

Date February 23, 2015

CONSENT TO ASSIGNMENT OF ECONOMIC DEVELOPMENT GRANT  
PAYMENTS FOR A REDEVELOPMENT PROJECT BY MARKET ONE,  
LLC, IN THE VICINITY OF 130 E. 3rd STREET

WHEREAS, on February 10, 2014, by Roll Call 14-0217, and on July 28, 2014, by Roll Call No. 14-1180, the City Council approved an Urban Renewal Development Agreement and a first amendment thereto (collectively referred to as the "Agreement") with Market One, LLC (the "Developer"), represented by Justin Doyle, Member, whereby Market One agreed to undertake the following Improvements in conformance with the approved Conceptual Development Plan:

- To redevelop the building at 130 E. 3rd Street with approximately 57,000 square feet of finished floor area above grade for use as the corporate headquarters for Modus Engineering and with additional space to be available for lease;
- To redevelop additional property east of 130 E. 3rd Street for surface parking with approximately 50 parking spaces and with awnings over the parking stalls incorporating a photovoltaic electric generation system;
- To redevelop additional property southeast of 130 E. 3rd Street with approximately 90 parking spaces;
- To incorporate geothermal heating and air conditioning, and LED lighting into the building that with the use of the photovoltaic electric generation system is expected to make the building a "net zero" building for energy consumption; and,
- To utilize low impact storm water management practices; and,

WHEREAS, on December 22, 2014, by Roll Call No. 14-1937, the City Council approved a Certificate of Completion acknowledging that the Improvements to the building at 130 E. 3rd Street and other adjoining properties had been completed in substantial compliance with the terms of the Agreement and the approved Conceptual Development Plan; and,

WHEREAS, Developer is seeking refinancing for the project from Lincoln Savings Bank (the "Bank") and as a condition of such financing the Bank has required that Developer assign to the Bank the Developer's interest in the receipt of the future installments on the economic development grant; and,

WHEREAS, Developer and the Bank have requested that the City consent to the assignment and agree to give notice to the Bank whenever any notice is given to the Borrower under the Agreement, all as more fully described in the *Consent by City in the Collateral Assignment of Urban Renewal Development Agreement Economic Development Grant* between the Developer and Bank which is on file and available for inspection in the office of the City Clerk.

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the Mayor and City Clerk are hereby authorized and directed to execute the *Consent by City in the Collateral Assignment of Urban Renewal Development Agreement Economic Development Grant* between the Developer and Bank, described above.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk