

Date..... January 26, 2008

RESOLUTION APPROVING ISSUANCE OF A CERTIFICATE OF COMPLETION FOR THE PHASE 2 IMPROVEMENTS IN THE FLEUR DRIVE URBAN RENEWAL AREA, AND AUTHORIZING PAYMENT OF ECONOMIC ASSISTANCE

WHEREAS, on June 7, 2004 by Roll Call No. 04-1236, the City Council approved an Urban Renewal Development Agreement with Raccoon Valley Investment Company, L.C., an Iowa limited liability company represented by Mike Coppola, Manager (the "Developer"), whereby the Developer undertook to redevelop the Property at the northeast corner of Fleur Drive and McKinley Avenue for commercial and multi-family residential use by demolishing or renovating the existing buildings and by constructing new buildings for commercial and multi-family use (the "Improvements") in compliance with an approved Conceptual Development Plan; and,

WHEREAS, the Development Agreement further provides for the City to advance an economic development grant to Developer upon completion of each phase of the Improvements, payable in semi-annual installments from a percentage of the incremental property tax revenue generated by that phase of the Improvements; and,

WHEREAS, January 8, 2007, by Roll Call No. 07-049, the City Council approved the issuance of a Certificate of Completion for the first phase of the Improvements; and,

WHEREAS, the Developer has now completed the second phase of the Improvements in substantial compliance with the approved Conceptual Development Plan and has requested the City issue a Certificate of Completion as evidence of satisfaction of the Developer's construction obligations for the phase two Improvements under the Development Agreement; NOW THEREFORE,

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

- 1. The City Council hereby finds and acknowledges that Developer has satisfied its obligation to complete the second phase of the Improvements in substantial compliance with the approved Conceptual Development Plan and the requirements of the Development Agreement. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 17 of the Development Agreement for the second phase of the Improvements upon the portion of the Property described as follows:

Table with 3 columns: Address, GeoParcel No., Current Use. Rows include 4701 Fleur Drive (Hy-Vee Convenience Store), 4605 Fleur Drive (Hy-Vee Store (old Target)), and 4707 Fleur Drive (Vacant (former Hy-Vee)).

(continued)

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2. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution and roll call to the Office of Economic Development for transmittal to the Developer for recordation in the Polk County Recorder's Office.

3. Upon request by the City Manager or his designee, the Finance Department is hereby authorized to pay and release to Hy-Vee, Inc., as the assignee of the Developer's interest in the Phase Two Economic Development Grant, the semi-annual installments on the Phase Two Economic Development Grant pursuant to Section 23 of the Development Agreement.

(Council Communication No. 09- **023**)

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				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

.....
 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.

 City Clerk

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

ATTORNEYS AT LAW

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December 31, 2008

JOHN CONNOLLY, JR. (1891-1975)
GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C. I. McNUTT (1901-1958)
STREETAR CAMERON (1957-2008)

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WILLIAM J. LILLIS
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EUGENE E. OLSON
DANIEL L. MANNING
CHRISTOPHER R. POSE
ADAM C. VAN DIKE
JOEL B. TEMPLEMAN*

HAND DELIVERY TO ANDREA HAUER

Attention: City Manager
City of Des Moines
400 Robert D. Ray Drive
Des Moines, Iowa 50309-1891

Subject: Request for Certificate of Completion and for
Economic Development Grants – Hy-Vee, Inc.

To the above Addressee:

Our law firm represents Hy-Vee, Inc. Our client has been assigned rights to Economic Development Grants that are available pursuant to an Urban Renewal Development Agreement between the City of Des Moines, Iowa, and Raccoon Valley Investment Company, L.C., specifically as to property now developed and operating as a Hy-Vee food store and also a Hy-Vee gas station within the taxed parcel locally known as 4701 Fleur Drive.

The Assessor lists the parcel as District 120, Parcel 07110-001-000.

At this time a Certificate of Completion is requested for the now-developed Hy-Vee food store and Hy-Vee gas store sites that are within this tax parcel.

This Certificate of Completion is requested in furtherance of receiving Economic Development Grants in accordance with that Urban Renewal Development Agreement which is dated June 7, 2004.

The required Architect's Certificate is being provided with this request.

Please contact our office if you have any questions.

Best wishes for a happy new year.

Sincerely,



Christopher R. Pose
For the Firm

CRP/krp

cc

Jeff Markey – Hy-Vee, Inc.

Dennis Ausenhus – Hy-Vee, Inc.



December 29, 2008

Andrea Hauer
City of Des Moines
400 Robert D. Ray Drive
Des Moines, Iowa 50309

RE: Hy-Vee Des Moines #4 on Fleur Drive

Dear Andrea:

It is my opinion, as a licensed Architect in the State of Iowa, that the construction of the Hy-Vee grocery store and convenience store on Fleur Drive in Des Moines are substantially complete and have, to the best of my knowledge, information, and belief, been completed in general conformance with the approved plans and specifications dated December 22, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Willrich", is written over a horizontal line.

Daniel Willrich, AIA
Asst. Director, Store Architecture

DW

Cc: Dennis Aussenhus
Jeff Markey
Chris Pose
File