

**RESOLUTION NO. 2021-19RDA**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR  
PROPOSAL FOR THE SALE OF PROPERTY AT 7555 SOUTH MAIN STREET**

**WHEREAS**, the Redevelopment Agency of Midvale City (“Agency”) was created to transact the business and exercise the powers provided for in the Utah Redevelopment Agencies Act; and

**WHEREAS**, the Agency and Midvale City (“City”) are public agencies and therefore are authorized under the Utah Interlocal Cooperation Act, Section 11-13-101, et seq. U.C.A. 1953, as amended, to enter into agreements with each other which enable them to make the most efficient use of their powers; and

**WHEREAS**, on November 17, 2015, the Agency adopted Resolution 2015-13RDA approving the CDA Project Area Plan for the Midvale Main Street CDA Project Area; and

**WHEREAS**, the Agency and Midvale City (“City”) seek to revitalize the Midvale Main Street CDA Project Area; and

**WHEREAS**, the Agency owns property located at 7555 South Main Street (“Property”); and

**WHEREAS**, the Agency believes the redevelopment of the Property will contribute to the revitalization of the Midvale Main Street CDA Project Area; and

**WHEREAS**, the Community Reinvestment Agencies Act allows for public entities to sell, grant, or convey property to redevelopment agencies; and

**WHEREAS**, the Agency desires to sell the Property for the purpose of facilitating its redevelopment.

**NOW THEREFORE BE IT RESOLVED BY THE REDEVELOPMENT**

**AGENCY OF MIDVALE CITY**, that the Board of Directors does hereby authorize the Chief Administrative Officer and Executive Director to prepare and issue a Request for Proposals for the sale of the Property and execute any other necessary documents as part of the marketing of the Property by the Agency. The Request for Proposals and other necessary documents shall be subject to the 5th Avenue Development Request for Proposals Term Sheet and such other terms and conditions as recommended by the Agency’s legal counsel.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE  
REDEVELOPMENT AGENCY OF MIDVALE CITY, STATE OF UTAH, this 21<sup>st</sup>  
day of September 2021.**

  
Robert Hale  
Chief Administrative Officer

  
Matt Dahl  
Executive Director

ATTEST:

  
Rori L. Andreason, MMC  
Secretary



**Voting by the Board:**

Dustin Gettel  
Paul Glover  
Quinn Sperry  
Heidi Robinson  
Bryant Brown

**“Aye”**

☒  
☒  
☒  
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☒

**“Nay”**

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## 5<sup>th</sup> Avenue Development

### Request for Proposals Term Sheet

Property Description:	<p>Property Address: 695 West Fifth Avenue 7555 South Main Street</p> <p>Parcel: 21-25-307-001 21-25-307-002</p> <p>Property Size: 0.32 Acres (13,939.2 square feet)</p> <p>Current Condition: The assemblage is currently vacant.</p>
Purchase Price:	<p>The Purchase Price shall be \$280,000. During exclusive negotiations the RDA will consider reducing the purchase price, based on demonstrated funding gaps directly related to fulfilling the RDA's Scope of Development.</p>
Scope of Development:	<p>It is the RDA's intent that the Property be used to support the establishment of Main Street as significant retail and cultural activity center within Salt Lake County, with an emphasis on creating more pedestrian activity on Main Street. The selected development will need to have a high-quality design that complements the neighborhood and demonstrates the developer understands the neighborhoods assets and character. In accomplishing the RDA's intent for the development of the Property, the following should be incorporated into all proposals:</p> <ol style="list-style-type: none"> <li>1. All offered property shall be utilized in the development.</li> <li>2. Designs shall incorporate high quality façade materials and be in keeping with the character of historic Main Street (e.g., brick, wood, metal, masonry). Stucco is not an acceptable façade treatment on the 5<sup>th</sup> Avenue and Main Street frontages.</li> <li>3. The development shall be designed using green building techniques such as: <ul style="list-style-type: none"> <li>• Efficient use of energy, water, and other resources</li> <li>• Use of non-toxic, ethical and sustainable materials</li> <li>• Pollution and waste reduction measures, and the enabling of re-use and recycling</li> <li>• Use of renewable energy, such as wind energy, solar energy</li> <li>• Good indoor environmental air quality</li> </ul> </li> <li>4. No onsite surface parking shall front Main Street.</li> <li>5. The site shall be designed to primarily address Main Street with a secondary frontage allowed on Fifth Avenue.</li> <li>6. The project design shall incorporate all zoning code requirements.</li> <li>7. The project shall include an element of public art (the, "Art"). The Art shall be visible to the public and contribute to an</li> </ol>

