



Roll Call Number

18-2075

Agenda Item Number

36

Date December 17, 2018

**APPROVING PAYMENT OF BILLING FROM THE
DAVIS BROWN LAW FIRM**

WHEREAS, on April 3, 2017, by Roll Call No. 17-0631, the City Council approved a *Urban Renewal Agreement for Sale of Land for Private Redevelopment* with 5th and Walnut Parking LLC (the "Developer"), represented by Justin Mandelbaum, whereby the Developer agreed to purchase the Fifth and Walnut Parking Garage and to redevelop that Property by the construction of the following improvements to be known as "The Fifth" in consideration of certain financial incentives to be provided by the City:

- A parking garage fronting on 5th Street;
- A movie theater fronting on Court Avenue; and,
- A building fronting on Walnut Street with residential dwellings and a hotel; and,

WHEREAS, on December 18, 2017, by Roll Call No. 17-2194, the City Council approved a *Second Amendment to Urban Renewal Agreement for Sale of Land for Private Redevelopment* with the Developer whereby the City agreed that the parcels to contain each of the three buildings could be created and defined by a declaration of horizontal property regime (commonly known as a condominium regime) instead of a plat of survey; and,

WHEREAS, the City has a substantial financial interest in the condominium regime because the City has retained the right to recover ownership of the parcels intended to be developed with the movie theater and the residential/hotel building, in the event the Developer does not timely commence construction of those components of the project; and,

WHEREAS, on March 8, 2018, by Roll Call No. 18-0420 the City Council approved retention of Robert Davis and the Davis Brown Law Firm to provide specialized legal expertise in the preparation and review of condominium regime for The Fifth; and,

WHEREAS, a billing dated November 15, 2018, in the total amount of \$3,287.25 and covering the time period from August 10, 2018, through September 7, 2018, has been received from Robert Douglas and the Davis Brown Law Firm, and the billing has been reviewed and verified to be correct by the City Attorney, who recommends payment of the billing.



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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, to approve payment of \$3,287.25 for legal services provided by Robert Douglas and the Davis Brown Law Firm, and the Finance Director is authorized to draw a warrant for payment accordingly.

MOVED by Boesen to adopt.

APPROVED AS TO FORM:

Roger K. Brown
Assistant City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7).

MOTION CARRIED APPROVED
J. M. Frankhu 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