Council Communication

Department: Community Development	Resolution No.: 22 -	City Council: May 23, 2022 Public Hearing: June 13, 2022

Subject/Title

1. Approval of the proposal to convey real property to Spin Lofts of approximately 3.0 acres of land at the southeast corner of 21st Avenue and S. 6th Street; and
2. Approval of a proposal in the form of a Purchase, Sale, and Development Agreement for property located at the southeast corner of 21st Avenue and S. 6th Street; and
3. Set a public hearing on the intent to consider a proposal in the form of a Purchase, Sale, and Development Agreement and to convey certain City-owned land to Spin Lofts, LLC for June 13, 2022.

Background/ Discussion

Background

In 2009, the City began acquisition and demolition of structures on the 3.0 acres of land located at 21st Avenue and South 6th Street utilizing Community Development Block Grant (CDBG) and Neighborhood Stabilization (NSP) funds. The properties were considered blighted and/or in foreclosure at the time.

After demolition and the release of a Request for Proposals (RFP), a proposal from CommonBond Communities was chosen. In November of 2012, Wabash Place LLLP entered into a purchase agreement with the City of Council Bluffs for the purchase of this property to develop an affordable multi-family housing project. However, after two unsuccessful Low Income Housing Tax Credit (LIHTC) applications, one Community Development Block Grant – Disaster application and two extensions on closing, the City of Council Bluffs terminated the purchase agreement with Wabash Place LLLP as of January 15, 2015. Then the City re-advertised the availability of the land in August 2015 and received two proposals. J Development was selected from the RFP process; however, this developer eventually withdrew their submittal siting the land was too low and that a significant amount of dirt would have to be brought onto the site to elevate the property. Because of the restrictions on NSP funding through the State of Iowa, it was determined the property would remain vacant until 2022 to release these requirements.

Because CDBG funds were used as well, the City must meet the Housing and Urban Development (HUD) performance measure of creation of affordable housing on the property. This means at least 51% of all units constructed on the site must be rented/sold to persons at or below 80% of the median family income (MFI).

Discussion

This is to convey real property to Spin Lofts, LLC and to consider a proposal in the form of a Purchase, Sale, and Development Agreement ("Agreement"). To convey property, the City must undertake certain actions that include providing notice by publication in a newspaper having a general circulation to the community not less than four days nor more than 20 days before the date of the hearing.

The Agreement will convey certain City-owned property land to Spin Lofts, LLC for $100,000 and Arch Icon agrees to construct certain minimum improvements consisting of a 50 multi-family apartment building, together with related site improvements. The proposal provides 45 affordable apartments and five market rate apartments. Of the 45 affordable units, five units will be designated for families near homelessness and the remaining for those below 60% or lower area median income (AMI).

On February 28, 2022 Council voted to approve accepting Arch Icon as the preferred developer in response to the RFP and for the City to enter into a Purchase, Sale, and Development Agreement. Now, the draft agreement has been finalized between City's legal counsel and the developer and is ready for Council to review and will be voted on at the June 13, 2022 Public Hearing.

On May 9, 2022 Council voted to approve the 21st Avenue Urban Revitalization Plan and Area, which includes the Spin Lofts property. On May 23, Council will have a final vote on the establishing the Area and includes a request for the third reading to be waived.

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Recommendation
Recommendation to set a public hearing on the intent to consider a proposal in the form of a Purchase, Sale, and Development Agreement and to convey certain City-owned land to Spin Lofts, LLC legally described as a parcel of land being all of Lots 9, 10, 18, 19, 20, 21 and 22, a portion of Lots 7, 8, 11, 12, 13, 16, 17, 23, 24 and 25 in Block 14, a portion of Lots 16, 17, 18 and 19 in Block 19, all of the vacated alley's in said Block 14 and all of vacated 22nd Avenue right-of-way lying within the following described parcel, all in Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa.
Attachments
Attachment: Purchase, Sale, and Development Agreement Attachment: Arch Icon - Spin Lofts Proposal