

.....
Date..... February 26, 2007

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF
COMPLETION FOR THE SPAGHETTI WORKS BUILDING AND
AUTHORIZING PAYMENT OF ECONOMIC ASSISTANCE

WHEREAS, on November 8, 2004 by Roll Call 04-2448, the City Council approved an Urban Renewal Development Agreement with Court Avenue Partners I, L.P. (the "Developer"), whereby the Developer agreed to rehabilitate the upper three stories of 308 Court Avenue more specifically described below (known as the Spaghetti Works Building), for use as 51 residential apartment units with appropriate common area improvements, and the City has undertaken to provide certain financial incentives and to provide for the use of up to 75 off-street parking spaces for twenty years at market rates within the area for use exclusively by the tenants and condominium owners residing upon the Property; and,

WHEREAS, on August 8, 2005, by Roll Call No. 05-1971, the City Council approved the First Amendment to the Urban Renewal Development Agreement amending the terms of the Development Agreement regarding the provision of off-street parking spaces to meet certain minimum parking standards imposed by the Developer's primary lender; and,

WHEREAS, on November 7, 2005, by Roll Call No. 05-2680, the City Council approved the Second Amendment to the Urban Renewal Development Agreement to redirect payment of a portion of the economic development grant to one of the Developer's investors, Court Avenue Investors, Inc., ("CAI"), and to assign to CAI primary responsibility for any repayment due the City from excess income and net proceeds of sale or refinancing; and,

WHEREAS, the Developer has completed 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 under the Development Agreement, as amended; 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 Improvements described above 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 25 of the Development Agreement, for the Improvements to the property at 308 Court Avenue more specifically described as follows:

Units B and X, 302-310 Court Avenue Condominiums, a Horizontal Property Regime, in the City of Des Moines, Polk County, Iowa, together with an undivided fractional interest in the general and limited common elements appurtenant to such Units as set forth in the Declaration of Submission to Horizontal Property Regime, 302-310 Court Avenue

(continued)

Date..... February 26, 2007

Condominium, filed for record in the Office of the Recorder for Polk County, Iowa on December 22, 1989 in Book 6187 at Page 54, as amended by the First Amendment thereto, filed for record in the Office of the Recorder for Polk County, Iowa on March 15, 1990, in Book 6213 at Page 596 and as amended by the Second Amendment thereto, filed for record in the Office of the Recorder for Polk County, Iowa on January 30, 2006 in Book 11501 at Page 855.

AND, all the East/West alley right-of-way lying South of and adjoining Lots 11 and 12, and lying South of and adjoining the North/South alley right-of-way lying West of and adjoining said Lot 11, in Block 25, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. Upon receipt of a title opinion demonstrating that the Urban Renewal Development Agreement and Minimum Assessment Agreement have been properly recorded and have precedence over other liens and encumbrances as required by Sections 52(B)(2) of the Development Agreement, and upon approval of the same by the City Legal Department, the City Manager or his designee are hereby authorized to pay and release to the Developer the installments on the First Economic Development Grant in the total amount of \$1,146,951.⁰⁰ and the Second Economic Development Grant in the total amount of \$1,066,075.78, as provided by the Development Agreement.
3. The City Clerk is hereby directed to cause a certified copy of the resolution and roll call to be recorded in the land records of the Polk County Recorder.

(Council Communication No. 07- 089)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown
 Roger K. Brown, Assistant City Attorney

C:\Rog\Eco Dev\Court Ave\Court Ave 3\SW Bldg\RC Cert of Comp.doc

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



6900 Westown Parkway
West Des Moines, IA 50266
www.hubbellrealty.com
515-243-3228
FAX 515-280-2000

February 19, 2007

Honorable Mayor and Members of the City Council
of the City of Des Moines, Iowa
City Hall
400 Robert D. Ray Drive
Des Moines, Iowa 50309-1891

Re: Urban Renewal Development Agreement, Metro Centre Urban Renewal Project (Spaghetti Works Building Rehabilitation), dated November 8, 2004, by and between the City of Des, Iowa, and Court Avenue Partners I, L. P. (now known as Court Avenue Partners I, L.L.L.P.), as amended by that First Amendment to Urban Renewal Development Agreement, dated August 8, 2005 and by that Second Amendment to Urban Renewal Development Agreement, dated November 7, 2005, by and between the City, Court Avenue Partners I, L.L.L.P. and Court Avenue Investors, Inc., (collectively the "Development Agreement"), regarding rehabilitation of the Spaghetti Works Building and modification of Units B and X, 302-310 Court Avenue Condominiums into 51 apartments on the second through fourth floors and a leasing office and common areas for the apartment tenants on the first floor.

