

**REQUEST FOR PROPOSALS FOR PURCHASE AND
POTENTIAL REDEVELOPMENT OF 824 HENNEPIN AVENUE,
DOWNTOWN MINNEAPOLIS, MINNESOTA
(A.K.A.: HENNEPIN STAGES, HEY CITY THEATER, HIRSHFIELD'S PAINT)**



(Front of building, from Hennepin Avenue)



(Rear of building, from alley)

SUBMISSION DEADLINE – Thursday, August 12, 2010

City of Minneapolis – Community Planning and Economic Development
105 Fifth Avenue South, Suite 200
Minneapolis, Minnesota 55401
www.ci.minneapolis.mn.us/cped

Contact: Andrea Petersen at andrea.petersen@ci.minneapolis.mn.us
For issues specific to this RFP

OVERVIEW

The City of Minneapolis (the "City") is seeking redevelopment proposals for certain property owned by the City and located at 824 Hennepin Avenue (the "Property"), in downtown Minneapolis, Minnesota. The Property, also known as Hennepin Stages, is currently configured with two stages for small venue live theater. The Property could be purchased:

- for continued use as a small theater venue, with minimal or modest physical improvements;
- for rehabilitation and adaptive reuse of the structure for another use;
- for clearance and new construction on this parcel only;
- as part of an assemblage for a larger development.

The City will sell the Property "as-is." This RFP will consider entertainment, cultural, retail, and office uses.

City policy is to sell redevelopment property at fair reuse value based on the planned use of the property. An appraisal may be prepared to establish a fair reuse value per the proposed use of the property. The land area is approximately 7,389 square feet while the building is approximately 16,200 square feet over two floors and a basement.

Proposals are due at City offices no later than 4:00 pm local time on **Thursday, August 12, 2010.**

PROPERTY FACTS

LOCATION

- Address: 824 Hennepin Avenue, Minneapolis, MN 55403
- Parcel Identification Number: 27-029-24-12-0056
- Ward: 7
- Tract / Block: 44 / 113
- Neighborhood: Downtown West
- Neighborhood website: <http://www.thedmna.org/>
- Minneapolis Neighborhood Profile: <http://www.ci.minneapolis.mn.us/neighborhoods/>

PROPERTY

- Lot Size: 7,389 sq. ft. (.1696 acres)
- Property perimeter: 456 ft.

IMPROVEMENTS

- Year Built: 1910
- Stories: 2 + basement
- Building Size: 16,200 sq. ft.
- First Floor Area: 5,400 sq. ft.
- Second Floor Area: 5,400 sq. ft.
- Basement Area: 5,400 sq. ft.

- Finished Basement: 4,050 sq. ft.
- Utilities and Services: Sewer and water, fire main, sprinklers, electricity, gas, security, phone, and internet
- Mechanicals: Four *Engineered Air* rooftop air handlers (heat and air) installed in 1995 (spare parts shipped from Canada)
- Energy Assessment: [Xcel Energy Assessment - March 2010](#)
- Roof: Type: Rubber membrane
Approximate age: over 10 years
- Construction Type (estimate): Limestone foundation with concrete, Concrete Masonry Unit (CMU), and brick
- Parking Lot: 4 spaces and access to Ninth Street (Subject to the [Deed Granting Easements](#))

USE

- Current Use: Two stages of small venue live theater
 - Main Floor theater seats up to 240 people
 - 2nd Floor theater seats up to 230 people
- Zoning: B4S-2 Downtown Service District ('99)
DP Downtown Parking Overlay District
- Historical Significance: Not designated or determined eligible for listing

OTHER

- Environmental Conditions: A Phase I Environmental Site Assessment conducted on 6/12/2006, revealed no recognized environmental conditions. ([See Phase I Environmental Site Assessment 6/12/06](#))

