

★ **Roll Call Number**

Agenda Item Number

35

.....
Date October 10, 2011

Communication from Lillis, O'Malley, Olson, Manning, Pose and VanDike, LLP
317 6th Avenue, Suite 300, regarding Waterfront Lodging, Inc. proposal.

Moved by _____ to receive and file.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
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

35

LILLIS O'MALLEY OLSON MANNING POSE & VAN DIKE LLP

WILLIAM J. LILLIS
MICHAEL W. O'MALLEY
EUGENE E. OLSON
DANIEL L. MANNING
CHRISTOPHER R. POSE
ADAM C. VAN DIKE
JOEL B. TEMPLEMAN*
BRIDGET O'MALLEY KAUTZKY

*LICENSED IN IOWA & ILLINOIS

ATTORNEYS AT LAW
(ESTABLISHED 1917)

317 SIXTH AVENUE, SUITE 300
DES MOINES, IOWA 50309-4127

TELEPHONE (515) 243-8157
FAX (515) 243-3919
WWW.LILLISOMALLEY.COM

JOHN CONNOLLY, JR. (1891-1975)
GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C.I. McNUTT (1901-1958)
STREETAR CAMERON (1957-2008)

RUSSELL J. HANSEN
RETIRED

Writer's Direct E-Mail: dmanning@lolaw.com

October 6, 2011

RECEIVED

OCT 06 2011

CITY MANAGER'S OFFICE

Via Hand Delivery
Mr. Richard Clark
City Manager
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309-1891

Re: Riverfront Associates, L.P. - Waterfront Lodging, Inc. (Patel) -
Hampton Inn

Dear Rick:

As you know, we have asked to be placed upon the City of Des Moines Council agenda for the upcoming council meeting on October 10, 2011. The purpose of our request is to determine whether the council will support the project that our client has proposed and whether the City will agree to enter into a Development Agreement so that this project may proceed.

Understanding the importance of the meeting with the City Council on October 10, 2011, Ravi Patel, as the representative for Waterfront Lodging, Inc. has asked me to reduce to writing the commitments that Waterfront Lodging, Inc. is willing to make in order to make this hotel project a reality. These commitments are:

1. **Location.** Enclosed with this letter and marked as Exhibit "A" is the City block where the hotel project would be constructed. S.W. Water Street is located on the east, Market Street to the south, S.W. 2nd Street to the West and Vine Street to the north.
2. **Hotel.** Provided that the client and the City can agree to a Development Agreement as outlined in our letter to you of October 3, 2011, Waterfront Lodging, Inc. will build a six story building with up to 129 rooms. We have enclosed and marked as Exhibit "B", "B-1 and "B-2" are the exterior elevations of

the Hampton Des Moines River Front. Please note that on Exhibits "B-1" and "B-2" the recommendations from the Architectural Design Board have been added.

3. **Minimum Assessment Agreement.** As a part of the Development Agreement between the developer and the City, the developer would agree to a minimum assessment of \$6,000,000.00 which would equate to approximately \$240,000.00 in property taxes per year. Pursuant to a Development Agreement, those property taxes paid in by the developer and redistributed over a 15-year period, with 75% of the taxes returned to the developer and 25% of the tax revenue retained by the City of Des Moines.
4. **Parking.** Enclosed with this letter and marked as Exhibit "C", is a landscape architecture plan which reflects the minimum number of parking spaces which the Hampton Inn Suites will allow. Further, we have attempted to use permeable pavers for a portion of the parking rather than asphalt.
5. **Ground Floor Plan.** Enclosed with this letter and marked as Exhibit "D" is a copy of the site plan, the ground floor plan along with the plans for the additional stories for the hotel. These documents are marked as A1.1 through A2.5
5. **LEED Certified.** The developer has been able to make this a LEED certified project.
6. **Commercial Space.** As stated in our letter dated October 5, 2011, Waterfront Lodging, Inc. will commit to build 6,000 square feet of commercial space at the hotel site. The development of this commercial space will commence within eighteen (18) months of the issuance of the Certificate of Occupancy to operate the Hampton Inn Hotel at the Water Street location.
7. **Intervening Alleys.** As shown in Exhibit "A", there is an intervening City alley located within the center of the development site. Waterfront Lodging, Inc. has delivered to the City Clerk for the City of Des Moines, a check in the amount of \$39,586.00 in a good faith effort to purchase the alley and to illustrate its willingness to move forward with this project.

On behalf of our client, we would like to reiterate that a decision be made concerning this project on October 10, 2011. As of the date of this letter, the client has spent two years working with City staff and expended over \$500,000.00 in architectural and engineering costs on this project.

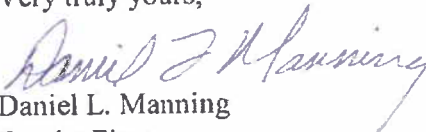
LILLIS O'MALLEY OLSON MANNING POSE & VAN DIKE LLP

October 6, 2011

Page 3

We need the City's help in order to make this project a reality and we look for the City's support at the hearing on October 10, 2011.

Very truly yours,



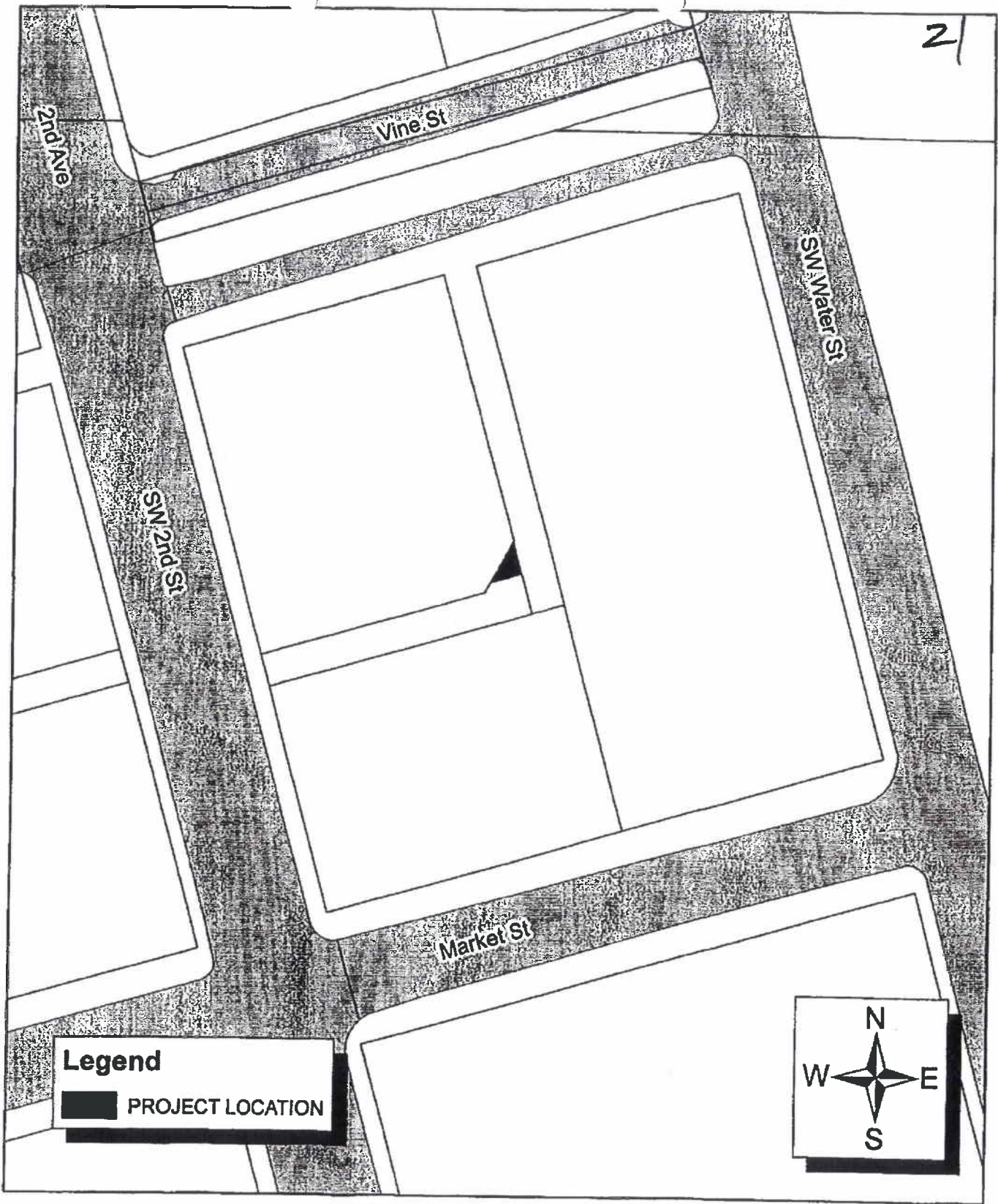
Daniel L. Manning

For the Firm

DLM:dj

Enclosures

cc: Ravi Patel

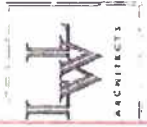


DISPOSITION - WATERFRONT LODGING, INC.

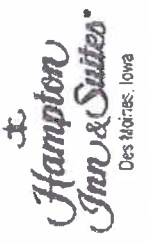
EXHIBIT
"A"

Confidential Information

EXTERIOR ELEVATIONS HAMPTON DES MOINES RIVER FRONT

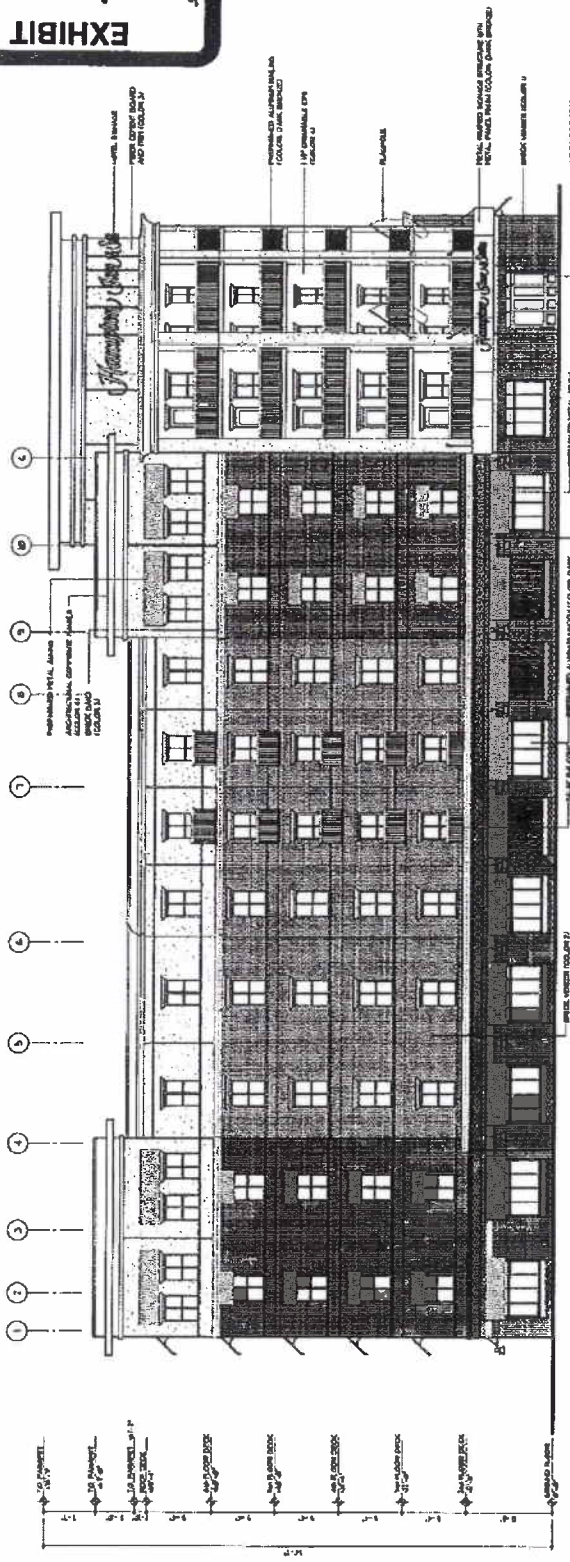
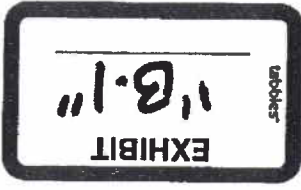


West Street Elevation

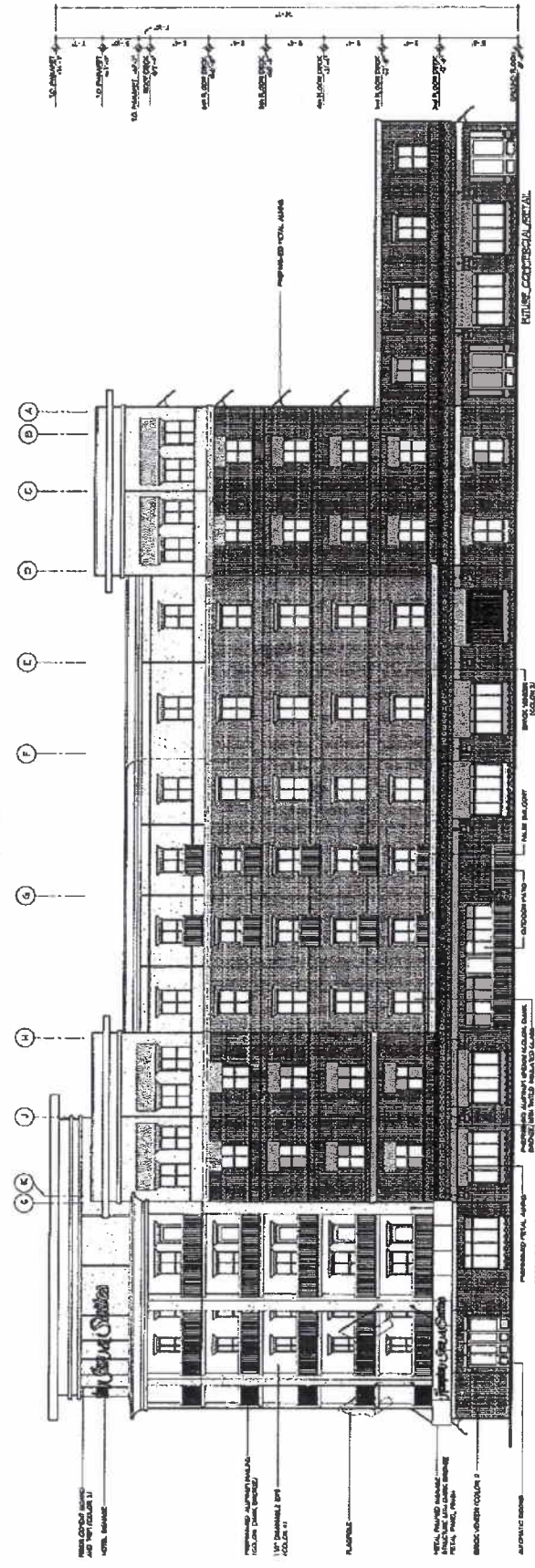




J.W. ARCHITECTS
 200 WEST 10TH STREET
 DES MOINES, IOWA 50319
 (515) 281-1111
 FAX (515) 281-1112
 www.jwarchitects.com