Dear Mayor and Members of the City Council:

We are delighted to report that the rehabilitation of this project was completed in substantial compliance with the approved Construction Plans as of December 29, 2006. On that date, we received our permanent Certificate of Occupancy for the entire project. Pursuant to Section 25 of the Development Agreement, I enclose a Certificate of Substantial Completion from G.E. Wattier Architecture, Inc. We hereby request that the City of Des Moines, Iowa issue its Certificate of Completion for these Improvements.

We also enclose three originals of the Minimum Assessment Agreement for this Project, pursuant to Section 42 of the Development Agreement. I request that the City and the Polk County Assessor approve this Minimum Assessment Agreement, that the City and the Polk County Assessor execute each original, that the City record one original and have the other two file stamped with the book and page of recording by the Polk County Recorder's Office as copies, and that the City return one original of the Minimum Assessment Agreement to us.

Further, as required by Section 52(B) of the Development Agreement, I enclose a Certificate of the Development Costs.

Honorable Mayor and Members of the City Council
of the City of Des Moines, Iowa
February 19, 2007
Page 2 of 2

This development has been well received by the marketplace and we already have approximately seventy percent of the apartments leased.

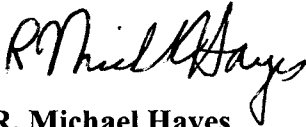
Very truly yours,

COURT AVENUE PARTNERS I, L.L.L.P.

By: Court Avenue Ventures, L.L.P., Its General Partner

By: Hubbell Properties I, L. C. (Series J), Partner

By: Hubbell Realty Company, Managing Member



R. Michael Hayes

Secretary and General Counsel

Phone: 515-280-2051

Fax: 515-223-3073

E-mail: michael.hayes@hubbellrealty.com

Enclosures

CC: Rick A. Clark
Matthew Anderson
Roger K. Brown



Permanent

CERTIFICATE OF OCCUPANCY
and Certificate of Zoning Compliance

THIS CERTIFICATE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

PURSUANT TO THE REQUIREMENTS OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, THE PROPERTY IDENTIFIED BELOW MAY BE LEGALLY USED IN THE MANNER DESCRIBED.

STREET ADDRESS: 308 COURT AVE

LEGAL DESCRIPTION: UNITS B & X 302-310 COURT AVENUE CONDOMINIUM

This certificate is issued pursuant to the requirements of the Municipal Code of the City of Des Moines and other applicable ordinances certifying that at the time of issuance this structure is in compliance with the adopted construction codes and zoning ordinances for the uses and work specified in the following project.

PRJ2005-01250

BLD2005-03128

Building Code: 2003	Building Use: Multi-Family 5+	Zoning: C-3R
Occ Group 1 R2	Occ Group 2: A3	
Construction 1 3-B	Construction 2: 3-B	
Occ Load 1: 0	Occ Load 2: 95	

BOA Docket Number:

This property and/or building may legally be used for:

Restaurant 1st Floor and Apartments, Floors 2 thru 4

No change of use may be made at this location unless a new Certificate of Occupancy is granted for such use and no change in this building or land may be made without first consulting the Permit And Development Office.

SPECIAL CONDITIONS:

- 1.) This Certificate of Occupancy is limited to the following areas: 1 thru 4
- 2.) Guard heights need fix and final walk through 01-02-07

Building Official:

Date: 12/29/2006

Issued To:

Owner

COURT AVENUE PARTNERS I, LP
6900 WESTOWN PKWY
WEST DES MOINE IA 50266-2520



Permanent

CERTIFICATE OF OCCUPANCY
and Certificate of Zoning Compliance

THIS CERTIFICATE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

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PRJ2005-01250

BLD2005-03128

Building Code: 2003

Building Use: Multi-Family 5+

Zoning: C-3R

Occ Group 1 R2

Occ Group 2:A3

Construction 1 3-B

Construction 2:3-B

Occ Load 1:

0

Occ Load 2:

95

BOA Docket Number:

This property and/or building may legally be used for:

1st Floor community rooms and Apartments, Floors 2 thru 4

No change of use may be made at this location unless a new Certificate of Occupancy is granted for such use and no change in this building or land may be made without first consulting the Permit And Development Office.

