



Roll Call Number

14-1774

Agenda Item Number

23

Date November 17, 2014

RESOLUTION CONSENTING TO RIVER POINT WEST LLC
RESTRUCTURING ITS FINANCING FOR THE GRAY'S
LANDING/RIVERPOINT WEST PROJECT

WHEREAS, on October 8, 2007, by Roll Call NO. 07-1991, the City Council approved an *Amended and Restated Urban Renewal Development Agreement* (the "Master Agreement") with River Point West LLC (the "Master Developer") whereby the City loaned the Master Developer approximately \$8.5 million in consideration of an undertaking by the Master Developer to acquire and clear land, to install appropriate public infrastructure, and to prepare "pad-ready" sites for sale and redevelopment within an area designated as the Phase 1 Commercial Redevelopment Area and bounded on the north by Martin Luther King, Jr. Parkway, on the east by SW 9th Street, and on the west by the Mid-American Energy electrical substation, and on the south by Tuttle Street and the western extension of Tuttle Street west of SW 11th Street, and by Murphy Street east of SW 11th Street; and,

WHEREAS, on September 22, 2014, by Roll Call No. 14-1521, the City Council approved the First Amendment to the Master Agreement, and separate Parcel Development Agreements for the sale of two parcels by the Master Developer for redevelopment with a 102 room hotel expected to be a Holiday Inn Express, and a 72,000 square foot office building; and,

WHEREAS, the Master Developer has requested that the City consent to the restructuring of its financing to eliminate several intermediate entities previously used to leverage the City's loan to obtain New Markets Tax Credits for the project, and to streamline the flow of funds from the Master Developer to the City in repayment of the City loan; and,

WHEREAS, the Master Developer's obligation to repay the City loan and the security given to the City to assure the timely repayment of the City loan will not be detrimentally affected by the proposed restructuring.

NOW THEREFORE, BE IT RESOLVED, by the City of Des Moines, Iowa, that the City Manager is hereby authorized and directed to sign one or more consents in form approved by the City Legal Department to the restructuring of the financing used by the Master Developer to leverage the City's loan to obtain New Markets Tax Credits for the project, and to streamline the flow of funds from the Master Developer to the City in repayment of the City loan, provided that in the opinion of the City Manager on behalf of the City, the Master Developer's obligation to repay the City loan and the security given to the City to assure the timely repayment of the City loan are not adversely affected.



Roll Call Number

14-1774

Agenda Item Number

23

-2-

Date November 17, 2014

MOVED by Gatto to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

G:\USERS\RKBrown\Rog Docs\Eco Dev\Riverpoint\Dev Agr\RC Approve refinancing 14-11-17.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED				

APPROVED

T. M. Franklin Cownie 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