SOUTH ELEVATION



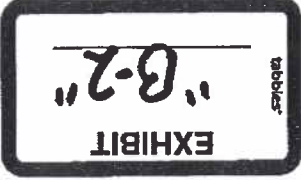
EAST ELEVATION

Hampton
 Suites
 DES MOINES, IOWA
 EXTERIOR ELEVATIONS

DATE: 1/28/11
 DRAWN BY: DFL
 PROJECT NO.: 1210-A-301
 SCALE: AS NOTED
 PROJECT NO.: 1210

A3.1

EXTERIOR ELEVATIONS



NO.	REVISIONS	DATE

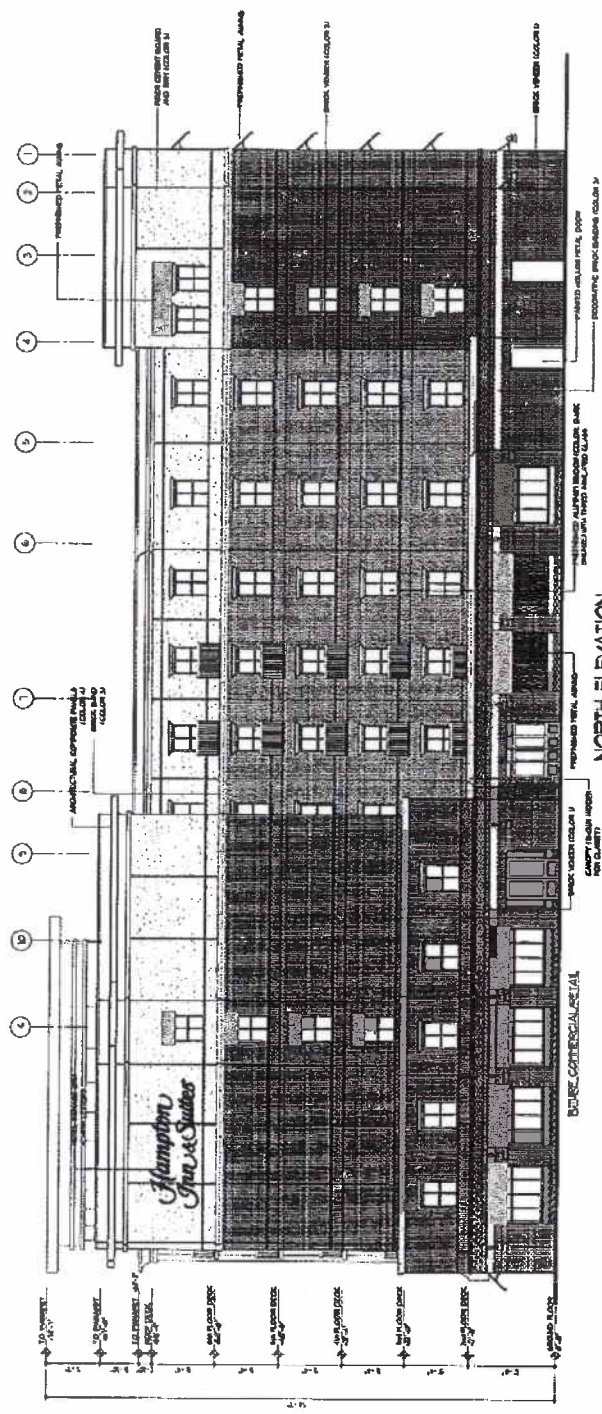
CONTRACTOR:
 DICK PETERSON CONSTRUCTION, Inc.
 4111 14th St.
 Des Moines, IA 50319
 MECHANICAL:
 CHARTER MECHANICAL
 621 7th Ave.
 Des Moines, IA 50319
 ELECTRICAL:
 S&S ELECTRIC
 147 2nd Ave.
 Des Moines, IA 50319

PROJECT NAME:
 DES MOINES, IOWA
 EXTERIOR ELEVATIONS

DATE:	1/28/11
DRAWN BY:	DRL
CHECKED BY:	DRL
PLANNING:	1210-A302
SCALE:	AS NOTED
PROJECT NO.:	1210
DRAWING:	

A3.2

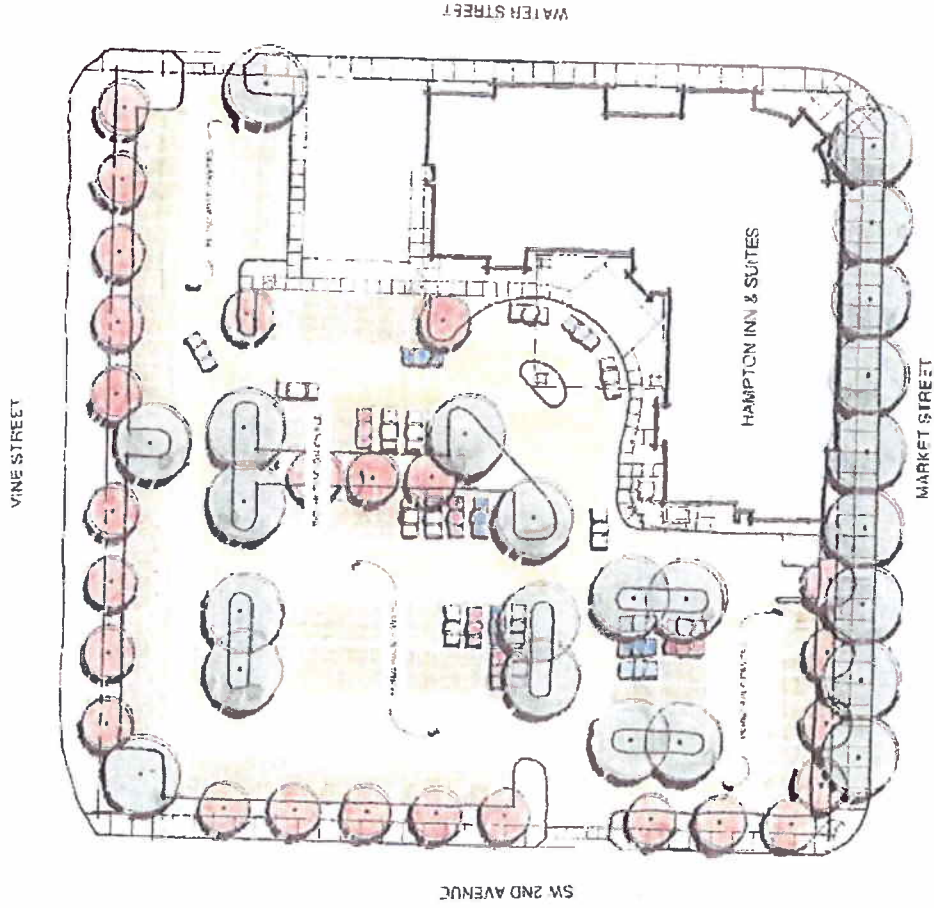
EXTERIOR ELEVATIONS
 1210-A302
 1/28/11



DES MOINES, IOWA
 EXTERIOR ELEVATIONS

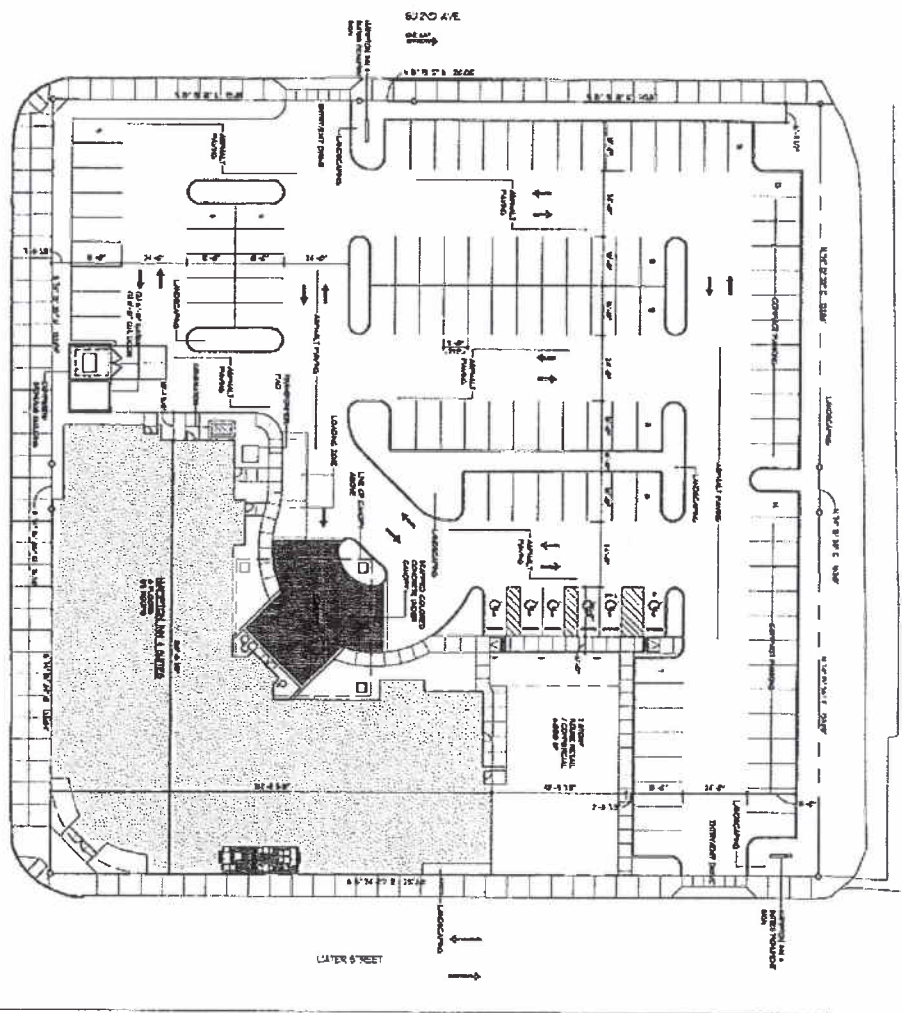
Confidential information

LANDSCAPE ARCHITECTURE PLAN



Hampton Inn & Suites : Des Moines, Iowa.
Cost Landscape Architecture Plc.
Proj # 204.11

tabbler
EXHIBIT
"C"



DES MOINES RIVER



DESIGNER: LW ARCHITECTS
 DATE: 12/28/11
 DRAWN BY: LJA
 CHECKED BY: DRL

NO.	REVISIONS	DATE

DESIGNER: LW ARCHITECTS
 DATE: 12/28/11
 DRAWN BY: LJA
 CHECKED BY: DRL

DESIGNER: LW ARCHITECTS
 DATE: 12/28/11
 DRAWN BY: LJA
 CHECKED BY: DRL

DESIGNER: LW ARCHITECTS
 DATE: 12/28/11
 DRAWN BY: LJA
 CHECKED BY: DRL

DESIGNER: LW ARCHITECTS
 DATE: 12/28/11
 DRAWN BY: LJA
 CHECKED BY: DRL

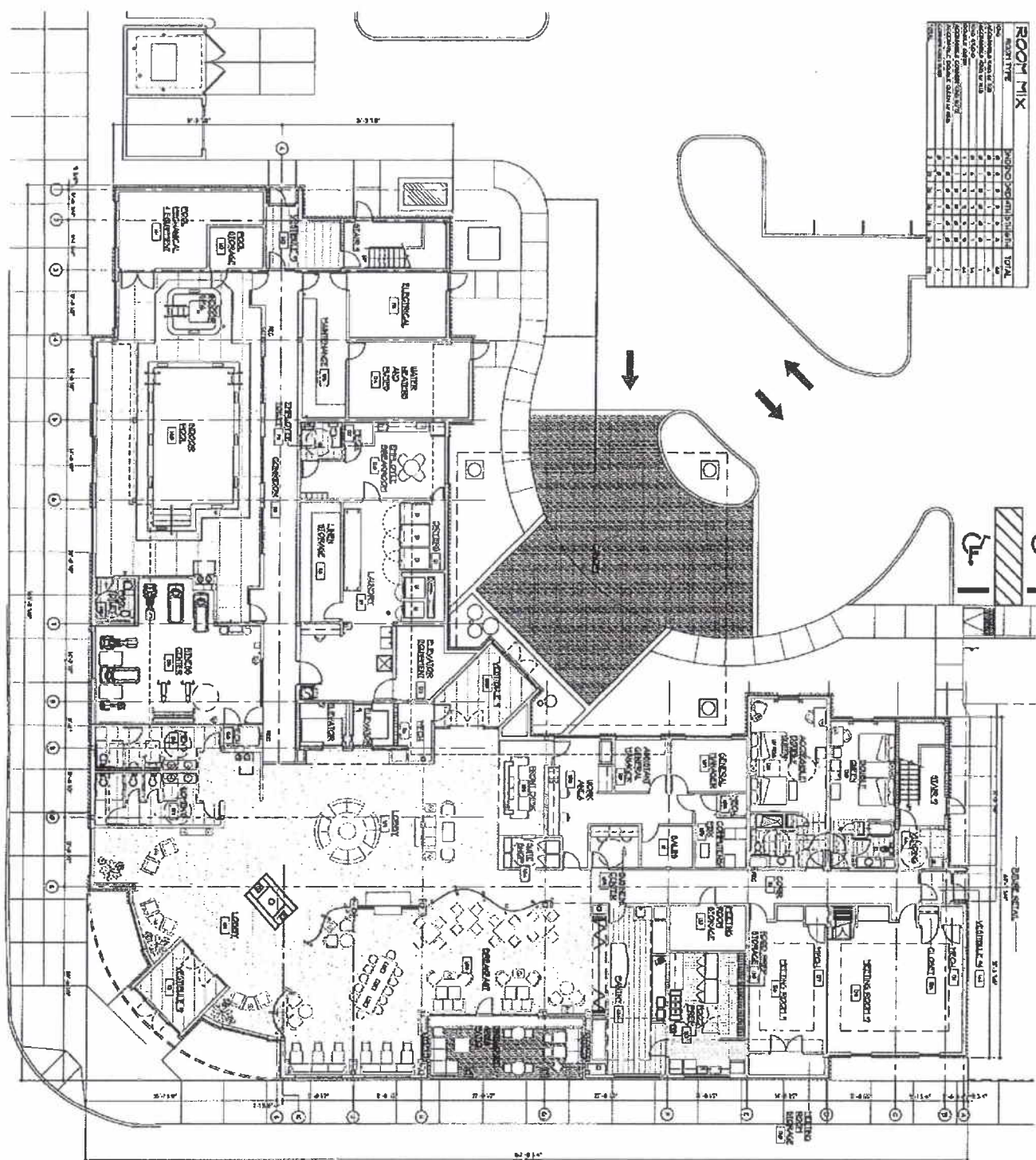
Hampton
Shirley & Suber
 DES MOINES
 IOWA
 SCOTT WALKER
 ARCHITECT
 SITE PLAN

DATE: 12/28/11
 DRAWN BY: LJA
 CHECKED BY: DRL
 FILE NAME: 1210-A101
 SCALE: AS NOTED
 PROJECT NO.: 1210
 DRAWING

A1.1

SITE PLAN
 SCALE: 1/8" = 1'-0"
 12/28/11
 LJA
 DRL
 1210-A101
 AS NOTED
 1210

ROOM MIX		BUILDING PERCENTAGE		TOTAL	
NO.	TYPE	NO.	PERCENTAGE	NO.	PERCENTAGE
1	OFFICE	10	10.0%	10	10.0%
2	CONFERENCE	5	5.0%	5	5.0%
3	RECEPTION	2	2.0%	2	2.0%
4	LABORATORY	15	15.0%	15	15.0%
5	CLASSROOM	20	20.0%	20	20.0%
6	LECTURE HALL	10	10.0%	10	10.0%
7	LIBRARY	10	10.0%	10	10.0%
8	STORAGE	10	10.0%	10	10.0%
9	MEETING	5	5.0%	5	5.0%
10	RECEPTION	2	2.0%	2	2.0%
11	LABORATORY	15	15.0%	15	15.0%
12	CLASSROOM	20	20.0%	20	20.0%
13	LECTURE HALL	10	10.0%	10	10.0%
14	LIBRARY	10	10.0%	10	10.0%
15	STORAGE	10	10.0%	10	10.0%
16	MEETING	5	5.0%	5	5.0%
17	RECEPTION	2	2.0%	2	2.0%
18	LABORATORY	15	15.0%	15	15.0%
19	CLASSROOM	20	20.0%	20	20.0%
20	LECTURE HALL	10	10.0%	10	10.0%
21	LIBRARY	10	10.0%	10	10.0%
22	STORAGE	10	10.0%	10	10.0%
23	MEETING	5	5.0%	5	5.0%
24	RECEPTION	2	2.0%	2	2.0%
25	LABORATORY	15	15.0%	15	15.0%
26	CLASSROOM	20	20.0%	20	20.0%
27	LECTURE HALL	10	10.0%	10	10.0%
28	LIBRARY	10	10.0%	10	10.0%
29	STORAGE	10	10.0%	10	10.0%
30	MEETING	5	5.0%	5	5.0%
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32	LABORATORY	15	15.0%	15	15.0%
33	CLASSROOM	20	20.0%	20	20.0%
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35	LIBRARY	10	10.0%	10	10.0%
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37	MEETING	5	5.0%	5	5.0%
38	RECEPTION	2	2.0%	2	2.0%
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40	CLASSROOM	20	20.0%	20	20.0%
41	LECTURE HALL	10	10.0%	10	10.0%
42	LIBRARY	10	10.0%	10	10.0%
43	STORAGE	10	10.0%	10	10.0%
44	MEETING	5	5.0%	5	5.0%
45	RECEPTION	2	2.0%	2	2.0%
46	LABORATORY	15	15.0%	15	15.0%
47	CLASSROOM	20	20.0%	20	20.0%
48	LECTURE HALL	10	10.0%	10	10.0%
49	LIBRARY	10	10.0%	10	10.0%
50	STORAGE	10	10.0%	10	10.0%
51	MEETING	5	5.0%	5	5.0%
52	RECEPTION	2	2.0%	2	2.0%
53	LABORATORY	15	15.0%	15	15.0%
54	CLASSROOM	20	20.0%	20	20.0%
55	LECTURE HALL	10	10.0%	10	10.0%
56	LIBRARY	10	10.0%	10	10.0%
57	STORAGE	10	10.0%	10	10.0%
58	MEETING	5	5.0%	5	5.0%
59	RECEPTION	2	2.0%	2	2.0%
60	LABORATORY	15	15.0%	15	15.0%
61	CLASSROOM	20	20.0%	20	20.0%
62	LECTURE HALL	10	10.0%	10	10.0%
63	LIBRARY	10	10.0%	10	10.0%
64	STORAGE	10	10.0%	10	10.0%
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89	CLASSROOM	20	20.0%	20	20.0%
90	LECTURE HALL	10	10.0%	10	10.0%
91	LIBRARY	10	10.0%	10	10.0%
92	STORAGE	10	10.0%	10	10.0%
93	MEETING	5	5.0%	5	5.0%
94	RECEPTION	2	2.0%	2	2.0%
95	LABORATORY	15	15.0%	15	15.0%
96	CLASSROOM	20	20.0%	20	20.0%
97	LECTURE HALL	10	10.0%	10	10.0%
98	LIBRARY	10	10.0%	10	10.0%
99	STORAGE	10	10.0%	10	10.0%
100	MEETING	5	5.0%	5	5.0%



GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

A2.1

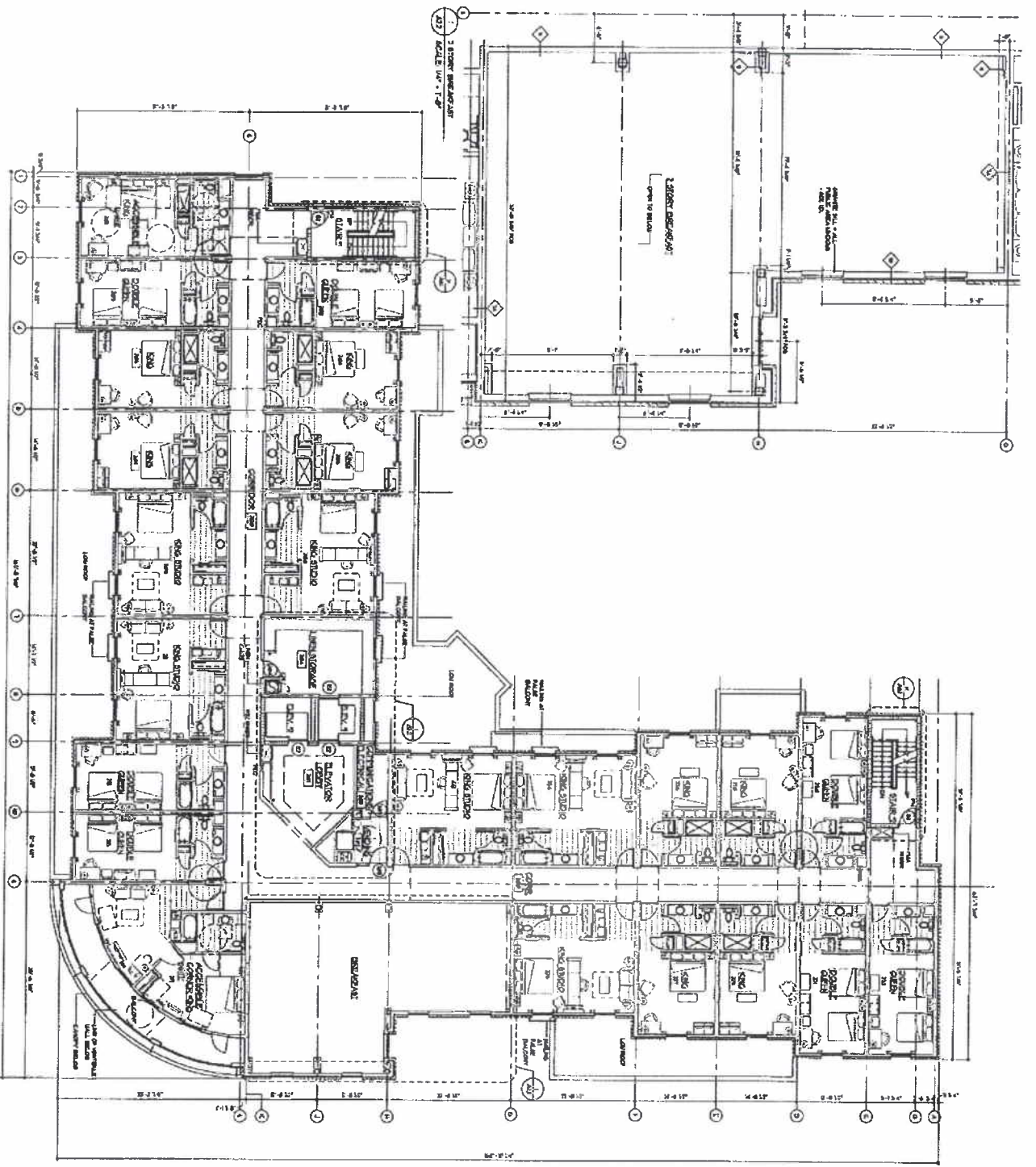
Hampton
Jan & Sutter
DESIGNER
DINA
GROUND FLOOR PLAN

DATE: 1/28/11
DRAWN BY: ICS
CHECKED BY: DNL
FILE NAME: 1210-A201
DATE: AS NOTED
PROJECT NO.: 1210

IWA
ARCHITECTS
100 S. BROADWAY
SUITE 100
HOUSTON, TX 77002
PH: 713.577.1111
F: 713.577.1112
WWW.IWA-ARCHITECTS.COM

REVISIONS
NO. DESCRIPTION DATE

NOTES
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. UNLESS OTHERWISE NOTED, ALL FINISHES ARE AS SHOWN ON THE FINISH SCHEDULE.
3. REFER TO THE GENERAL NOTES FOR A COMPLETE LIST OF FINISHES AND MATERIALS.
4. REFER TO THE SPECIFICATIONS FOR A COMPLETE LIST OF MATERIALS AND METHODS OF CONSTRUCTION.
5. REFER TO THE CONTRACT DOCUMENTS FOR A COMPLETE LIST OF CONDITIONS OF CONTRACT.



