

Date February 8, 2016

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE  
OF COMPLETION FOR CITYVILLE ON 9<sup>TH</sup> PHASE I

WHEREAS, on February 25, 2013, by Roll Call No. 13-0343, the City Council approved an Amended and Restated Urban Renewal Development Agreement (the "Development Agreement") with Hubbell Realty Company, Hubbell Terminal Corporation, and 510 SW 9<sup>th</sup> Street, LLC (collectively the "Developer") for the redevelopment of the property bounded by Dart Way and SW 9th, SW 11th and Murphy Streets as a mixed-use project to be known as Cityville on 9th with approximately 339 apartment units, and at least 55,000 sq. ft. of first floor commercial space, to be completed in three phases; and

WHEREAS, the Developer has completed the Phase 1 Improvements to the Cityville on 9th project containing three buildings with 111 apartment units and 17,589 square feet of commercial and clubhouse space in substantial compliance with the approved Conceptual Development Plan and has requested the City issue a Partial Certificate of Completion as evidence of satisfaction of the Developer's construction obligations for the Phase 1 Improvements 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 Developer has satisfied its obligation to complete the Phase 1 Improvements within the Cityville on 9th project in substantial compliance with the approved Conceptual Development Plan and the requirements of the Development Agreement. This resolution shall serve as the Partial Certificate of Completion to be issued by the City pursuant to Section 3.5 of the Development Agreement, for the Phase 1 Improvements to the Cityville on 9th project, upon the property bounded by Dart Way and SW 9th, SW 11th and Murphy Streets, and more specifically described as follows:

Beginning at the Northwest corner of said Parcel "E"; thence North 74°(degrees) 33'(minutes) 01"(seconds) East, 548.65 feet (previously recorded as North 74°37'02" East, 548.65 feet) along the North line of said Parcel "E" to the Northeast corner of said Parcel "E" on the West line of said Lot "J" in Factory Addition Plat No. 3; thence North 74°32'43" East, 167.00 feet (previously recorded as North 74°37'02" East, 167.03 feet) to the East line of said Lot 11 in Factory Addition Plat No. 3; thence South 15°28'39" East, 604.63 feet (previously recorded as South 15°24'28" East) along the East line of said Lots 11 and 12 in Factory Addition Plat No. 3; thence South 74°28'35" West, 166.89 feet (previously recorded as South 74°33'02" West, 166.89 feet) to the Southeast corner of said Parcel "E" on the West line of said Lot

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“J” in Factory Addition Plat No. 3; thence South 74°28’03” West, 628.91 feet (previously recorded as South 74°32’06” West, 628.91 feet) along the South line of said Parcel “E” to the Southwest corner of said Parcel “E”; thence North 07°56’21” West, 610.98 feet (previously recorded as North 07°52’20” West, 610.98 feet) along the West line of said Parcel “E” to the point of beginning (containing 10.50 acres., more or less).

- 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.

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				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk