

Date October 8, 2018

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION
TO FDM DEVELOPMENT PARTNERSHIP, LLLP, FOR THE
REHABILITATION OF EXISTING BUILDINGS IN HISTORIC FORT DES
MOINES FOR RESIDENTIAL USE

WHEREAS, on August 22, 2016, by Roll Call No. 16-1412, the City Council approved an Amended and Restated Development Agreement (the "Agreement") with Fort Des Moines Restoration, LLC, represented by Justin Doyle, Member, regarding a project to rehabilitate six of the existing buildings in Historic Fort Des Moines into approximately 142 market rate housing units, to improve and widen the private streets known as Gruber and Thayer Streets within the project area, and to install all necessary utilities and horizontal infrastructure for such development at an estimated total project cost of \$38 million; and,

WHEREAS, on May 8, 2017, by Roll Call No. 17-0775, the City Council approved a First Amendment to Amended and Restated Development Agreement with FDM Development Partnership, LLLP (the "Developer") which acknowledged that the Developer has succeeded to the interests of Fort Des Moines Restoration, LLC, to the Agreement and the property, and granted a one-year extension of the timeline for the commencement and completion of the project, with an equal delay in the payment of the economic incentives provided by the City; and,

WHEREAS, the Developer has requested the City issue a Certificate of Completion as evidence of satisfaction of all of the Developer's construction obligations under the Agreement; and,

WHEREAS, the Economic Development Director recommends that the Certificate of Completion be issued for the project as requested by the Developer.

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 FDM Development Partnership, LLLP, has satisfied its obligation to complete the rehabilitation of the six structures and the grounds on the property in the 6800 block of Chaffee Road more specifically described below, in substantial compliance with the Agreement and the Conceptual Development Plan. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 2.4 of the Agreement, to evidence the satisfactory completion of all the required improvements on the property described below:



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being more particularly described as Parcel "X" on the Plat of Survey filed October 23, 1998 in Book 8041, Page 37 in the Office of the Polk County Recorder, Polk County, Iowa, EXCEPT that part of said Parcel "X" described as Parcel "G" on the Plat of Survey filed April 19, 2006 in Book 11614, Page 226 in the Office of the Polk County Recorder, Polk County, Iowa.

AND, a portion of Parcel "X", located in the NE 1/4 of Section 33, Township 78 North, Range 24 West of the 5th P.M., as shown in Book 8041, Page 37, in Des Moines, Polk County, Iowa being more particularly described as Parcel "G" on the Plat of Survey filed April 19, 2006 in Book 11614, Page 226 in the Office of the Polk County Recorder, Polk County, Iowa,

- 2. The City Clerk is hereby directed to cause a certified copy of this 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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Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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