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Date..... July 9, 1007

RESOLUTION SETTING DATE OF HEARING ON THE
AUTHORIZATION AND APPROVAL OF A CONTRACT FOR LOAN
GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING
AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, IN
THE AMOUNT OF \$17,500,000, AND OTHER RELATED FINANCING
DOCUMENTS BY THE CITY OF DES MOINES, IOWA, AND PROVIDING
FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, the City of Des Moines has applied for and received an offer from the United States Department of Housing and Urban Development to enter into a Contract for Loan Guarantee Assistance (the "Section 108 Loan Agreement") under Section 108 of the Housing and Community Development Act of 1974, as amended (the "Act"), in the amount of \$17,500,000, the proceeds of which are proposed to be used to make a loan for the benefit of River Point West LLC, a Minnesota limited liability company (the "Developer"), for the purpose of financing the Developer's acquisition and clearance of properties located generally along the south side of Martin Luther King Jr. Parkway between SW 9th and SW 14th Streets for sale and subsequent redevelopment, and the construction of supporting public infrastructure improvements to serve the developed properties, in accordance with the approved Development Agreement between the City and the Developer; and

WHEREAS, copies of the various financing documents to be approved and entered into by the City in connection with the Section 108 Loan Agreement and the loan of the proceeds thereof, including but not limited to a Brownfields Economic Development (BEDI) Grant Agreement (together, the "Related Financing Documents") are now on file for public inspection in the office of the City Clerk; and

WHEREAS, the Section 108 Loan Agreement shall not be a general obligation of the City but shall be secured and payable solely and only from the tax increment revenues of the Metro Center Urban Renewal Area of the City, as well as (i) all allocations or grants which have been made or for which the City may become eligible in the future under Section 106 or Section 108(q) of the Act, (ii) program income directly generated from the use of the Section 108 Loan Agreement proceeds, including but not limited to payments by the Developer pursuant to the Development Agreement, (iii) all rights of the City in the "Security Documents" described in Section 15 of the Section 108 Loan Agreement and to the collateral described therein, (iv) all proceeds (including insurance and condemnation proceeds) from any of the foregoing, and (v) all funds or investments in the accounts established in the Section 108 Loan Agreement; and

WHEREAS, Section 403.9 of the Code of Iowa sets forth the procedural action required to be taken before such a contract for financial assistance may be approved, and therefore the Clerk shall publish a notice of the proposal to authorize and approve the Section 108 Loan

Date July 9, 2007

Agreement and of the time and place of the meeting at which the Council proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of the City to such action.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

Section 1. That this Council meet in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 o'clock, P.M., on the 23rd day of July, 2007, for the purpose of taking action on the matter of the authorization and approval of the Section 108 Loan Agreement and the Related Financing Documents by the City of Des Moines, Iowa, the proceeds of which will be used to provide funds to make a loan for the benefit of River Point West LLC, a Minnesota limited liability company (the "Developer"), for the purpose of financing the Developer's acquisition and clearance of properties located generally along the south side of Martin Luther King Jr. Parkway between SW 9th and SW 14th Streets for sale and subsequent redevelopment, and the construction of supporting public infrastructure improvements to serve the developed properties, in accordance with the approved Development Agreement between the City and the Developer.

Section 2. That the Clerk is hereby directed to cause notice of said meeting to be published in the Des Moines Register on July 12, 2007.

Section 3. That the notice of the proposed action to authorize the Section 108 Loan Agreement and Related Financing Documents shall be in substantially the following form:

NOTICE OF MEETING OF THE COUNCIL OF THE CITY OF DES MOINES, IOWA ON THE MATTER OF THE PROPOSED AUTHORIZATION AND APPROVAL OF A CONTRACT FOR LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, IN THE AMOUNT OF \$17,500,000, AND OTHER RELATED FINANCING DOCUMENTS BY THE CITY OF DES MOINES, IOWA, AND THE HEARING ON THE AUTHORIZATION THEREOF

PUBLIC NOTICE is hereby given that the Council of the City of Des Moines, Iowa, will hold a public hearing on the 23rd day of July, 2007, at 5:00 o'clock, P.M., in the Council Chambers, City Hall, Des Moines, Iowa, at which meeting the Council proposes to take additional action for the authorization and approval of a Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, as amended (the "Act"), in the amount of \$17,500,000 (the "Section 108 Loan Agreement"), and other related

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financing documents to be approved and entered into by the City in connection with the Section 108 Loan Agreement and the loan of the proceeds thereof, including but not limited to a Brownfields Economic Development (BEDI) Grant Agreement (together, the "Related Financing Documents"), for the benefit of River Point West LLC, a Minnesota limited liability company (the "Developer"), for the purpose of financing the Developer's acquisition and clearance of properties located generally along the south side of Martin Luther King Jr. Parkway between SW 9th and SW 14th Streets for sale and subsequent redevelopment, and the construction of supporting public infrastructure improvements to serve the developed properties, in accordance with the approved Development Agreement between the City and the Developer.

Copies of the Section 108 Loan Agreement and Related Financing Documents are now on file for public inspection in the office of the City Clerk.

The Section 108 Loan Agreement shall not be a general obligation of the City but shall be secured and payable solely and only from the tax increment revenues of the Metro Center Urban Renewal Area of the City, as well as (i) all allocations or grants which have been made or for which the City may become eligible in the future under Section 106 or Section 108(q) of the Act, (ii) program income directly generated from the use of the Section 108 Loan Agreement proceeds, including but not limited to payments by the Developer pursuant to the Development Agreement, (iii) all rights of the City in the "Security Documents" described in Section 15 of the Section 108 Loan Agreement and to the collateral described therein, (iv) all proceeds (including insurance and condemnation proceeds) from any of the foregoing, and (v) all funds or investments in the accounts established in the Section 108 Loan Agreement.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of said City to the above action. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action for the authorization and approval of the Section 108 Loan Agreement and Related Financing Documents or will abandon the proposal to authorize said Section 108 Loan Agreement and Related Financing Documents. By order of the Council said hearing and appeals therefrom shall be held in accordance with and governed by the provisions of Section 403.9 of the Code of Iowa.

★ Roll Call Number

Agenda Item Number

68A

July 9, 1007

Date

This Notice is given by order of the Council of Des Moines, Iowa, as provided by Section 403.9 of the Code of Iowa.

Dated this _____ day of _____, 2007.

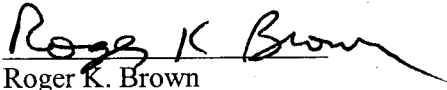
City Clerk, Des Moines, Iowa

(END OF NOTICE)

(Council Communication No. 07- 393)

Moved by _____ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

DCORNELL/ 538758.1 /MSWord\10387212

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
Mayor

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.

City Clerk