SECOND FLOOR PLAN



A2.2

DATE	1/28/11
DRAWN BY	ICB
CHECKED BY	DNL
FILE NAME	1210A402
SCALE	AS NOTED
PROJECT NO.	1210

Hampton
Fin & Suites
DESIGNER
DINA
SHEET NAME
SECOND FLOOR
PLAN

STRUCTURAL:
S. J. ...
Mechanical:
...
PLUMBING:
...
ELECTRICAL:
...

ARCHITECTS
IW
AND ASSOCIATES
1000 ...
...
DATE: ...
SCALE: ...
PROJECT NO.: ...



LW ARCHITECTS
 408 S. ROCKY MOUNTAIN
 SUITE 300
 LINCOLN, NE 68502
 (402) 475-4200
 (402) 475-4201
 FAX (402) 475-4202

OWNER
 HAMPTON INN & SUITES
 1210-A203
 1210-A203
 1210-A203
 1210-A203

NO.	REVISION	DATE

CONSULTANTS

STRUCTURAL:
 Davis Professional Consulting, Inc.
 (402) 377-4694

Mechanical:
 Creative Engineering
 (402) 787-4889

PLUMBING:
 M.E. Engineers
 (402) 339-1324

ELECTRICAL:
 E.S. Engineers
 (402) 339-1324

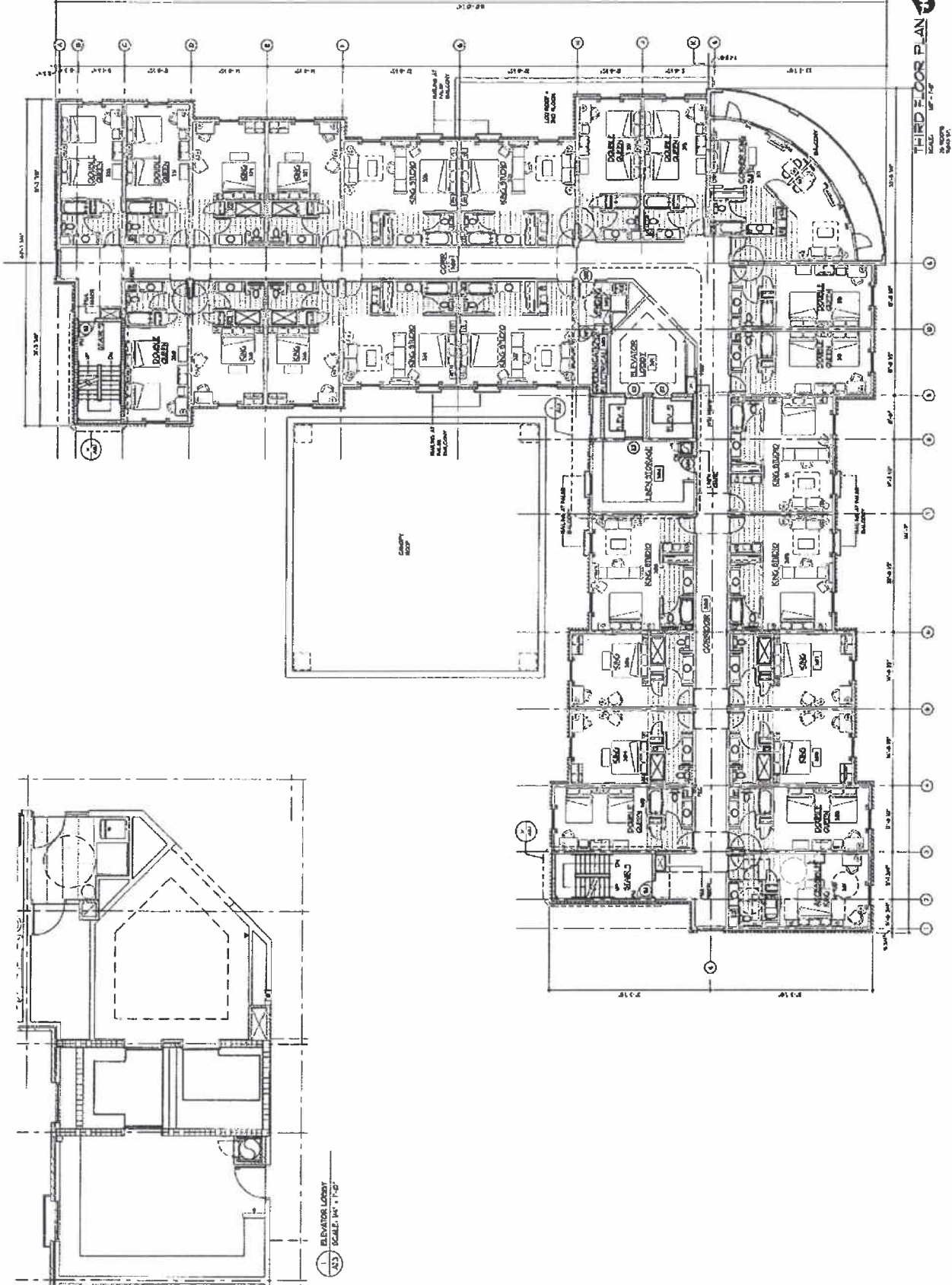
SCALE



DESIGNER:
 THIRD FLOOR
 PLAN

DATE: 1/28/11
DRAWN BY: CB
CHECKED BY: DRL
FILE NAME: 1210-A203
SCALE: AS NOTED
PROJECT NO.: 1210

DRAWING: A2.3





LWA ARCHITECTS
 200 E. MARKET STREET
 SUITE 1000
 INDIANAPOLIS, IN 46204
 (317) 644-1100
 (317) 644-1101
 FAX (317) 644-1102

PROJECT INFORMATION
 PROJECT NAME: **DESIGN CENTER**
 PROJECT ADDRESS: **100 W. MARKET STREET**
 PROJECT NUMBER: **47-011**

NO.	REVISION	DATE

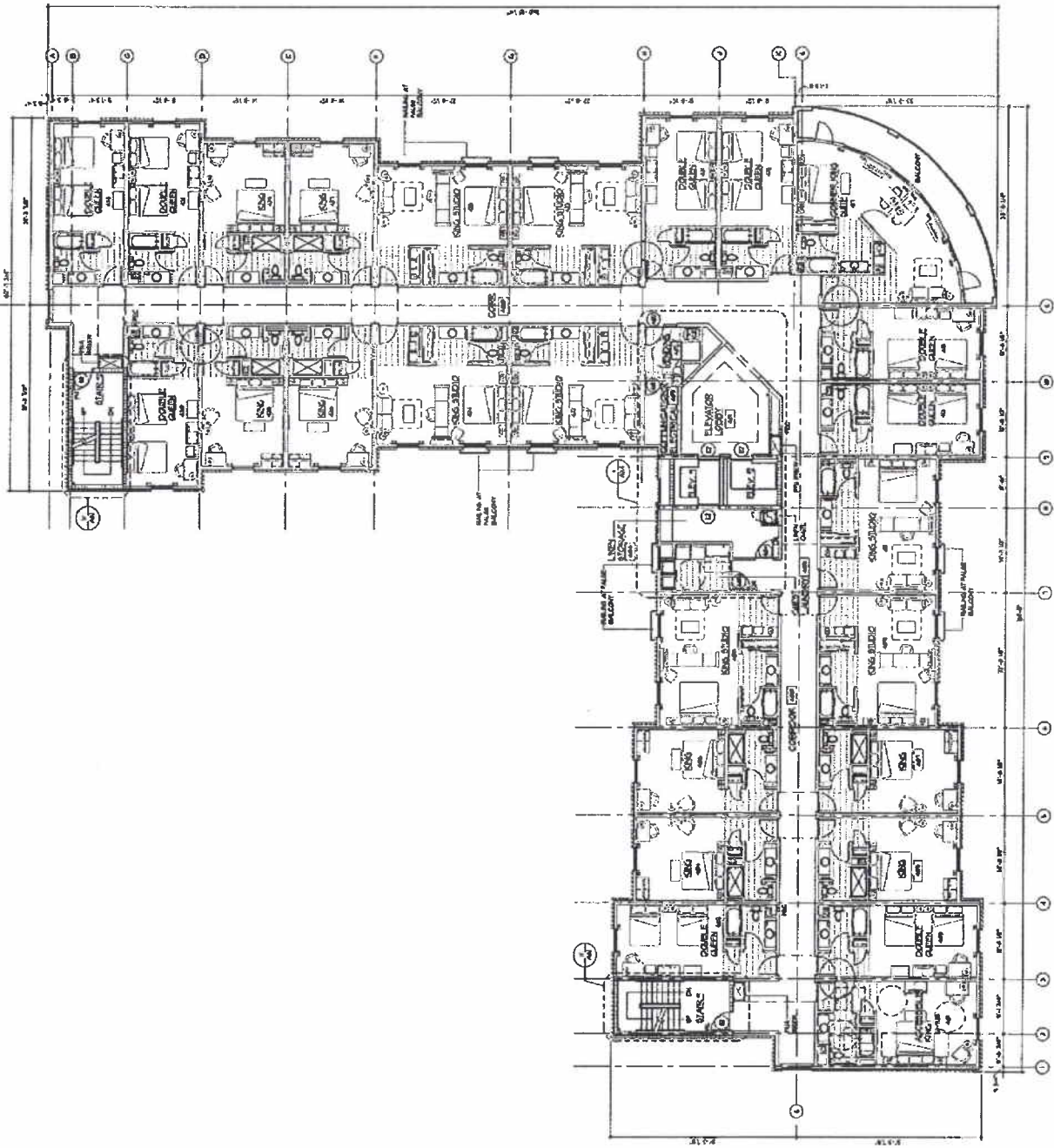
GENERAL NOTES
 1. REFER TO ALL DRAWINGS FOR NOTES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
 4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

