

RESOLUTION

By Quincy

Authorizing the City of Minneapolis to accept gifts from Green Minneapolis and Ryan Companies US, Inc. for construction of additional interim enhancements to and operating costs of the Downtown East Commons.

Whereas, the City has authority under the City Charter and Minnesota Statutes, sections 469.048-469.068, to acquire land as part of an industrial development district to address blight caused by marginal property; and

Whereas, pursuant to that certain Development Agreement (the “DTE Development Agreement”) dated February 10, 2014 among the City, Ryan Companies US, Inc. (“Ryan”) and the Minnesota Sports Facilities Authority (“MSFA”), and in furtherance of its public purposes, the City has agreed to acquire certain real property referred to therein as the “Green Space Property”; and

Whereas, the Green Space Property is part of a 5-block mixed-use development of marginal property being constructed by Ryan, which also includes office space, retail space, multi-family housing, a public parking ramp and skyway connections; and

Whereas, the DTE Development Agreement obligates Ryan to demolish existing improvements and construct certain basic improvements to the Green Space Property prior to conveyance of the Green Space Property to the City by July 1, 2016; and

Whereas, in December 2014 the City approved plans and specifications for such basic improvements (the “Turnkey Improvements” or “Basic Park”) pursuant to Section 7.1(c) of the DTE Development Agreement and Section 3.3.1 of that certain Green Space Construction Loan Agreement dated February 10, 2014 between the City and Ryan (the “Green Space Loan Agreement”); and

Whereas, in January 2015 the City retained Hargreaves Associates, a California corporation (“Hargreaves”) to design enhancements to the Basic Park, now known as the “Downtown East Commons” (the “Commons”), in accordance with principles adopted by a City-appointed advisory committee, with input from the public, and in consultation with a technical advisory committee that includes representation from the Minneapolis Park and Recreation Board, the MSFA, the Minnesota Vikings, Ryan and other stakeholders (the “Enhancements”). The Hargreaves contract contemplates that the Enhancements will be designed and constructed in phases tied to the availability of funding – currently referred to as the “Opening Day Commons” or “Interim Enhancements” and the “Ultimate Commons” or “Ultimate Enhancements”; and

Whereas, Green Minneapolis has undertaken a fund raising campaign for the benefit of and in cooperation with the City seeking \$22 million to fund the design and construction of the Enhancements to the Commons and for operating expenses of the Commons as an urban public park/plaza/green space following construction (the “Campaign”); and

Whereas, Green Minneapolis and the City entered into that certain Donation Agreement dated October 29, 2015 authorizing and establishing general parameters for the Campaign (the “Donation Agreement”); and

Whereas, Ryan and the City have entered into two amendments to the Green Space Loan Agreement to provide for construction of certain of the Interim Enhancements in conjunction with construction of the Basic Park. Ryan has agreed to construct such Interim Enhancements at a cost not to exceed \$5,829,099 and to make an in-kind donation of its 3.5% fee for overhead and profit; and

Whereas, the City proposes to enter into an agreement with the Minneapolis Downtown Improvement District for operation of the Commons from July 1, 2016 through December 31, 2016; and

Whereas, on November 20, 2015, the City Council adopted Resolution No. 2015R-490 accepting a donation from Green Minneapolis of up to \$3.5 million for construction of the Interim Enhancements and an in-kind donation from Ryan of its 3.5% fee as gifts to the City; and

Whereas, on January 15, 2016, the City Council adopted Resolution No. 2016R-015 accepting a donation from Minnesota Vikings Football LLC in the amount of \$2 million (with between \$1,660,000 and \$1,540,000 available for capital costs and between \$340,000 and \$460,000 to be reserved for operating costs of the Commons) as a gift to the City; and

Whereas, Green Minneapolis has obtained additional cash contributions in the amount of at least \$789,099 for construction and \$350,000 for operations, which amounts are available for donation to the City pursuant to the Donation Agreement; and

Whereas, Minnesota Statutes Section 465.03 requires such gift acceptance be made by resolution of City Council, adopted by a two-thirds majority of its members and expressing such terms in full;

Now Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Green Minneapolis' donation of up to \$789,099 for construction of certain Interim Enhancements to the Commons and \$350,000 for operation of the Commons shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved that Ryan's donation of its 3.5% fee for overhead and profit on such work shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved that the City, in its discretion, will provide recognition to Green Minneapolis' donors within the parameters of the Urban Park Use Agreement; acceptance of a gift does not imply endorsement of any product, service or entity nor entitle the donor to favored treatment in pending or future procurement decisions.