No Phase II testing.
- Legal Description: Premises comprising all of Lot 8 in Block 6, Wells, Sampson, & Bell's Addition to Minneapolis, and part of Lot 5 in Block 6, Hoag & Bell's Addition to Minneapolis, according to recorded plat thereof, and situate in Hennepin County, Minnesota. ([See ALTA Survey 5/10/2006](#))
- Title Matters: An Old Republic Title Commitment covering ALTA Survey dated February 23, 2006. ([See Alta Title Commitment](#))

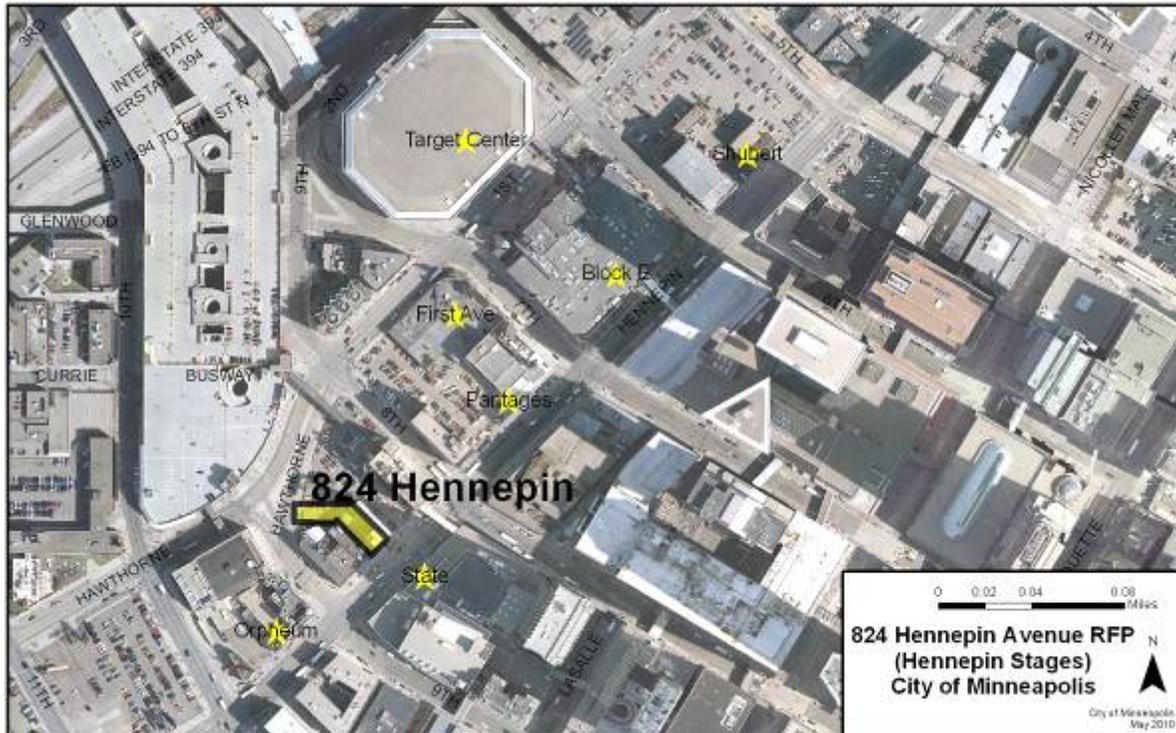
- Title Encumbrances: See chart below

Title Encumbrances	Date Filed	Document Number
Deed Granting Easements	12/30/1993	6210211
Party Wall Agreement	1/3/1946	2336554

