

Date September 25, 2006

APPROVING FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN
CITY OF DES MOINES AND COURT CENTER, LLC FOR
RENOVATIONS TO 216 COURT AVENUE, DES MOINES, IA

WHEREAS, on December 19, 2005, by Roll Call No. 05-2995, the City Council approved a Development Agreement between the City of Des Moines and Court Center, LLC, Russ K. McCullough, David A. Keller and Mark Rodgers, as Developer; and

WHEREAS, pursuant to the Article 1 of the Agreement, Developer agreed to undertake the redevelopment of the property located at 210 Court Avenue for office, professional services, retail and entertainment with the completed construction of the redevelopment improvements to be completed by September 30, 2006, unless such times are extended by mutual agreement of the parties; and

WHEREAS, pursuant to Article 6, Section 605 of the Agreement, the City advanced an Economic Development Bridge Loan ("Bridge Loan") that shall be repaid by Developer from funds provided through the syndication or sale of federal and state historical tax credits allocated to the project by September 30, 2006; and

WHEREAS, the redevelopment project has been approved for allocation of federal historical tax credits to be awarded upon completion of the construction and submission by Developer of all required information; and

WHEREAS, the Developer has undertaken the redevelopment project, but has experienced construction delays in the project and will be unable to meet the September 30, 2006 construction completion date that will also result in a delay under which the Developer may make submission for its allocation of federal tax credits; and

WHEREAS the Developer is requesting that the project completion date in Section 102 be extended to March 31, 2007, and the maturity of the Bridge Loan in Section 605 be extended to the earlier of (a) September 30, 2007 or (b) the date that the Developer receives funds from the syndication of the federal historical tax credits; and

WHEREAS, the City is agreeable to the extensions of time requested by the Developer under Sections 102 and 605 of the Development Agreement.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

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Date. September 25, 2006

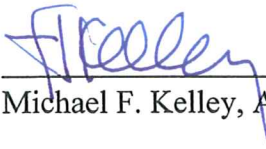
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1. The First Amendment to the Development Agreement with Court Center L.L.C., which is on file in the office of the City Clerk, is hereby approved. The Mayor is hereby authorized and directed to execute the First Amendment to the Development Agreement and related documents on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature and to affix the seal of the City.
2. Upon full execution of said documents, the City Clerk is authorized and directed to deliver original copies of same to the City's Office of Economic Development, and the Office of Economic Development is authorized to deliver appropriate documents to the Developer.
3. Following full execution of the attached First Amendment, City staff is authorized to perform all City obligations under the Development Agreement, as amended, and to thereafter take all steps necessary to protect the interests of the City.

(Council Letter No. 06-611 Attached)

Moved by _____ to approve.

APPROVED AS TO FORM:


 Michael F. Kelley, Assistant City Attorney

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