

★ **Roll Call Number**

15-0505

Agenda Item Number

26

Date March 23, 2015

APPROVING COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT
BY LIBERTY BUILDING HISTORIC REHAB, LLC, REPRESENTED BY BERNARD
J. BAKER III, TO BANKERS TRUST COMPANY AS SECURITY FOR
REFINANCING THE PARKING GARAGE AT 518 GRAND AVENUE

WHEREAS, on April 6, 2005, by Roll Call No. 05-0814, City Council approved the Urban Renewal Development Agreement with the Liberty Building Development Group, LLC (a joint undertaking by K.C. Holdings VI, L.L.C. and Equitable, L.P.), that provided economic development assistance for the historic renovations to the Liberty Building and the development of a private parking garage at 518 Grand associated with the project; and,

WHEREAS, on April 12, 2010, by Roll Call No. 10-0558, City Council approved the First Amendment to the Urban Renewal Development Agreement that removed Equitable LP as a party to the agreement, provided for a reduced economic development grant for assistance to the private parking garage (the "Reduced Economic Development Grant"), and provided an economic development grant directed to the renovation of five (5) floors of the Liberty Building for a Hyatt Place Hotel (the "Hotel Grant"); and,

WHEREAS, on February 9, 2015, by Roll Call No. 15-0208, the City Council approved a request by Liberty Building Development Group, LLC, to assign its interest in the Reduced Economic Development Grant to Liberty Building Historic Rehab, LLC, a related entity; and,

WHEREAS, Liberty Building Historic Rehab, LLC, has now requested that the City consent to its assignment of its interest in the Reduced Economic Development Grant to Bankers Trust Company as security for the refinancing of the garage, all as more specifically described in the *Collateral Assignment of Development Agreement* dated April 1, 2015, which is on file and available for public inspection in the office of the City Clerk.

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

1. The proposed *Collateral Assignment of Development Agreement* referenced above is hereby approved.
2. The Mayor is hereby authorized and directed to execute the *Collateral Assignment of Development Agreement* on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on the Agreement.

(continued)

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- 3. Upon execution of the *Collateral Assignment of Development Agreement*, the City Clerk is authorized and directed to forward the Agreement to the Office of Economic Development for release to and recording by Bankers Trust Company.

(Council Communication No. 15-140)

MOVED by Gray 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	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			

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.

T. M. Franklin Mayor

Diane Rauh City Clerk