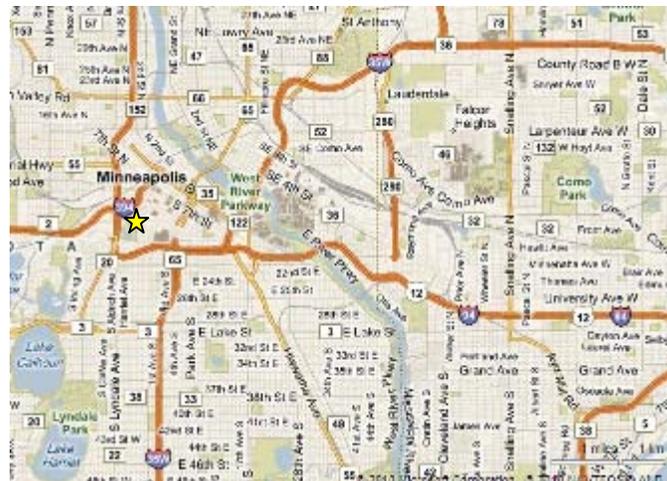
- Estimated Market Value: May 2007 appraised value = \$1,000,000 to \$1,100,000 assuming the 2nd floor will remain a theater (Massopust Appraisals, LLC)
An appraisal may be prepared to establish a fair reuse value per the proposed use of the building.
- Outstanding Special Assessments (as of May 2010):

Annual Special Assessments	Balance	2010 Payment	Annual Interest Rate	Remaining Years
Hennepin Avenue Street Lighting and Maintenance Operation	N/A	\$360.16	N/A	Perpetuity
Hennepin Avenue Street Lighting Capital Improvement Assessment	\$3,627.32	\$408.19	4.3%	15
Streetscape Assessment	\$24,192.71	\$3,709.54	3.8%	9
Downtown Improvement District	N/A	\$4,207.19	N/A	Perpetuity
TOTAL		\$8,685.08		

PROPERTY ON THE BLOCK



PROPERTY IN MINNEAPOLIS



DEVELOPMENT GOALS

The Property is located in downtown Minneapolis, Minnesota adjacent to several prominent, regional entertainment facilities including the State, Pantages, and Orpheum Theaters, the First Avenue music club, and the Target Center arena. The City seeks development proposals for uses that will support continued revitalization of Hennepin Avenue and the downtown district and be a catalyst for future economic growth.

Street-level uses (whether in the existing building or new construction) must be entertainment, cultural or commercial uses that will be actively and extensively programmed to attract people (including families) to downtown Hennepin Avenue and support the avenue as an entertainment and cultural destination. If continued use as a theater venue is considered viable, this use is higher priority than retail, food service or other general commercial uses.

Uses above the street level may be any use(s) consistent with the land use policy background information outlined below as long as those uses support the street-level activity.

Proposals that enhance the visual character of Hennepin Avenue are also desired. This could be achieved through high quality architectural design of any new construction or adaptive reuse, improvements that emphasize the historic qualities of the existing building and avenue and/or visual features that add to the “bright lights” atmosphere of the avenue.

Development that results in additional permanent jobs and that generates real estate taxes are desired.

LAND USE POLICY BACKGROUND INFORMATION

This Property’s **Primary Zoning District** is the **B4S-2 Downtown Service District** which is established to provide an environment for a wide range of retail and office activities, high density residential uses and hotels, and supportive goods and services. This designation limits the maximum floor area ratio to eight (8).

Table 549-1 of the Zoning Code indicates the principal and conditional uses for the B4S-2 designation and is located on the City of Minneapolis website at: <http://www.municode.com/resources/gateway.asp?pid=11490&sid=23>

Note: Theater, indoor is a permitted use.

The Property is located in the **DP Downtown Parking Overlay District** which “is established to preserve significant and useful buildings and to protect the unique character of the downtown area and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots and establishing certain minimum and maximum off-street parking standards in the downtown area.” Parking is not required by the Zoning Code in this district.

Chapter 549 of the City’s **Zoning Code** describes the purpose of the downtown districts as follows:

The downtown districts are established to provide a range of retail, entertainment, office, employment, institutional and governmental activities of citywide and regional significance. The regulations recognize the unique qualities of downtown as the business and cultural center of the region to attract businesses, workers, shoppers, visitors, tourists, and residents.

The use of this Property is governed by two land use policy documents, ***The Minneapolis Plan for Sustainable Growth*** and a more specific area plan called the ***Downtown East/North Loop Master Plan***.

