



Roll Call Number

24-0117

Agenda Item Number

31C

Date January 22, 2024

RESOLUTION APPROVING ASSIGNMENT OF SKYWALK AGREEMENT FOR PROPERTY LOCATED AT 601 LOCUST STREET

WHEREAS, the Property locally known as 601 Locust Street, Des Moines, Iowa (the "Property") is subject to that certain Skywalk Agreement recorded November 18, 1981 in Book 5137, Page 543 as amended by First Amendment to Skywalk Agreement and to the Limited Skywalk Easements recorded December 20, 1982 in Book 5215, Page 424, and including, without limitation, the Lease Agreement identified therein as Exhibit H-1 as amended by First Amendment and Supplement to the Lease Agreement recorded September 8, 1982 in Book 5194, Page 232, all in the records of the office of the Recorder for Polk County, Iowa (collectively, the "Skywalk Agreement"); and

WHEREAS, the current owner of 601 Locust, Ruan Center Corporation, has agreed to the terms of the Uniform Amendment to the City of Des Moines Skywalk Agreement Regarding Duration and Hours of Operation (the "Uniform Amendment") on behalf of itself and its successors in interest; and

WHEREAS, the City Council of the City of Des Moines approved the Uniform Amendment to the Skywalk Agreements for 601 Locust on January 22, 2024 by Roll Call No. _____; and

WHEREAS, Ruan Center Corporation seeks to transfer the Property to Ruan Redevelopment Partners, LLC in order to facilitate redevelopment of the Property; and

WHEREAS, as part of the transfer of the Property, Ruan Center Corporation seeks to assign its interest in the Skywalk Agreement as amended via an Assignment in the form attached hereto; and

WHEREAS, consent to assignment of the Skywalk Agreement is required under the terms of the Skywalk Agreement and is in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA that the Assignment of Skywalk Agreement in form attached hereto is hereby approved. (Council Communication No. 24-025)

MOVED BY Gatto to adopt. SECOND BY Coleman



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Approved as to form:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr., Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL.

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Connie Boesen Mayor

Laura Baumgartner City Clerk