

Date February 23, 2015

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF
PARTIAL COMPLETION FOR 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 sell and convey the Des Moines Building at 406 6th Avenue and 513 Locust Street, more specifically described as follows:

Lots Three (3) and Four (4), in Block C, in Commissioner's Addition to Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa,

to Des Moines Apartments, LP (the "Redeveloper"), represented by Steve Foutch, officer, and the Redeveloper agreed to renovate and rehabilitate the building for commercial and residential use; and,

WHEREAS, the Redeveloper has completed the redevelopment of the Des Moines Building and nearly all of the exterior landscaping in substantial compliance with the Agreement and has requested the City issue a Certificate of Partial Completion as evidence of the partial satisfaction of the Redeveloper's construction obligations under the Development Agreement

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby finds and acknowledges that except as identified in paragraph 2, below, Redeveloper has satisfactorily completed the renovation of the Des Moines Building and the Skywalk Corridors in and adjoining the Des Moines Building in substantial compliance with the Agreement.
2. The following improvements to the Des Moines Building and grounds must be completed prior to issuance of the Certificate of Completion pursuant to Section 2.7 of the Agreement.
 - a) The landscaping and exterior improvements within the open area formerly occupied by the Des Moines Building Annex.
 - b) The stairway and entrance/exits from such open area to the adjoining north/south Skywalk Corridor.

★ Roll Call Number

Agenda Item Number

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- 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. 15- 078)

MOVED by _____ to adopt.

FORM APPROVED:

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