



Roll Call Number

16-2121

Agenda Item Number

EX. 2

Date December 19, 2016

APPROVING CONSENT TO ASSIGNMENT BY CITY CENTER DEVELOPMENT LIMITED PARTNERSHIP, TO SRE BULLDOG HOTEL OWNER, LLC, OF THE LEASE OF AIR RIGHTS FOR THE DES MOINES MARRIOTT DOWNTOWN HOTEL BUILDING ENCROACHMENTS INTO THE ADJOINING STREETS.

WHEREAS, on April 16, 1979, by Roll Call No. 1579, the City Council approved a Lease of Air Rights that allowed the Des Moines Marriott Downtown hotel building to be constructed with encroachments into the air space over the adjoining City-owned streets; and,

WHEREAS, City Center Limited Partnership, represented by John Ruan III, officer, has asked that the City consent to the assignment of the Lease of Air Rights to SRE Bulldog Hotel Owner, LLC, a Delaware corporation, represented by Seth Singerman, President, incident to the sale of the Des Moines Marriott Downtown to SRE Bulldog Hotel Owner, LLC.

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

1. The City of Des Moines does hereby consent to the assignment of the Lease of Air Rights by City Center Development Limited to SRE Bulldog Hotel Owner, LLC, as set forth in the Assignment and Assumption of Air Rights Lease Agreement, which is on file in the office of the City Clerk.

2. The Mayor and City Clerk are hereby authorized and directed to execute the Consent to Assignment within the Assignment and Assumption of Air Rights Lease Agreement, on behalf of the City.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown, Assistant City Attorney

G:\APPDATA\LEGAL\Urban-Renewal\Metro\Projects\Admin 2016\Marriott Hotel - Estoppel Certificates\RC Approve Consent to Assignment 16-12-19.docx

Sponsored by Council Member Hensley

~~\*Mayor Cownie declares a conflict of interest and abstains from voting.~~

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
* COWNIE				
COLEMAN				✓
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	5			1

MOTION CARRIED

APPROVED

T. M. Franklin Council 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