



Date December 22, 2014

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION FOR THE REDEVELOPMENT OF PROPERTY IN THE VICINITY OF 130 E. 3rd STREET BY MARKET ONE, LLC

WHEREAS, on February 10, 2014, by Roll Call 14-0217, and on July 28, 2014, by Roll Call No. 14-1180, the City Council approved an Urban Renewal Development Agreement and a first amendment thereto (collectively referred to as the "Agreement") with Market One, LLC, represented by Justin Doyle, Member, whereby Market One agreed to undertake the following "Improvements" in conformance with the approved Conceptual Development Plan:

- To redevelop the building at 130 E. 3rd Street with approximately 57,000 square feet of finished floor area above grade for use as the corporate headquarters for Modus Engineering and with additional space to be available for lease;
• To redevelop additional property east of 130 E. 3rd Street for surface parking with approximately 50 parking spaces and with awnings over the parking stalls incorporating a photovoltaic electric generation system;
• To redevelop additional property southeast of 130 E. 3rd Street with approximately 90 parking spaces;
• To incorporate geothermal heating and air conditioning, and LED lighting into the building that with the use of the photovoltaic electric generation system is expected to make the building a "net zero" building for energy consumption; and,
• To utilize low impact storm water management practices; and,

WHEREAS, Market One, LLC, 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 Market One's construction obligations 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 Market One, LLC, 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 2.4 of the Development Agreement, for the Improvements to the building at 130 E. 3rd Street and other adjoining properties, all more specifically described as follows:

Building Parcel (130 E. 3rd Street):

Lots 13 and 14; the East 1/2 of the vacated North/South alley right-of-way lying West of and adjoining Lots 13 and 14; and, the South 1/2 of the vacated East/West alley right-of-way lying North of and adjoining said Lot 13, and lying North of and adjoining the said East 1/2 of the vacated North/South alley right-of-way lying West of and adjoining said Lots 13 and 14, all in Block "I", in Scott and Dean's Addition to Fort Des Moines, an



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Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

North Parking Parcel (111 E. 3rd Street):

Lots 1 and 2; and, the vacated North/South alley right-of-way lying East of and adjoining said Lot 1, all in Block 3, Scott and Dean's Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

South Parking Parcel (101 and 119 SE. 3rd Street):

Lots 1, 2, 3 and 4; all the vacated East/West alley right-of-way lying between said Lots 2 and 3; all the vacated North/South alley right-of-way lying East of and adjoining said Lots 1, 2, 3 and 4, and lying East of and adjoining the vacated East/West alley right-of-way lying between said Lots 2 and 3; and, the North 16 feet of the vacated E. Market Street right-of-way lying South of and adjoining said Lot 1, and lying South of and adjoining the vacated North/South alley right-of-way lying East of and adjoining said Lot 1, all in Block 4, Scott and Dean's Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

- 2. 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. 14- 596)

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