

33

.....
Date..... August 7, 2006

RESOLUTION APPROVING MORTGAGE OF LEASEHOLD INTEREST IN
CITY PROPERTY ADJOINING THE FINANCIAL CENTER BUILDING

WHEREAS, on August 21, 1972, by Roll Call No. 3896, the City Council approved a Lease Agreement with David H. Murdock d/b/a David H. Murdock Development Company of Los Angeles, California, for the construction of underground parking under a portion of the right-of-way adjoining the Financial Center building at 7th and Walnut Streets; and,

WHEREAS, David H. Murdock's interests in the Lease Agreement have been assigned to Tomorrow 30 Des Moines, L.P., a Delaware limited liability partnership; and,

WHEREAS, Tomorrow 30 Des Moines, L.P., has requested that the City consent to the mortgage of its leasehold interest under the said Lease Agreement, as amended to date;
NOW THEREFORE,

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

1. The *Consent to Leasehold Mortgage and Estoppel* by and between the City, Tomorrow 30 Des Moines, L.P. ("Lessee"), and KeyBank National Association ("Lender") which is on file in the office of the City Clerk is hereby approved.
2. The Mayor is hereby authorized and directed to sign the said *Consent to Leasehold Mortgage and Estoppel* on behalf of the City in triplicate, and the City Clerk is hereby authorized and directed to attest to his signature on such document.
3. Upon execution of the said Consent, the City Clerk shall release two duplicate originals of the document to the Legal Department for release to Tomorrow 30 Des Moines, L.P., upon execution of the document by the other two parties.

(continued)

★ Roll Call Number

Agenda Item Number

33

Date August 7, 2006

-2-

(Council Communication No. 06- 513)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

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.

MOTION CARRIED

APPROVED

.....Mayor

..... City Clerk