The Minneapolis Plan for Sustainable Growth, the City's Comprehensive Plan, designates this portion of Hennepin Avenue as a Commercial Corridor calling for a mix of uses with commercial uses dominating. Commercial Corridors are a priority area for economic development in the City. Downtown is a Growth Center encouraging the concentration of jobs and housing and promoting the integration of major public and private institutional campuses. 824 Hennepin is also located in the Warehouse District Activity Center where properties primarily have entertainment-oriented uses at the street level. ***The Minneapolis Plan for Sustainable Growth*** is located on the City's website at: http://www.ci.minneapolis.mn.us/cped/comp_plan_2030.asp

The Downtown East/North Loop Master Plan's primary objective is to encourage renewed interest in living, working, and shopping in downtown Minneapolis through the creation of a high-quality, easy-to-use physical environment, one that enhances the everyday urban experience. Development should be consistent with the existing theater/entertainment uses and the historic character of the district, but could also include new commercial and residential spaces for those seeking to live and work within the entertainment district. The recommended land use for core expansion in the ***Downtown East/North Loop Master Plan*** for the Property block is mixed use (office/commercial) with a medium (5 to 13 floors) height. At-grade retail is also recommended along Hennepin Avenue. The ***Downtown East/North Loop Master Plan*** is located on the City's website at: <http://www.ci.minneapolis.mn.us/master-plans/downtown-east-north-loop/>

BACKGROUND

The Property was previously known as Hey City Theater and before that Hirshfield's Paint and Wallcoverings. Currently named Hennepin Stages, the Property is located on Hennepin Avenue in downtown Minneapolis, home to approximately 30,000 residents and 165,000 employees. The Property is near three live stage theaters, the State, Orpheum, and Pantages and near the Target Center (NBA arena), Target Field (MLB ballpark), Minnesota Shubert Center (dance-focused venue slated to open in 2011), and the First Avenue music club.

The Property was acquired by the Minneapolis Community Development Agency ("MCDA") in 1995 and then leased to Hey City Theater for the production of "Tony and Tina's Wedding." At the end of the initial run of that production, the building was renovated to accommodate separate productions on each of the two main floors. The building remains laid out in that manner, with a combination of permanent and moveable tables and chairs on each floor. The Property continues to operate as a theater, hosting a variety of performances including *A Don't Hug Me Christmas Carol*,

Dixie's Tupperware Party, We Gotta Bingo, and Outta Here. Each floor can seat over 200 people.

The City will restrict the following uses from occurring on the Property in the future: check cashing, adult bookstore, disorderly housing and gambling, tattoo parlor, tobacco distribution and sales, drug paraphernalia, pawn brokers, off-sale liquor license and distribution, gun shop and sexually oriented uses. These restrictions will be recorded in the deed and run with the land, binding the buyer, its tenants, and their successors and assigns.



First Floor



Second Floor

PROPOSAL CONTENTS

Proposals must include the following information to be deemed complete and responsive, and must be in the following order and with corresponding section numbering (all proposals must include page numbers). The information requested through this RFP is necessary for the City to adequately evaluate proposals. Failure to supply the requested information may result in rejection of proposals. Select items below must be presented in a specific format as noted. The City is not responsible for the costs incurred by proposers or their subcontractors in connection with this RFP process, including, but not limited to costs associated with preparing a proposal or associated with participating in any presentations or negotiations related to this RFP. Proposals deemed incomplete and/or non-responsive will not be considered.

1. **A cover page** that includes the following information:
 - a. Developer's name and mailing address;
 - b. Developer's current legal status: corporation, partnership, sole proprietor, etc.;
 - c. Federal ID number or Social Security number;
 - d. State ID number;
 - e. Contact person's name, title, phone number, fax number and e-mail address;

