



Date February 6, 2017

**APPROVING FIRST AMENDMENT TO SKYWALK AGREEMENT, INCLUDING LIMITED SKYWALK EASEMENTS, BETWEEN THE CITY, POLK COUNTY, IOWA, IEC HOTEL CORPORATION, FIFTH AND PARK, LLC AND DSM CONVENTION HOTEL, LLC (IOWA EVENTS CENTER HOTEL)**

WHEREAS, by Roll Call No. 88-930 of February 22, 1988, the City Council approved a Skywalk Agreement between the City, Allied Mutual Insurance Company and Veterans Memorial Auditorium Commission which extended the skywalk system from Park Street north to the Iowa Events Center; and

WHEREAS, by Roll Call No. 16-0517 of March 21, 2016, the City Council approved an Amended and Restated Development Agreement between the City, Polk County, Iowa and IEC Hotel Corporation for the development and construction of a new Iowa Events Center Hotel; and

WHEREAS, pursuant to the terms of the Amended and Restated Development Agreement pre-existing building improvements, including Skywalk Corridor and the Skywalk Bridge 4J-4K crossing Park Street have been demolished and new replacement Skywalk Corridor and replacement Skywalk Bridge 4J-4K shall be constructed in conjunction with the construction of the Iowa Events Center Hotel in accordance with the terms of a First Amendment to Skywalk Agreement.

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

1. That the First Amendment to Skywalk Agreement and exhibits thereto, between the City of Des Moines, Polk County, Iowa, IEC Hotel Corporation, Fifth and Park, LLC and DSM Convention Hotel, LLC are hereby approved and the incorporated limited skywalk easements granted to the City by replacement Exhibit D-1 and the amendment to Exhibit D-2 are hereby approved and accepted.



Roll Call Number

Agenda Item Number

31

Date February 6, 2017

-2-

- 2. The Mayor is authorized and directed to execute said First Amendment to Skywalk Agreement and the City Clerk is authorized and directed to attest to the Mayor's signature thereto and to acknowledge acceptance of the limited skywalk easements, replacement Exhibit D-1 and amendment to Exhibit D-2, and the City Clerk is further authorized and directed to cause the fully executed Skywalk Agreement and exhibits thereto to be recorded in the Office of the Polk County Recorder as an expense of the Skywalk System.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Lawrence R. McDowell  
Deputy City Attorney

(Council Communication No. 17-068)

G:\APPDATA\LEGAL\LAHYERS\LRM\RC\IEC Hotel Corporation - Skywalk Agreement.docx

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| GATTO          |      |      |      |        |
| GRAY           |      |      |      |        |
| HENSLEY        |      |      |      |        |
| MOORE          |      |      |      |        |
| WESTERGAARD    |      |      |      |        |
| 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