

Date August 28, 2017

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION  
TO WILKINS REDEVELOPMENT, LLC, FOR THE HISTORIC RESTORATION OF  
THE WILKINS BUILDING AT 713 WALNUT STREET

WHEREAS, on December 8, 2014, by Roll Call No. 14-1903, the City Council approved an urban renewal Development Agreement (the "Agreement") with 713 Walnut, LLC, then owned by The Alexander Company, Inc., represented by Joseph Alexander, whereby 713 Walnut, LLC, agreed to renovate the remaining western half of the former Younkens Building, now known as the Wilkins Building, with approximately 10,000 square feet on the ground floor for commercial use, with approximately 10,000 square feet within and adjoining the former Younkens Tea Room space for banquet and other assembly use, and with 60 residential apartments, all in conformance with the approved Conceptual Development Plan and hereinafter collectively referred to as the "Improvements"; and,

WHEREAS, 713 Walnut, LLC, subsequently sold and conveyed the Wilkins Building and all the land formerly occupied by the Younkens Building, and assigned all its interest in the Agreement, to Blackbird Investments, LLC; and,

WHEREAS, on December 21, 2015, by Roll Call No. 15-2125, the City Council approved the First Amendment to the Agreement to acknowledge and approve the sale to Blackbird Investments, LLC, and to extend the deadline for commencing and completing construction of the Improvements; and,

WHEREAS, on May 23, 2016, by Roll Call No. 16-0855, the City Council approved the Second Amendment to the Agreement whereby the City:

- a) Consented to the further transfer by Blackbird Investments, LLC, to Wilkins Redevelopment, LLC, of the Wilkins Building, the underlying land and that part of the Agreement dealing with the renovation of the Wilkins Building;
- b) Acknowledged that the obligations regarding the replacement of the Skywalk Corridors formerly within the Younkens Building remain upon Blackbird Investments, LLC, and are not transferred to Wilkins Redevelopment, LLC; and,
- c) Acknowledged the location of the new property line between the Wilkins Building to be conveyed to Wilkins Redevelopment, LLC, and the remainder parcel to be retained by Blackbird Investments, LLC.

WHEREAS, on May 22, 2017, by Roll Call No. 17-0874, the City Council approved the Third Amendment to the Agreement to:

- a) Amend the schedule for the completion of the Tea Room and the other required Improvements to the Property;

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- b) Provide for an increase in the amount of the Economic Development Grant to be paid from the incremental tax revenues generated by the historic Tea Room on the top floor and the commercial space on the ground floor of the Wilkins Building; and,
- c) Establish a minimum assessed value for the Tea Room on the top floor and the commercial space on the ground floor of the Wilkins Building by use of a Minimum Assessment Agreement; and,

WHEREAS, Wilkins Redevelopment, LLC, has now completed the Wilkins Building in substantial compliance with the Urban Renewal Development Agreement and the approved Conceptual Development Plan, except the streetscape improvements; and,

WHEREAS, Wilkins Redevelopment, LLC, has paid the City to install the streetscape improvements adjoining the Wilkins Building in conformance with the Walnut Street Streetscape Plan; and,

WHEREAS, Wilkins Redevelopment, LLC, represented by Justin Doyle, has requested the City issue a Certificate of Completion as evidence of the satisfaction of its construction obligations under the Agreement as previously amended.

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 Wilkins Redevelopment, LLC, has satisfied its obligation to complete the renovation of the Wilkins Building at 713 Walnut Street, more specifically described below, in substantial compliance with the Agreement as previously amended, and the approved Conceptual Development Plan. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 2.4 of that Agreement.

Parcel 2016-118, in Block 1, Fort Des Moines, an Official Plat, in the City of Des Moines, Polk County, Iowa, according to the Plat of Survey recorded on May 17, 2016 in Book 16005, Pages 315-317, as amended by the Affidavit Confirming Error On Plat recorded on May 20, 2016, in Book 16009, at Page 972, all in the records of the Polk County Recorder.

2. This resolution and Certificate of Completion is limited to the obligations of Wilkins Redevelopment, LLC, to redevelop Parcel 2016-118 described above, and does not affect any agreement regarding the redevelopment of the adjoining Parcel 2016-17.
3. The City Clerk is hereby directed to cause a certified copy of this resolution and roll call to be recorded in the office of the Recorder of Polk County, Iowa.

★ **Roll Call Number**

Agenda Item Number

33

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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

\_\_\_\_\_  
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