- f. Signature of authorized corporate officer for each entity proposing as a partnership or team.
2. A **narrative project description** that includes, but is not limited to, the following information:
 - a. Uses of the Property and proposed users/tenants of the Property;
 - b. Improvements to be made to the Property including square footage of specific components, anticipated materials, and design style;
 - c. Timing of the improvements and of the programming of the building;
 - d. Plan for transportation access, including parking needs;
 - e. “Green” building features, techniques, and/or certifications;
 - f. Include exhibits of preliminary schematic plans and elevations.
3. A **description of the entities involved** in the development team that includes:
 - a. Description of the roles the development team members will play (e.g., developer, architect, building owner, property manager, tenant, professional consultant).
 - b. Summary of the development team’s track record, including, but not limited to:
 - i. Experience working together and in developing projects of similar type or scale;
 - ii. Information on the location of past projects, their type, their development costs, their development funding sources, their current status, and any continued financial or operating interest in them;
 - iii. Previous relevant development experience working with public entities, including reference contact information;
 - iv. The City may ask for supporting documentation substantiating claims of previous experience.
 - c. Summarize any lawsuits to which the members of the development team or any principals of the development team have been a party.
 - d. Identify the principal person who will speak for the development team and any other key participants who will be involved in negotiating the project terms.
 - e. Specify whether the development team is or intends to form a corporation, a general or limited partnership, a joint venture or other type of business association to carry out the proposed development.
 - f. The developer and proposed user must also provide two years of financial statements. If there is a concern about confidentiality, they may be submitted confidentially to the CPED Director under separate cover.
 - g. Please note that design consultants on the team must be licensed in the State of Minnesota and contractors must be licensed to work in the City of Minneapolis. The submission must include a certification that identified team members meet these requirements.

4. A **development budget** showing the detailed sources and uses of funds for the project. For uses of funds, itemize the projected costs of the project including Property acquisition, hard and soft construction costs, any tenant improvements, and any other project costs. For sources of funds, indicate the type of financing planned – e.g. debt, equity, other – and describe the status of securing those funds. If available, include a letter of interest to provide financing from a lender if debt financing is proposed. Clearly indicate any public financial assistance to be requested, particularly any from the City. Write-downs of the acquisition price below fair market value will be considered City financial assistance. **Please provide one electronic and editable copy of the development budget including all underlying assumptions and formulas in Excel format.**
5. An **operating pro forma** of at least 15 years for the building operation, including the assumptions underlying the income and expense projections. The pro forma should break out line items for all revenue streams and expense categories. Clearly indicated assumptions, if applicable, for rental rates, vacancy rates, operating expenses, growth rates, taxes, debt service, and capital reserves. Also show the available cash flow, cash-on-cash return, and internal rate of return, if applicable. Detailed pro formas in a format acceptable to the City will be required during the negotiation of a redevelopment agreement. **Please provide one electronic and editable copy of the pro forma including all underlying assumptions and formulas in Excel format.**
6. **Evidence of demand** for the space that could include a market study, letters of intent from tenants, an assessment of area demographics or economics, and/or other information documenting market demand for the proposed use(s) at this location.
7. A **description of the public benefits** that will result from the redevelopment, e.g. the creation or retention of jobs (including the estimated number, type and wage levels), tax base enhancement, the provision of retail goods and services, and connections or relationships with the community and/or neighborhood-based organizations. Include an estimate of the taxable value upon completion and annual real estate taxes of the Property.
8. A **timeframe for redevelopment**. The schedule should include the time needed to finalize financing, complete design, secure permits and approvals, prepare the Property, start and complete construction, and start and complete occupation and/or lease-up. Identify any conditions that must be met before the proposal can become a reality.
9. An **executed “Consent for Release of Response Data” form** (see Exhibits). Proposals that do not include an executed “Consent for Release of Response Data” form shall be considered incomplete which will be grounds for rejection of the entire proposal.

10. Any **other information** that would help City staff understand and evaluate the concept.

The contents of the proposal and any clarification to the contents submitted by the successful proposer may become part of the contractual obligation and be incorporated by reference into the redevelopment contract between the selected developer and the City.

Development teams/developers responding to this RFP are not required to provide a good faith deposit on the land with their proposals. However, the development team whose proposal is ultimately selected by the City Council must make the required deposit –10% of purchase price – at the time of selection. The City will hold the deposit until the project is complete.