	<p>enhanced pedestrian experience in the Main Street neighborhood.</p> <p>Preference will be given to projects that:</p> <ol style="list-style-type: none"> <li>1. Provide neighborhood-oriented programming or services that supports commercial activity on Main Street and/or quality of life for current and prospective residents.</li> <li>2. Significantly increase the daily pedestrian activity on Main Street.</li> <li>3. Contribute to the emergence of a Main Street activity center.</li> </ol>
RFP Submission Requirements:	<ol style="list-style-type: none"> <li>1. Project Description: A written description of the proposed development, including the following information: <ol style="list-style-type: none"> <li>a. A description of the types of uses (e.g., residential, office, educational neighborhood retail, etc.) included in the development;</li> <li>b. Indication of the degree to which the developer commits/intends to incorporate environmentally friendly green building techniques or programs.</li> <li>c. A vision for how the development will complement the character of the Main Street neighborhood, particularly how it contributes to the emergence Main Street as an activity center.</li> <li>d. A description of the developer's strategy for maximizing pedestrian activity on Main Street.</li> <li>e. A conceptual description of the Art element that will be included in the development.</li> </ol> </li> <li>2. Project Drawings: The developer shall provide the following project drawings: <ol style="list-style-type: none"> <li>a. Conceptual Site Plan. The plan must show auto and pedestrian circulation, building footprint, any proposed parking, the neighborhood amenity, the required Art element, and conceptual landscape improvements.</li> <li>b. Main Street and Fifth Avenue Elevation Drawings. The elevation drawings should identify façade materials and any other design elements the applicant deems necessary to communicate the intent of their proposal.</li> </ol> </li> <li>3. Project Proforma: A preliminary estimate of the project's cost and a 5-year proforma. This should include a brief description of how the developer anticipates funding the project and a description of any financial assistance, if any, the developer intends to request from the RDA.</li> <li>4. Statement of Qualification: <ol style="list-style-type: none"> <li>a. Identification of the legal entity with whom the Agency would contract.</li> <li>b. Identification of the developer, including potential joint venture or limited partners.</li> <li>c. The developer's previous relevant experience, including, descriptions, photos, description of roles in previous projects,</li> </ol> </li> </ol>

	<p>and status of previous projects. References for previous projects should also be included.</p> <ul style="list-style-type: none"> <li>d. Organizational and management approach, and role of each development partner and major consultant in the implementation of the development.</li> <li>e. To the extent possible, identification of key individuals and consultants on the development team who would be involved in the negotiations, project design, and implementation, including their background and experience.</li> </ul> <p>5. Financial Capacity: A description of the financial capacity of the developer. The selected developer will be required to submit additional financial information about the development entity and owners or partners within the entity during the Exclusive Negotiation Period.</p> <p>6. Down Payment: Along with the proposal, the developers shall submit a check (certified or cashier's) made payable to the Redevelopment Agency of Midvale City in the amount of \$1,000.00 to serve as a deposit. Deposits will be returned to the developers who are not selected. The selected developer must submit an additional \$2,000, in the form of a certified or cashier's check, within 10 days of being notified that they were selected or the RDA will begin negotiations with the second-ranked developer. The total deposit made by the selected developer will be credited toward the developer's earnest money deposit under the Purchase and Sale Agreement. The earnest money deposit will be applied to the purchase price at closing and can only be refunded prior to closing if the developer is unable to get Planning Commission approval (if needed).</p>
Developer Selection:	<p>The submittals will be reviewed by a Selection Committee comprised of representatives of the RDA, City, and the community. The Selection Committee may select a first-ranked developer, a first- and second-ranked developer, or no developers. The RDA will enter into exclusive negotiations with the first-ranked developer. The RDA will enter into exclusive negotiations with the second-ranked developer if the first-ranked developer is unable to close on the Project in the allotted time.</p>
Selection Criteria	<p>The following will be the criteria by which the Selection Committee will select the first- and second-ranked development proposals:</p> <ul style="list-style-type: none"> <li>1. Complete Proposal: Did the developer submit a complete proposal?</li> <li>2. Developer's Vision: Does the developer provide a clear vision for how the development will complement the Main Street Neighborhood?</li> <li>3. Scope of Development: How well does the development proposal address the Scope of Development?</li> <li>4. Development Preferences:</li> </ul>