CONSULTANTS
 STRUCTURAL: **PERKINS+WILL**
 MECHANICAL: **PERKINS+WILL**
 ELECTRICAL: **PERKINS+WILL**
 PLUMBING: **PERKINS+WILL**
 FIRE: **PERKINS+WILL**
 ENVIRONMENTAL: **PERKINS+WILL**
 GEOTECHNICAL: **PERKINS+WILL**
 LANDSCAPE ARCHITECTURE: **PERKINS+WILL**
 INTERIOR DESIGN: **PERKINS+WILL**
 HISTORIC PRESERVATION: **PERKINS+WILL**
 ARCHITECTURAL RENDERING: **PERKINS+WILL**
 PHOTOGRAPHY: **PERKINS+WILL**
 VIDEO: **PERKINS+WILL**
 MODELING: **PERKINS+WILL**
 SIGNAGE: **PERKINS+WILL**
 FURNITURE: **PERKINS+WILL**
 LIGHTING: **PERKINS+WILL**
 SOUND: **PERKINS+WILL**
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 SUSTAINABILITY: **PERKINS+WILL**
 ENERGY: **PERKINS+WILL**
 TRANSPORTATION: **PERKINS+WILL**
 UTILITIES: **PERKINS+WILL**
 CONSTRUCTION: **PERKINS+WILL**
 OPERATIONS: **PERKINS+WILL**
 MAINTENANCE: **PERKINS+WILL**
 DEMOLITION: **PERKINS+WILL**
 ARCHITECTURAL RECORDS: **PERKINS+WILL**
 ARCHITECTURAL MONITORING: **PERKINS+WILL**
 ARCHITECTURAL SURVEILLANCE: **PERKINS+WILL**
 ARCHITECTURAL CONSULTING: **PERKINS+WILL**
 ARCHITECTURAL SERVICES: **PERKINS+WILL**
 ARCHITECTURAL SOLUTIONS: **PERKINS+WILL**
 ARCHITECTURAL INNOVATION: **PERKINS+WILL**
 ARCHITECTURAL EXCELLENCE: **PERKINS+WILL**
 ARCHITECTURAL LEADERSHIP: **PERKINS+WILL**
 ARCHITECTURAL VISION: **PERKINS+WILL**
 ARCHITECTURAL PASSION: **PERKINS+WILL**
 ARCHITECTURAL INTEGRITY: **PERKINS+WILL**
 ARCHITECTURAL HONOR: **PERKINS+WILL**
 ARCHITECTURAL RESPECT: **PERKINS+WILL**
 ARCHITECTURAL COURTESY: **PERKINS+WILL**
 ARCHITECTURAL KINDNESS: **PERKINS+WILL**
 ARCHITECTURAL GENEROSITY: **PERKINS+WILL**
 ARCHITECTURAL COMPASSION: **PERKINS+WILL**
 ARCHITECTURAL MERCY: **PERKINS+WILL**
 ARCHITECTURAL GRACE: **PERKINS+WILL**
 ARCHITECTURAL GLORY: **PERKINS+WILL**
 ARCHITECTURAL HONOR: **PERKINS+WILL**
 ARCHITECTURAL PRAISE: **PERKINS+WILL**
 ARCHITECTURAL REVERENCE: **PERKINS+WILL**
 ARCHITECTURAL WORSHIP: **PERKINS+WILL**
 ARCHITECTURAL OBEDIENCE: **PERKINS+WILL**
 ARCHITECTURAL FAITH: **PERKINS+WILL**
 ARCHITECTURAL HOPE: **PERKINS+WILL**
 ARCHITECTURAL LOVE: **PERKINS+WILL**
 ARCHITECTURAL PEACE: **PERKINS+WILL**
 ARCHITECTURAL JOY: **PERKINS+WILL**
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 ARCHITECTURAL MERCY: **PERKINS+WILL**
 ARCHITECTURAL GRACE: **PERKINS+WILL**
 ARCHITECTURAL GLORY: **PERKINS+WILL**
 ARCHITECTURAL HONOR: **PERKINS+WILL**
 ARCHITECTURAL PRAISE: **PERKINS+WILL**
 ARCHITECTURAL REVERENCE: **PERKINS+WILL**
 ARCHITECTURAL WORSHIP: **PERKINS+WILL**
 ARCHITECTURAL OBEDIENCE: **PERKINS+WILL**
 ARCHITECTURAL FAITH: **PERKINS+WILL**
 ARCHITECTURAL HOPE: **PERKINS+WILL**
 ARCHITECTURAL LOVE: **PERKINS+WILL**
 ARCHITECTURAL PEACE: **PERKINS+WILL**
 ARCHITECTURAL JOY: **PERKINS+WILL**

Hampton
Sun & Suites
 DESIGN CENTER
 INDIA
 PROJECT NAME
 FOURTH FLOOR
 PLAN

DATE: 1/28/11
 DRAWN BY: JCS
 CHECKED BY: URL
 FILE NAME: 121104024
 SCALE: AS NOTED
 PROJECT NO.: 1210

A2.4



FOURTH FLOOR PLAN
 SCALE: AS NOTED
 PROJECT NO.: 1210



DESIGN ARCHITECTS
 1000 S. ADAMS AVENUE
 SUITE 100
 DES MOINES, IOWA 50319
 (515) 281-1234
 www.jmwarchitects.com