EVALUATION CRITERIA

In reviewing potential development concepts, the following criteria are among those that will be considered:

1. The public benefits that will be provided by the project;
2. The offered purchase price;
3. The experience and the financial and organizational capacity of the developer in successfully planning and completing development projects of similar type and scale, on time and within budget;
4. The market and financial feasibility of the project;
5. The anticipated ability of the project to secure necessary public and private funds;
6. Project timeline;
7. The existence of committed building tenant(s), if theater, commercial or office proposal;
8. The extent to which the proposed development meets the RFP development goals and is in compliance with the Minneapolis Zoning Code, the *Minneapolis Plan for Sustainable Growth* and other relevant planning documents for the area;
9. Overall quality of the submission, adherence to the proposal content requirements, and responsiveness during the review process;
10. Degree of “green” building techniques and features incorporated.

The City may, in its sole discretion, expand or reduce the criteria upon which it bases its final decisions regarding selection of the developer for this parcel.

Proposal submission

Proposers must submit copies of their proposals as follows:

- One unbound copy
- Ten bound copies

- One electronic version in Microsoft compatible or PDF format on CD, including Excel files for project financial information as described above.

Proposals must be on standard 8 ½” by 11” paper. Foldouts containing charts, spreadsheets and oversized exhibits are permissible as long as they are packaged with the proposal.

Proposals and supporting documentation must be submitted in a sealed envelope labeled “824 Hennepin Avenue Request for Proposals 2010.” Faxed proposals will not be accepted. Submissions will not be returned. Proposers may choose to provide additional copies if and when invited to do so for presentation purposes. Submissions will not be returned.

Proposals shall be delivered to the City on or before:

August 12, 2010
4:00 p.m.

To: City of Minneapolis, Community Planning and Economic Development
Attn: Andrea Petersen
105 Fifth Avenue South, Suite 200
Minneapolis, MN 55401

Proposals received after the deadline will not be accepted. It is neither CPED’s responsibility nor practice to acknowledge receipt of any proposal. It is the responder’s responsibility to assure that a proposal is received in a timely manner.

PROPOSAL REVIEW & SELECTION PROCESS

City staff will review proposals that are received by the due date. Some or all of the proposers may be requested to present their proposals to City staff. City staff expects this review process to occur in August 2010.

City staff will then make a recommendation as to the developer that best meets the evaluation criteria. This recommendation will be considered by the CPED Director and then forwarded to the City Council for action. The goal is to have a recommendation before the City Council in October/November 2010.

It is anticipated that staff will seek approval from City Council for the developer designation and the land sale in one action. However, if the recommended developer requests public financial assistance, staff may need to complete further analysis, underwriting, and/or other processes to consider the request. This further analysis may require two separate City Council actions to approve the developer and then to approve the land sale.

The City reserves the right to reject any or all proposals or parts of proposals, to negotiate modifications of proposals submitted, and to negotiate specific work elements with a proposer into a project of lesser or greater magnitude than described in this RFP or the proposer's reply.

CITIZEN PARTICIPATION

The City of Minneapolis has established a citizen participation process for development projects impacting neighborhoods, and values advice/input from the public obtained through this process. The neighborhood group officially designated to provide input on responses to this RFP is the Downtown Minneapolis Neighborhood Association ("DMNA").

Under the Minnesota Government Data Practices Act, Minnesota Statutes Ch. 13, public disclosure of RFP response data prior to execution of a contract is restricted. In order to meet the City's citizen participation goals, the City requires each proposer to execute and submit a "Consent for Release of Response Data" form as attached to this RFP in the Exhibits. Failure to submit the "Consent for Release of Response Data" will be grounds for rejection of the entire proposal as unresponsive. Notwithstanding the foregoing, if proposers are being asked to provide financial statements as part of the RFP response, proposers may submit such financial statements confidentially under separate cover pursuant to the Minnesota Government Data Practices Act.

