

Date July 23, 2007

RESOLUTION WITH RESPECT TO PUBLIC HEARING ON 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

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, a Pledge, Assignment and Security Agreement, a Variable/Fixed Rate Note, and a Funding Approval 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, subject to non-appropriation in any year, 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

(continued)

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WHEREAS, pursuant to Section 403.9 of the Code of Iowa, notice of a hearing on the proposed authorization and approval of the Section 108 Loan Agreement and Related Financing Documents by the City, and the proposed action by the City Council to institute proceedings for the authorization of said Section 108 Loan Agreement and Related Financing Documents, has been duly published as provided by law; and

WHEREAS, the public meeting and hearing has been duly held at the time and place provided and in accordance with said notice and oral or written objections were received and filed, a summary of which is attached hereto as Attachment "A".

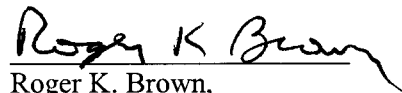
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That the time for receiving oral and written objections be closed and the proposal for the authorization of said Section 108 Loan Agreement and Related Financing Documents and all objections thereto be taken under consideration by the Council.

(Council Communication No. 07- 460)

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown,
Assistant City Attorney

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NOTE: A summary of all oral and written objections to the proposal shall be attached hereto as Attachment "A".

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