NO.	REVISIONS	DATE

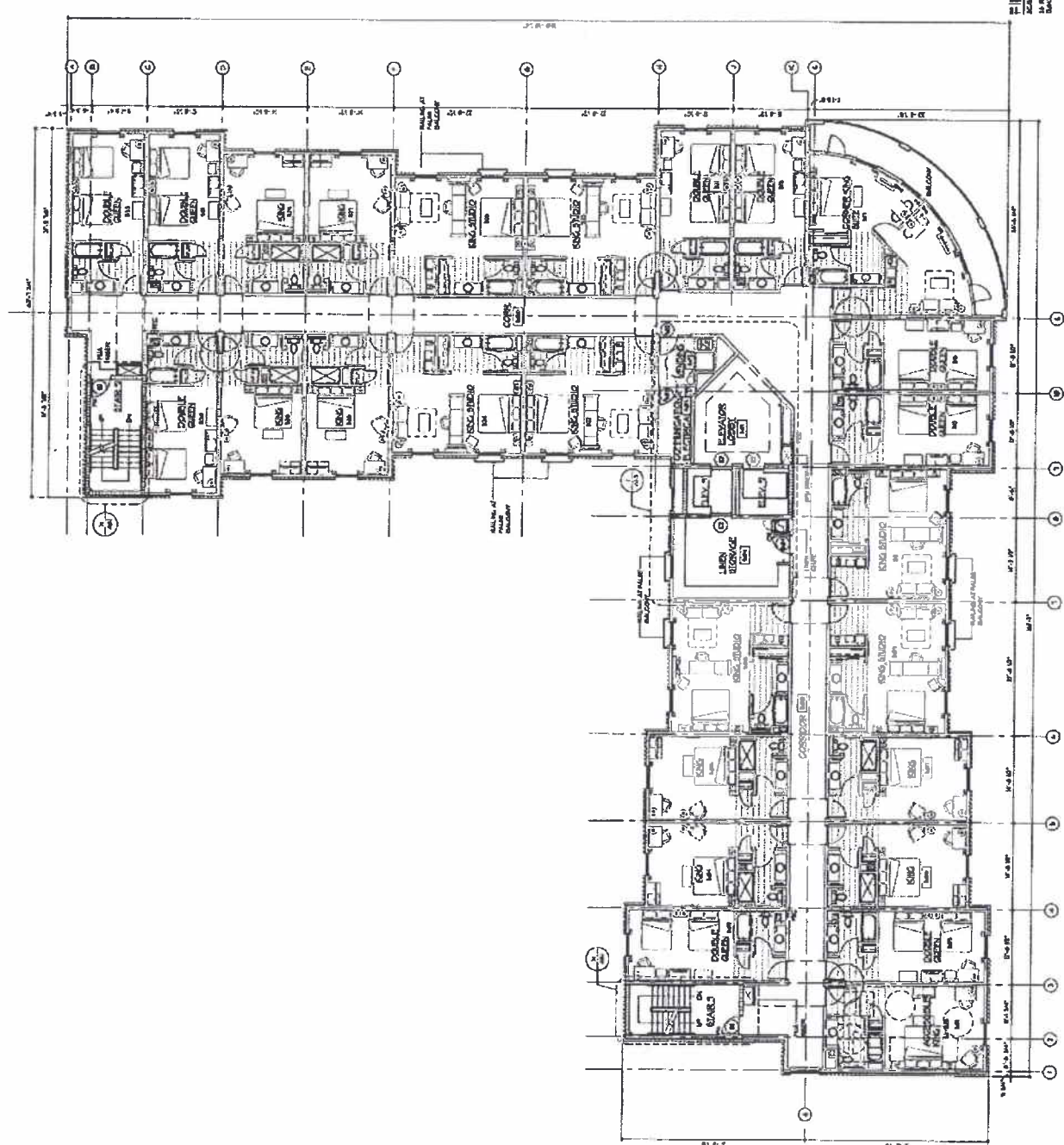
CONSULTANTS:
 STRUCTURAL: [Redacted]
 MECHANICAL: [Redacted]
 ELECTRICAL: [Redacted]
 PLUMBING: [Redacted]
 FLOORING: [Redacted]
 FINISHES: [Redacted]
 INTERIOR: [Redacted]
 EXTERIOR: [Redacted]

DESIGNED BY: [Redacted]
 DRAWN BY: [Redacted]
 CHECKED BY: [Redacted]
 DATE: [Redacted]

Hampton Inn & Suites
 DES MOINES, IOWA
 SEVENTH FLOOR
 FIFTH FLOOR PLAN

DATE:	12/8/11
DRAWN BY:	ICS
CHECKED BY:	DRL
FILE NAME:	1210-ADDS
SCALE:	AS NOTED
PROJECT NO.:	1210
DATE:	12/10

A2.5



FIFTH FLOOR PLAN
 SCALE: AS SHOWN
 DATE: 12/10/11

LILLIS O'MALLEY OLSON MANNING POSE & VAN DIKE LLP

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MICHAEL W. O'MALLEY
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STREETAR CAMERON (1957-2008)

RUSSELL J. HANSEN
RETIRED

*LICENSED IN IOWA & ILLINOIS

Writer's Direct E-Mail: dmanning@lolaw.com

October 5, 2011

RECEIVED

OCT 05 2011

CITY MANAGER'S OFFICE

Mr. Richard Clark
City Manager
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309-1891

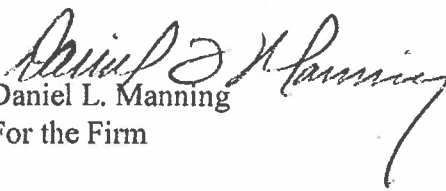
Re: Riverfront Associates, L.P. - Waterfront Lodging, Inc. (Patel) -
Hampton Inn

Dear Rick:

As a follow up to the letter delivered to you dated October 3, 2011, Waterfront Lodging, Inc. wishes to clarify one of the terms contained within the October 3, 2011 letter.

Waterfront Lodging, Inc. is making a commitment to build 6,000 square feet of commercial space on the proposed hotel site. Further, the commitment is that commencement of the commercial space would be started within eighteen (18) months of the issuance of a certificate of occupancy to operate the Hampton Inn Hotel at the Water Street location. We ask that this commitment be shared with council members prior to the October 10, 2011 council meeting.

Very truly yours,


Daniel L. Manning
For the Firm

DLM:dj

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October 3, 2011

RECEIVED
OCT 04 2011
CITY MANAGER'S OFFICE

Mr. Richard Clark
City Manager
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309-1891

SUBJECT: Riverfront Associates, L.P. – Waterfront Lodging, Inc. (Patel) – Hampton Inn

Dear Rick:

Our law firm represents Riverfront Associates, L.P. (Levy) and Waterfront Lodging, Inc. (Patel).

Per our meeting of Friday, September 30, 2011, we indicated we would outline our clients' request.

We request the following:

- The City Council (at the meeting of Monday, October 10th) would recommend that the City of Des Moines ("City") and Patel, have an understanding under a proposed Terms of Agreement ("Agreement") to enable our client to facilitate the building of a one hundred twenty-nine (129) room Hampton Inn hotel.

The site (hereafter "Site") is located in the block bordered by Vine, Water, Market, and SW 2nd Streets.

- The proposed timeline would be that the City Council (at the meeting of October 10th) adopt a Resolution that would propose an Agreement and subsequent Development Agreement (hereafter "Agreements"). The Agreements would be adopted at the meeting of October 24, 2011 and November 7, 2011.
- Any recommendation from the City Council must be referred to the Urban Design Review Board for its meeting of Tuesday, October 18, 2011.

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-
- The development of the 129 rooms is zoned and meets the bulk regulations of the Zoning and Site Plan Ordinances. The development does not require off street parking.
 - The contract of our clients contemplates closing prior to November 30, 2011, as Patel's commitment for financing expires the 31st of December, 2011.
 - Patel in our meeting of Friday, September 30th indicated that he would commit to build (as part of the Project the proposed six thousand (6,000) square feet of commercial as shown on the proposed Site Plan). The hotel would be ready for occupancy in late 2012 or early 2013.
 - The Agreements would provide that Patel, City and the Polk County Assessor ("Assessor") enter into a Minimum Assessment Agreement.

The Agreement would provide that Patel receive 75% and the City receive the remaining 25% of the taxes generated by the development for a period of fifteen (15) years.

- In addition to the real estate taxes, the City would receive (hotel/motel occupancy tax) seven percent (7%) of the gross income, per year. The tax (on an annual basis) could generate approximately Two Hundred Eighty Thousand Dollars (\$280,000.00).

Time is of the essence, and we request any and all final approvals by the City Council no later than Tuesday, November 7, 2011.

We request the City Council Subcommittee of Mayor Cownie, Councilwoman Hensley and Councilman Coleman be convened this week along with the undersigned and our clients in order to review this proposal.

We request this item be placed on the City Council Agenda for its meeting of Monday, October 10, 2011.

We await your reply.

Very truly yours,

William J. Lillis
William J. Lillis *dem*

Daniel L. Manning
Daniel L. Manning
For the Firm

WJL/sam