PRE-PROPOSAL CONFERENCE AND TOUR

A pre-proposal conference and walk-through tour of the Property will be held on **July 13, 2010 at 10:00 a.m.** in the Property at **824 Hennepin Avenue**. CPED representatives will be available to respond to questions regarding this RFP, the physical facilities, and the operating aspects of the building. Questions that cannot be answered at the conference will be answered by posting on the CPED website shortly thereafter.

TIMING

It is the City's desire that a redevelopment contract be executed with the selected proposer by January 31, 2011 and that any construction of the project would begin by February 28, 2011.

Following is the anticipated timeline:

Pre-proposal conference and tour (optional):	<u>July 13, 2010</u>
Submission deadline for proposals:	<u>August 12, 2010</u>
Review/evaluation of proposals:	<u>August 2010</u>
Recommendation to City Council Community Development Committee on the selected developer and term sheet:	<u>Oct-Nov 2010</u>

RFP INQUIRIES

Prospective responders may only direct questions in writing to the department contact person:

Andrea Petersen
Project Coordinator
105 5th Avenue South, Suite 200
Minneapolis, MN 55401
andrea.petersen@ci.minneapolis.mn.us
Fax # (612) 673-5113

All questions are due no later than (August 4, 2010). Questions and answers will be posted on the RFP project website (<http://www.ci.minneapolis.mn.us/cped/rfp.asp>). The department contact person is the only individual who can be contacted about the project by proposers before the proposal deadline. The department contact cannot vary the terms of the RFP.

CITY CONTRACTING REQUIREMENTS

The selected developer will be required to enter into a redevelopment contract with the City and comply with any applicable City requirements. These requirements vary depending upon the type of development and the source and amount of public investment, if any, and may include, without limitation, the payment of prevailing wages for construction, the preparation of affirmative action plans, competitive bidding, compliance with the Small and Underutilized Business Enterprise program or equivalent federal program, and Business Subsidy Act/Living Wage Policy, and reporting requirements for those programs. Some of the standard requirements are further discussed below, but the following list is not exhaustive. Proposers unfamiliar with these standard requirements are urged to seek further information.

1. Equal opportunity (nondiscrimination and affirmative action) The selected developer and contractor will be required to submit a written affirmative action plan for the development project and to comply and cause its contractors to comply with applicable provisions of Chapters 139 and 141 (Title 7, Civil Rights), Minneapolis Code of Ordinances, nondiscrimination provisions contained in Chapter 181, Minnesota Statutes, the Americans with Disabilities Act of 1990 (as amended), Section 109 of the Housing and Community Development Act of 1974 (as amended), the Age Discrimination Act of 1975 (as amended) and Executive Order 11246, as amended by Executive Order 12086. The selected developer will be required to agree not to discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability or other handicap, age (40 – 70), marital status, or status with regard to public assistance. The selected developer also will be required to take affirmative action to ensure that all employment practices are free of such discrimination. These employment practices include, but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of

compensation and selection for training, including apprenticeship. The developer will post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City setting forth the provisions of this non-discrimination clause. The selected developer also will be required to, in all solicitations or advertisements for employees placed by or on behalf of the developer, state that it is an equal opportunity or affirmative action employer. CPED will require compliance in demolition, construction and marketing of development projects.

2. The Job Linkage Program links economic development with employment. The purpose of the program is to insure increased employment opportunities for Minneapolis residents. All commercial/industrial development projects whose primary purpose is job creation or retention, that receive non-City public development assistance, are required by contract to identify positions that are reserved for Minneapolis residents.

3. The City of Minneapolis Living Wage Policy establishes certain wage and hiring requirements applicable to the owner and tenants of development projects where the primary objective of the project is job creation or retention.

4. In accordance with the City's Prevailing Wage Policy, the selected developer covenants and agrees that it will cause its general contractor to comply with the wage and hour standards issued by the United States Secretary of Labor pursuant to the Davis Bacon Act, 40 U.S.C. Sections 276a to 276a-5, as amended, and the Contract Work Hours and Safety Standards Act 40 U.S.C. Sections 327-333. The developer shall maintain appropriate payroll documentation for a three-year period after completion of the project.

