



Roll Call Number

Agenda Item Number

44

Date September 9, 2019

RESOLUTION APPROVING FORBEARANCE AGREEMENT BETWEEN MICHAEL R. HUTCHINSON AND THE CITY OF DES MOINES

WHEREAS, on May 7, 2007, the City provided a Des Moines Action Loan Fund (DMALF) loan to assist in the renovations for two restaurants previously developed in leased space on the ground level of the Kirkwood building (400 Walnut Street); and

WHEREAS, the borrower, ZEN Restaurants, LLC. defaulted on its loan payments, and is now insolvent; and

WHEREAS, the promissory note for the DMALF loan was guaranteed by Michael R. Hutchinson; and,

WHEREAS, the City and Mr. Hutchinson have negotiated a Forbearance Agreement whereby the City would forebear seeking its remedies against him and he agrees to a revised payment schedule, including relief from some interest due; and

WHEREAS, the Forbearance Agreement and an associated amendment has been approved by the Legal Department.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the Forbearance Agreement, attached hereto, is hereby approved and the Mayor is authorized and directed to execute the Forbearance Agreement on behalf of the City.

MOVED by _____ to adopt.

(Council Communication No. 19- 389)

FORM APPROVED:

Thomas G. Fisher Jr. (signature)

Thomas G. Fisher Jr. Assistant City Attorney

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.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, TOTAL.

MOTION CARRIED APPROVED

Mayor

City Clerk