

★ Roll Call Number

Agenda Item Number

52 C

Date June 28, 2010

Communication from attorneys for Bankers Trust, 3905 Merle Hay Road in objection to request for Hardship Wiaver.

Moved by _____ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
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MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

52 C

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JOHN CONNOLLY, JR. (1891-1975)
GEORGE E. O'MALLEY (1905-1982)
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ESTABLISHED IN 1917

*LICENSED IN IOWA & ILLINOIS

June 23, 2010

Honorable Mayor
and Members of the City Council
City Hall
400 Robert D. Ray Drive
Des Moines, Iowa 50309

Subject: Objection to Request by Pawn America for Hardship Waiver.

Dear Mayor and Members of the Des Moines City Council:

Our law firm represents Bankers Trust Company which owns a branch bank at 3905 Merle Hay Road, Des Moines. Bankers Trust understands that an application has been filed with the City Council by Pawn America, Iowa, LLC ("Pawn America") for relief to avoid a purported hardship under the City's moratorium on new pawn businesses in connection with the operation of a proposed facility at the intersection of Merle Hay Road and Douglas Avenue and that a hearing on the request was continued to the Council meeting of June 28, 2010.

Please consider this letter as the formal objection by Bankers Trust to the proposed hardship waiver requested by Pawn America and, among other things, the following matters are brought to your attention:

1. Many businesses and property owners, including Bankers Trust, have spent substantial time and tens of millions of dollars upgrading the Merle Hall Road corridor and adjacent properties with the help of constructive efforts by the City of Des Moines. This neighborhood progress should not be jeopardized by granting a waiver to the City's moratorium but, instead, careful thought should be given to how the area can be further redeveloped to benefit the entire Des Moines community.
2. Pawn America's application to the City reveals that the building where it would conduct business at the intersection of Merle Hay Road and Douglas Avenue has not yet been purchased. Thus, there would be no hardship to Pawn America

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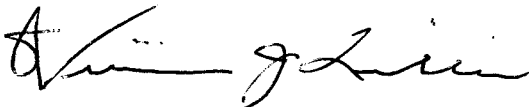
while waiting for the City to complete its review of this matter pursuant to the moratorium.

3. Based on information set forth in Pawn America's application, the primary grounds for a purported hardship is that Pawn America has expended sums of money conducting due diligence in connection with a possible purchase of a building (title review, surveys, property condition assessment, market analysis, etc.).
4. Conducting due diligence is a customary process to be followed in any business or real estate transaction and does not constitute a "hardship" justifying a waiver under the moratorium.
5. Pawn America has failed to demonstrate a hardship and has not met its burden of proof required under the City Council Resolution adopted on May 17, 2010.

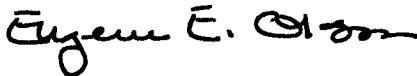
On behalf of Bankers Trust, we request the opportunity to speak regarding the request of Pawn America when this matter is heard by the City Council.

Thank you for your consideration.

Very truly yours,



William J. Lillis



Eugene E. Olson
For the Firm

EEO-WJL/krp