SPECIAL CONDITIONS:

Building Official:

Date: 02/01/2007

Issued To:

Owner

COURT AVENUE PARTNERS I, LP

6900 WESTOWN PKWY

WEST DES MOINE IA 50266-2520

AIA[®] Document G704[™] – 2000

Certificate of Substantial Completion


PROJECT: (Name and address): Court Avenue Apartments 308 Court Avenue Des Moines, Iowa 50309	PROJECT NUMBER: 2004-08 / CONTRACT FOR: General Construction CONTRACT DATE: October 5, 2005	OWNER: <input type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO OWNER: (Name and address): Court Avenue Partners Inc., L.P. 6900 Westown Parkway West Des Moines, Iowa 50266	TO CONTRACTOR: (Name and address): Venter Spooner, Inc. 6500 NW Beaver Drive Johnston, IA 50131	

PROJECT OR PORTION OF THE PROJECT DESIGNATED FOR PARTIAL OCCUPANCY OR USE SHALL INCLUDE:

Basement, 1st Floor, 2nd Floor, 3rd Floor, 4th Floor

The Work performed under this Contract has been reviewed and found, to the Architect's best knowledge, information and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated above is the date of issuance established by this Certificate, which is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:

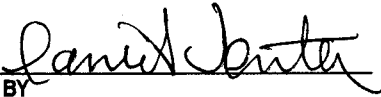
Warranty See Specifications	Date of Commencement December 28, 2006
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GE Wattier Architecture, Inc.		12-28-06
ARCHITECT	BY	DATE OF ISSUANCE

A list of items to be completed or corrected is attached hereto. The failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items on the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment.

Cost estimate of Work that is incomplete or defective: \$ 0.00

The Contractor will complete or correct the Work on the list of items attached hereto within Thirty (30) days from the above date of Substantial Completion.

Venter Spooner, Inc.		2-2-07
CONTRACTOR	BY	DATE

The Owner accepts the Work or designated portion as substantially complete and will assume full possession at (time) on (date).

Court Avenue Partners, Inc., L.P.		1-29-07
OWNER	BY	DATE

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work and insurance shall be as follows:

(Note: Owner's and Contractor's legal and insurance counsel should determine and review insurance requirements and coverage.)

PROJECT COST CERTIFICATION

I, Steven L. Niebuhr, hereby certify to the City of Des Moines, Iowa, as follows:

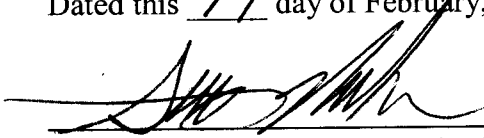
1. Hubbell Realty Company acted as the Construction Manager on behalf of Court Avenue Partners I, L.L.L.P., (the "Owner"), in its construction of the improvements to Units B and X, 302-310 Court Avenue Condominiums, that were contemplated by that certain written *Urban Renewal Development Agreement Metro Center Urban Renewal Project (Spaghetti Works Building Rehabilitation)*, by and between the City of Des Moines, Iowa, and the Owner, dated November 8, 2004, as amended by the *First Amendment to Urban Renewal Development Agreement*, dated August 8, 2005 and by that *Second Amendment to Urban Renewal Development Agreement*, dated November 7, 2005, (collectively the "Development Agreement").

2. I am the Senior Vice President of Hubbell Realty Company, in charge of construction and development for Hubbell Realty Company, and as part of my duties oversaw the development of these improvements.

3. The actual total costs for the design, construction and inspection of these Improvements, including, but not limited to labor, materials, permits, insurance, and construction period interest and property taxes, but excluding land acquisition, development fees, legal fees, marketing, and financing costs, is \$8,174,270.74.

4. This Project Cost Certification is given to the City to satisfy the requirements of Subsection 52(B)(3) of the Development Agreement.

Dated this 19th day of February, 2007.



Steven L. Niebuhr, Senior Vice President of Hubbell Realty Company

STATE OF IOWA)
) ss:
COUNTY OF DALLAS)

Subscribed and sworn to before me by Steven L. Niebuhr, on this 19 day of February, 2007.



Notary Public for the State of Iowa

