

Date August 11, 2008

RESOLUTION APPROVING ESCROW AGENT SUBSTITUTION AGREEMENT

WHEREAS, on August 31, 2004, by Roll Call 04-1838, the City Council approved an Escrow Agreement by and between the City of Des Moines, and John J. Clarke as Trustee of the Morrie Weiss Non-Revocable Trust, and escrow agent Davis, Brown, Koehn, Shors & Roberts, P.C. ("Davis Brown Law Firm"); and

WHEREAS, pursuant to said Escrow Agreement, the Davis Brown Law Firm has retained escrowed funds to be paid to the City upon resolution of issues regarding judgments against Morrie Weiss and in favor of the City; and

WHEREAS, the Davis Brown Law Firm is no longer able to act as escrow agent under the Escrow Agreement and has requested that an alternative escrow agent be appointed; and


WHEREAS, the law firm of Belin Lamson McCormick Zumbach Flynn, P.C. is willing and qualified to act as the substitute escrow agent, and has been approved by John J. Clarke as Trustee of the Morrie Weiss Non-Revocable Trust to act as substitute escrow agent, and has provided an Escrow Agent Substitution Agreement for approval by the City; and

WHEREAS, the City Attorney has reviewed and approved the Escrow Agent Substitution Agreement.

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

1. That the attached Escrow Agent Substitution Agreement is approved and the Mayor and City Clerk are hereby authorized and directed to sign and attest to the Agreement, respectively, for and on behalf of the City of Des Moines, Iowa.

APPROVED AS TO FORM:


Bruce E. Bergman, City Attorney

Moved by  to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED


T. M. Franklin, 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.


Diane Rauh, City Clerk