



Date November 3, 2014

RESOLUTION APPROVING REQUEST BY DES MOINES APARTMENTS, LP, FOR AN EXTENSION ON THE TIME ALLOWED TO COMPLETE THE RENOVATION AND REHABILITATION OF THE DES MOINES BUILDING AT 406 6th AVENUE AND 513 LOCUST STREET

WHEREAS, on November 7, 2011, by Roll Call No. 11-1898, the City Council of the City of Des Moines approved an Agreement for Sale of Real Estate (the "Agreement") whereby the City agreed to convey the Des Moines Building at 406 6th Avenue and 513 Locust Street to Des Moines Apartments, LP (the "Redeveloper"), and the Redeveloper agreed to renovate and rehabilitate the building for commercial and residential use; and,

WHEREAS, Section 2.2 of the Agreement provides that the Redeveloper shall cause the renovation and rehabilitation of the Des Moines Building to be substantially completed and eligible for issuance of the Certificate of Completion by October 31, 2013; and,

WHEREAS, on April 21, 2014, by Roll Call No. 14-0626, the City Council approved a request from the Redeveloper to extend the time allowed under the Agreement for the substantial completion of the improvements to the Des Moines Building until October 31, 2014, in recognition that the start of the renovation and rehabilitation of the Des Moines Building was delayed due to the closing of one of the main contractors on the project, and the difficulty and delays in obtaining the anticipated state assistance; and,

WHEREAS, the Redeveloper has requested that the City approve a further extension on the time allowed under the Agreement for the completion of the skywalk finish and stairs along the north and east sides of the new open area created immediately east of the Des Moines Building, and for the completion of landscape, streetscape and other exterior improvements as more specifically described in the accompanying letter from Nelson Construction & Development.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the time allowed under the Agreement for the substantial completion of the improvements within the Des Moines Building and to the skywalk finish and stars is extended by two additional months to December 31, 2014, and the time for substantial completion of the landscape, streetscape and other exterior improvements is extended to May 31, 2015.

( Council Communication No. 14- 523 )

★ Roll Call Number

Agenda Item Number

23

-2-

Date November 3, 2014

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				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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



October 23, 2014

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

Dear Andrea,

We are writing to request an extension to our development agreement with City of Des Moines for the Des Moines Building. The current date for completion is October 31, 2014. We would, however, like to extend this to December 31, 2014 to adequately complete construction of the building.

The following work remains to be finished:

6<sup>th</sup> Avenue:

- Balance of sidewalk work to be completed by October 31, 2014.
- Trees (3) will be installed in planter boxes when they arrive by November 30, 2014.
- The balance of landscaping will go in the planter boxes by May 31, 2015.

Locust Street:

- Lane closure be removed by October 31, 2014.
- Construction fence will remain in place through completion of Park landscaping May 31, 2015.
- Trees (3) will be installed in existing planter boxes when they arrive by November 30, 2014.
- Sidewalks will be repaired/replaced by December 31, 2014

Park Area:

- East wall of building (west side of park) is wrapping up now and should complete by October 31, 2014, barring weather delays. This includes stucco, balance of exterior doors/panels, and replacement of granite and limestone at the SE corner.
- North wall of park and east side (skywalk and skywalk stair) are in progress now, with framing/sheathing started and stucco and metal panel work to commence in the next couple of weeks. Skywalk metal panels, skywalk stair metal panels, and window systems should be installed by December 15, 2015.
- Grease interceptors for the future restaurant tenant will be installed by November 30, 2014
- Utility/drainage work, and subsequent concrete knee walls/planter box walls/sidewalks, with completion anticipated by December 31, 2014.
- Any concrete work that can't be completed this year due to weather conditions being too cold would

finish in Spring 2015, although that is not anticipated.

- Landscaping will take place in Spring 2015.

Commercial Spaces (L1/L2):

- Drywall box work to be complete by October 31, 2014.

Residential Space:

- Common spaces should be open by October 31, 2014.
- Level 15: rooftop terrace is held up due to code issues that the City and Architect/Engineer are working on. Once we have direction on this we will fix/finalize the decking installation in 1-2 week timeframe. Anticipating completion by November 30, 2014.
- Level 15: rooftop glass guardrail completion will be by November 30, 2014.
- Level 13: terrace balcony glass railings are on order and should arrive within two weeks. Completion by 11/15/14.

Mike Nelson will be available to meet and discuss the remaining work to be done with you and the City Council at the November 3, 2014 council meeting.

Please let us know if there is more information we can provide.

Thanks,

Danny Heggen  
Development Project Manager