST LINE OF SAID EAST 90 FEET OF THE WEST 390 FEET OF LOT 6, A DISTANCE OF 231.45 FEET TO THE SOUTHWEST CORNER OF SAID EAST 90 FEET OF THE WEST 390 FEET OF LOT 6; THENCE SOUTH 89°03'34" WEST ALONG SAID SOUTH LINE OF SAID LOT 6, A DISTANCE OF 257.90 FEET TO THE EASTERLY RIGHT OF WAY LINE OF MERLE HAY ROAD; THENCE NORTH 00°05'24" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 2.00 FEET; THENCE NORTHWESTERLY CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 38.83 FEET AND WHOSE CHORD BEARS NORTH 45°25'31" WEST, 35.04 FEET; THENCE NORTH 00°05'24" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, 813.06 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE NORTH 88°57'47" EAST ALONG SAID NORTH LINE, 184.41 FEET TO THE EAST LINE OF THE WEST 202 FEET OF SAID LOT 1; THENCE SOUTH 00°05'07" WEST ALONG SAID EAST LINE, 119.45 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 88°52'55" EAST ALONG SAID SOUTH LINE, 155.03 FEET; THENCE NORTH 89°23'20" EAST CONTINUING ALONG SAID SOUTH LINE, 54.48 FEET; THENCE NORTH 88°54'03" EAST CONTINUING ALONG SAID SOUTH LINE, 100.53 FEET; THENCE NORTH 88°59'17" EAST CONTINUING ALONG SAID SOUTH LINE, 155.03 FEET TO THE WEST LINE OF SAID LOT 7; THENCE NORTH 00°05'07" EAST ALONG SAID WEST LINE, 119.59 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE NORTH 88°57'47" EAST ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 298.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.55 ACRES (720,875 S.F.). PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD

The City intends to enter into a development agreement with a developer granting such developer certain development rights with respect to the Site, including exclusive rights to develop, first right to negotiate and rights of first refusal in consideration of the developer's undertakings and efforts to develop the Site and otherwise perform as provided in the development agreement. The City's development objectives for the Site include the construction of a new City Hall facility and campus; the installation of street, water system, sanitary sewer system and storm water drainage improvements; the installation of lighting, sidewalk, signage and trails; the construction of parking improvements; and the undertaking of incidental utility, landscaping and site improvements (collectively the "City Hall Improvements") on portions of the Site, and development of other portions of the Site to include the construction of retail, dining, office, and other mixed-use development (the "Private Development Improvements" and together with the City Hall Improvements, the "Project"). Such objectives include the sale, lease (for periods of up to 50 years) or other disposition of all or portions of the Site from time to time to facilitate such development. Proposals to achieve such objectives must be received in the office of the City Clerk at City Hall by no later than 10:00 a.m. on October 21, 2019. Proposals shall set forth the developer's plan for the Project. The City will accept the proposal which, if carried out, would be in the best interests of the City and would best tailor the future use of the Site to the City's development objectives. The City reserves the right to consider the legal and financial ability of developers submitting proposals to carry out the Project. Furthermore, the City reserves the right to negotiate for proposals with respect to the Project.

Illustrative drawings of potential locations of the City Hall Improvements and the Private Development Improvements and illustrative site plans may be obtained from the Office of the City Clerk, City Hall, Johnston, Iowa.

On September 16, 2019 the City Council adopted a resolution constituting notification of intent to accept a proposal for the Project submitted by Hansen JTC, LLC, unless a proposal is submitted which better represents the best interests of the City.

At the aforementioned time and place, oral or written comments or objections may be filed or made. Following the public hearing, the City Council will consider the submitted proposals for acceptance.

By order of the City Council of the City of Johnston, Iowa.

STATE OF IOWA  
COUNTY OF POLK SS:  
CITY OF JOHNSTON

I, the undersigned, Clerk of the aforementioned City, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council relating to fixing a date for hearing on the Council's proposal to take action in connection with the disposition of real property, as referred to therein.

WITNESS MY HAND and the seal of the City hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
City Clerk

(Seal)

**(PLEASE NOTE: Do not date and return this certificate until you have received the publisher's affidavit and have verified that the notice was published on the date indicated in the affidavit but please return all other completed pages to us as soon as they are available.)**

STATE OF IOWA  
COUNTY OF POLK  
CITY OF JOHNSTON

SS:

I, the undersigned, Clerk of the aforementioned City, do hereby certify that pursuant to the resolution of its Council fixing a date of meeting at which it is proposed to take action to with respect to the receipt of proposals for development of property, the notice, of which the printed slip attached to the publisher's affidavit hereto attached is a true and complete copy, was published on the date and in the newspaper specified in such affidavit, which newspaper has a general circulation in the City.

WITNESS MY HAND and the seal of the City hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
City Clerk

(Seal)

**(Attach here publisher's original affidavit with clipping of the notice, as published.)**