5. City of Minneapolis regulations require that all development projects that receive public financial assistance in excess of \$100,000 must comply with Chapter 423 of the Ordinance where subcontracting opportunities exist. Such requirements encourage the use of businesses owned by women and minorities in securing construction and professional services, and are applicable to developers and contractors. List of certified businesses can be obtained by contacting the **Small and Underutilized Businesses Program** at 612 673-2112 or on the World Wide Web at www.govcontracts.org. Goals for this project will be established when the specifics are known. Similar projects have had established goals ranging from 5% to 15% for women and 5% to 15% for minority-owned companies.

6. Apprenticeships. The developer's general contractor and any subcontractors with contracts over \$50,000 will be subject to the City's Apprenticeship Training Policy if public financial assistance is provided to the developer/owner.

7. Depending upon the level and purpose of public assistance that may be received, provisions of the Minnesota Business Subsidy Act and/or the City's Living Wage Ordinance may also apply to the project. Should these requirements apply, they will be incorporated into a business subsidy agreement.

8. The development must be in conformance with the **Uniform Federal Accessibility Standards** as published on April 1, 1988. Developers must describe the accessibility design for people with disabilities of each of the code-required handicapped-accessible units, any proposed housing development (e.g. roll-in showers), the mix of accessible units in the project and where they are located, and any appropriate safety features for vision- and hearing-impaired people.

9. The City's **Affordable Housing Policy** applies to any residential development (rental or ownership) with ten units or more, or a project with a residential component of 10 or more units, that receives any public financial assistance. Public financial assistance includes the receipt of City-wide resources through the normal, competitive RFP funding processes established by the City, or the receipt of non-City resources that are either passed through the City or requires the City to be a co-applicant (see Affordable Housing Policy at:

http://www.ci.minneapolis.mn.us/cped/affordable_housing_resolution.asp

10. Rezoning Responsibility: It is the selected developer's responsibility to undertake and finance any rezoning, variance and use permits necessary for approval of the proposed development.

11. Construction Standards: Residential development must meet FHA minimum property standards and all Minneapolis City codes, and projects will be reviewed for energy efficiency.

12. Residential Sale and Commercial Sale/ Lease: The completed units must be advertised and offered publicly and must be sold to the general public.

13. Hold Harmless: The selected developer must agree to defend, indemnify and hold the City of Minneapolis harmless from any and all claims or lawsuits that may arise from the developer's activities under the provisions of the development agreement, that are attributable to the acts or omissions, including breach of specific contractual duties of the developer or the developer's independent contractors, agents, employees or officers.

14. Soil Conditions: The property will be sold "as-is" and it will be the developer's responsibility to correct and pay for all costs associated with soil problems. Any environmental reports in CPED's department possession regarding the property may be reviewed during normal business hours at the CPED department offices by making arrangements with the department contact person. Any potential proposer may also reasonably conduct its own environmental testing of the property by contacting the department contact person, entering into a Right of Entry Agreement with the City and providing the requisite insurance coverage.

15. Utilities: It is the selected developer's responsibility to identify the locations of and provide for the installation of electricity, gas, water, sewer service and other utilities servicing the Property from the public mains to the individual units.

AN EQUAL HOUSING OPPORTUNITY

EXHIBITS

The following exhibits are attached or available for download from the following City of Minneapolis website: http://www.ci.minneapolis.mn.us/cped/rfps_home.asp.

- A. EXHIBIT A - Form of Consent for Release of Response Data

EXHIBIT A - Form of Consent for Release of Response Data

_____, 20__

City of Minneapolis
Department of Community Planning and Economic Development
105 5th Avenue S.
Minneapolis, MN 55401

Re: 824 Hennepin Avenue Request for Proposals
Consent for Release of Response Data

_____, on behalf of _____, hereby consents to the release of its development proposal in response to the 824 Hennepin Avenue Request for Proposals and waives any claims it may have under Minnesota Statutes Section 13.08 against the City of Minneapolis for making such information public. The foregoing consent and waiver does not extend to financial statements submitted under separate confidential cover.

Best Regards,