	<ul style="list-style-type: none"> <li>• How many people in the Main Street neighborhood would directly benefit from the proposed development.</li> <li>• How many more people will utilize Main Street on a daily basis as a result of the proposed development?</li> <li>• Does the proposed development include a Neighborhood Amenity that meets the criteria outlined in the Neighborhood Amenity Section?</li> <li>• Does the proposed development contribute to the emergence of a Main Street activity center?</li> </ul> <p>5. Developer Qualifications: To what degree do the developer and development team possess the qualifications and experience necessary to plan, design, and build the proposed development?</p> <p>Financing: Does the developer have the necessary financial expertise and backing to complete the proposed project?</p>
Design Review:	<p>This design review process will require the selected developer to obtain approval for the Basic Design, Schematic Design, Design Development, and Final Construction Documents for the proposed development. A Main Street Design Review Committee comprised of representatives from the RDA staff shall be responsible for the review and approval of the Schematic Design, Design Development, and Final Construction Documents.</p> <p>Basic Design: The Basic Design drawings shall consist of the drawings submitted in response to the RFP and any modifications to the development proposal required by the RDA Board as part of their approval of a first- and second-ranked developer. The selected developer will be expected to present the Basic Design to the Main Street Business Association or other community group selected by the RDA.</p> <p>Schematic Design: The schematic design shall be conducted when the design is 30% complete. The submittal shall include a narrative description of the development, a presentation site plan, exterior concept elevation drawings, and two project sections.</p> <p>Design Development: The Design Development submittal shall include the 60% complete construction documents. The submittal will include samples of exterior materials, as well as drawings that specify the location and appearance of all exterior design features.</p> <p>Final Construction Documents: The Final Construction Documents submittal shall include all drawings, specifications, and related documents necessary for construction of the development.</p>



Legal Documents:		A summary of the RDA's standard legal requirements will be attached to the offering with a statement that the full documents are available upon request. The agreements will be negotiated and executed after the developer has been granted the exclusive right to negotiate.
Purchase and Sale Agreement:		The Purchase and Sale Agreement will be negotiated during the period of exclusive negotiations and will be signed at such time as the Board approves the agreement's terms. The exclusive negotiation period shall not exceed six months. As a condition of the RDA's obligation to sell the Property, the developer must demonstrate its financial ability to acquire and develop the Property.
Development Agreement:		At closing, the developer must enter into a standard Development Agreement with the RDA to construct and oversee the marketing of the development. The terms of the Development Agreement will require the developer to provide personal guarantee(s) and payment and performance bonds.
CC&Rs		The developer will be required to prepare and record CC&Rs against the Property specifying the rules for the use and maintenance of common areas and shared improvements.
Title		The developer must accept a Special Warranty Deed subject to a right of reverter in favor of the RDA in the event of default.
Closing		Closing shall be contingent on the developer receiving the requisite approvals of the Final Construction Documents, construction estimate, marketing plan, project proforma, and building permit, as well as all other conditions of closing that are negotiated during the exclusive negotiation process. The RDA will close simultaneously with the developer's construction financing.
Schedule:		The developer will prepare a development schedule in consultation with RDA staff, highlighting major milestones such as closing, start of construction, and project completion.
Property Listing:		<p>The Request for Proposals (RFP) will be distributed free of charge to all interested parties. Notices will also be placed in the local newspapers, as well as the Midvale City website. A sign declaring the Property is available and listing the appropriate contact person will be placed on the site and will remain in place until a Purchase and Sale Agreement is executed.</p> <p>The RFP will be issued before September 30, 2021. Responses will be due 45 days after issue. If no offers are received on or before the RFP deadline or the Selection Committee does not recommend the selection of a developer, the RDA will continue</p>

		to offer the Property for development and the RDA Director shall have the authority to determine the process by which subsequent development proposals are reviewed and submitted to the RDA Board for approval.
Miscellaneous:		<ol style="list-style-type: none"> <li>1. Such other terms as required by RDA attorney.</li> <li>2. The selected Developer shall agree not to contest the formation of any assessment district that shall include Property and be used for the purpose of infrastructure installation, maintenance and/or programming.</li> <li>3. Pending RDA approval the selected developer will be required to include the City logo and name, and acknowledge the RDA's contributions or assistance to the project.</li> <li>4. The selected Developer shall agree to provide a written Project Report to the RDA and County Assessor within 2 weeks of receiving a Certificate of Occupancy. The report shall include the following information: <ol style="list-style-type: none"> <li>a. Total square footage of Property improvements.</li> <li>b. Total development cost.</li> <li>c. Description of the development.</li> <li>d. Lease rates for the development.</li> </ol> </li> </ol> <p>The selected Developer shall agree to provide an annual leasing report to the RDA and County Assessor that discloses the lease rates being charged to all tenants.</p>



# EXHIBIT A

## Depiction of Location

### Basketball Courts



March 20, 2018

