

Date August 14, 2017

RESOLUTION APPROVING COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT WITH FIFTH AND WALNUT PARKING LLC, REPRESENTED BY JUSTIN MANDELBAUM, TO LINCOLN SAVINGS BANK, FOR FINANCING FOR THE DEMOLITION OF THE FIFTH AND WALNUT PARKING GARAGE AT 422 WALNUT STREET

WHEREAS, on April 3, 2017, by Roll Call No. 17-0631, the City Council approved a *Urban Renewal Agreement for Sale of Land for Private Redevelopment* (the "Development Agreement") with 5th and Walnut Parking LLC (the "Developer"), represented by Justin Mandelbaum, whereby the Developer has undertaken to purchase the Fifth and Walnut Parking Garage, to demolish the garage, and to redevelop the property by the construction of the following "Improvements" in consideration of certain financial incentives to be provided by the City:

- The construction of a parking garage fronting on 5th Street in the middle of the property, with approximately 564 parking spaces;
- The construction of a movie theater or hotel (the "South Building") fronting on Court Avenue; and,
- The construction of a building (the "Residential Building") fronting on Walnut Street and having at least 200 residential dwellings. If the South Building is not a hotel the Residential Building shall also contain a hotel with at least 84 guest rooms; and,

WHEREAS, promptly upon the Developer's purchase of the property from the City, Developer is required to demolish the Fifth and Walnut Parking Garage; and,

WHEREAS, Lincoln Savings Bank has agreed to provide financing for the demolition subject to the City agreeing that the Bank shall have an additional five (5) business days to remedy any default of the Development Agreement by the Developer, all as more specifically described in the Collateral Assignment of Development Agreement on file and available for inspection in the office of the City Clerk.

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

1. The proposed Collateral Assignment of Development Agreement with 5th and Walnut Parking LLC and Lincoln Savings Bank is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute the proposed Agreement on behalf of the City.

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- The City Clerk is further directed to forward the executed Agreement to the Legal Department for delivery to Lincoln Savings Bank.

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

FORM APPROVED:

*Roger K Brown*  
 Roger K Brown, Assistant City Attorney

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