



Date December 3, 2018

RESOLUTION APPROVING RELEASE OF PARCELS TO BE TRANSFERRED FROM THE GRAY'S STATION PROJECT TO THE GRAY'S LANDING PROJECT, FROM THE DECLARATION OF COVENANTS APPLICABLE TO THE GRAY'S STATION PROJECT

WHEREAS, on August 24, 2015, by Roll Call No. 15-1463, the City Council approved a Second Amended and Restated Urban Renewal Development Agreement with River Point West LLC (hereinafter "RPW"), represented by George Sherman, for the redevelopment of a large area generally west of SW 9th Street and south of Martin Luther King Jr. Parkway for a mixed-use project known as Gray's Station; and,

WHEREAS, on August 14, 2017, by Roll Call No. 17-1408, the City Council approved an Urban Renewal Development Agreement with HRC NFS I, LLC, and Hubbell Realty Company (hereinafter collectively "HRC"), represented by Joseph Pietruszynski, for the redevelopment of a large area generally west of SW 11th Street and south of Martin Luther King Jr. Parkway for a mixed-use project known as Gray's Station; and,

WHEREAS, Gray's Station and Gray's Landing are adjoining projects, and both projects would benefit from the transfer of certain parcels from HRC to RPW; and,

WHEREAS, Parcels 2018-28, 2018-29 and 2018-30 (collectively the "Parcels"), as described in the Plat of Survey attached hereto as Exhibit "B-2", are owned by HRC and subject to the Development Agreement between the City and HRC, and are proposed to be conveyed to RPW to create a more regular line between the Gray's Landing and Gray's Station projects.

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

1. Effective upon the conveyance of Parcels 2018-28, 2018-29 and 2018-30, as described in the accompanying Exhibit "B-2", from HRC NFS I, LLC to River Point West LLC, such Parcels are hereby released from all covenants and use restrictions imposed upon the Parcels by the Urban Renewal Development between the City of Des Moines, HRC NFS I, LLC, and Hubbell Realty Company dated August 14, 2017, and recorded on September 1, 2017, in Book 16629, at Pages 251 to 288, and any amendments thereto. Such covenants and use restrictions shall include, but are not limited to the Urban Renewal Covenants imposed by Article 8 of the said Urban Renewal Development Agreement.

2. The Legal Department is hereby authorized and directed to cause a certified copy of this resolution and roll call to be recorded concurrently with the conveyance of the Parcels from HRC to RPW.



Roll Call Number

Agenda Item Number

17

-2-

Date December 3, 2018

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

By: Roger K. Brown  
Roger K. Brown, Assistant City Attorney

G:\APPDATA\LEGAL\Urban-Renewal\Metro\Projects\Riverpoint\Dev Agr\3rd A&R Agr\RC release Gray's Station covenants.docx

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

INDEX LEGEND

LOCATION: LOTS 80-82, FACTORY ADDITION, DES MOINES

REQUESTOR: HRC NFS I LLC

PROPRIETOR: HRC NFS I LLC  
6900 WESTOWN PKWY  
WEST DES MOINES, IA 50266  
515-243-3228

SURVEYOR: MICHAEL A. BROONER

SURVEYOR COMPANY: CIVIL DESIGN ADVANTAGE

RETURN TO: CIVIL DESIGN ADVANTAGE  
3405 SE CROSSROADS DRIVE, SUITE G  
GRIMES, IOWA 50111  
PH: 515-369-4400

Exhibit "B-2"

PLAT OF SURVEY

PARCEL '2018-28' DESCRIPTION

A PART OF LOTS 81 AND 82, FACTORY ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT 'L', FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT; THENCE SOUTH 39(DEGREES) 15(MINUTES) 32(SECONDS) WEST, 7.81 FEET TO THE NORTHERLY CORNER OF PARCEL 'F' OF FACTORY ADDITION PLAT 3, AN OFFICIAL PLAT, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 12787, PAGE 858; THENCE SOUTH 7°52'42" EAST ALONG THE EASTERLY LINE OF SAID PARCEL 'F' 75.58 FEET; THENCE SOUTH 81°39'24" WEST, 150.21 FEET TO THE EAST LINE OF THE "WEST HALF" OF SAID LOT 81 AND THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID EAST LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 716.25 FEET, WHOSE ARC LENGTH IS 415.01 FEET AND WHOSE CHORD BEARS SOUTH 16°34'17" WEST, 409.23 FEET; THENCE NORTH 00°01'40" WEST, 375.09 FEET; THENCE NORTH 81°39'24" EAST, 118.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.32 ACRES (13,747 SQUARE FEET).

PARCEL '2018-29' DESCRIPTION

A PART OF LOT 81, FACTORY ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT 'L', FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT; THENCE SOUTH 39(DEGREES) 15(MINUTES) 32(SECONDS) WEST, 7.81 FEET TO THE NORTHERLY CORNER OF PARCEL 'F' OF FACTORY ADDITION PLAT 3, AN OFFICIAL PLAT, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 12787, PAGE 858; THENCE SOUTH 7°52'42" EAST ALONG SAID EASTERLY LINE, 622.53 FEET; THENCE SOUTH 88°23'46" WEST, 318.73 FEET TO A THE EAST LINE OF THE "WEST HALF" OF SAID LOT 81 AND THE POINT OF BEGINNING; THENCE WESTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 724.00 FEET, WHOSE ARC LENGTH IS 31.97 FEET AND WHOSE CHORD BEARS SOUTH 88°23'46" WEST, 31.97 FEET; THENCE NORTH 00°01'40" WEST, 212.44 FEET TO SAID EAST LINE; THENCE SOUTHERLY ALONG SAID EAST LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 716.25 FEET, WHOSE ARC LENGTH IS 214.77 FEET AND WHOSE CHORD BEARS SOUTH 08°37'04" EAST, 213.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2,251 SQUARE FEET).

PARCEL '2018-30' DESCRIPTION

A PART OF LOT 81, AND A PART OF THE WEST 100 FEET OF LOT 80, FACTORY ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT 'L', FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT; THENCE SOUTH 39(DEGREES) 15(MINUTES) 32(SECONDS) WEST, 7.81 FEET TO THE NORTHERLY CORNER OF PARCEL 'F' OF FACTORY ADDITION PLAT 3, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 12787, PAGE 858; THENCE SOUTH 7°52'42" EAST ALONG SAID EASTERLY LINE, 671.33 FEET; THENCE SOUTH 87°50'22 WEST, 307.58 FEET TO THE EAST LINE OF THE "WEST HALF" OF SAID LOT 81 AND THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID EAST LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 716.25 FEET, WHOSE ARC LENGTH IS 11.21 FEET AND WHOSE CHORD BEARS SOUTH 21°58'59" EAST, 11.21 FEET TO THE NORTHEAST CORNER OF PARCEL 'A' OF SAID LOT 81 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 13646, PAGE 937; THENCE SOUTH 67°33'52" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL 'A', 50.97 FEET TO THE NORTHWEST CORNER THEREOF, ALSO BEING THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 80; THENCE SOUTH 00°00'30" WEST ALONG SAID EAST LINE, 161.24 FEET; THENCE WESTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 285.00 FEET, WHOSE ARC LENGTH IS 7.29 FEET AND WHOSE CHORD BEARS NORTH 69°36'45" WEST, 7.29 FEET; THENCE NORTH 00°01'40" WEST, 186.66 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 776.00 FEET, WHOSE ARC LENGTH IS 49.91 FEET AND WHOSE CHORD BEARS NORTH 87°50'22" EAST, 49.90 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2174 SQUARE FEET).

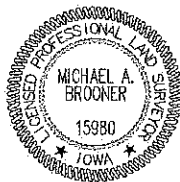
PLAT OF SURVEY

Approved  w/Conditions

By: *Colin Chuteau*  
Permit and Development Administrator

Date: 8-9-2018

City of Des Moines  
Permit and Development Center



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

*Michael Brooner* 8-7-2018  
MICHAEL A. BROONER, P.L.S. DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018  
PAGES OR SHEETS COVERED BY THIS SEAL  
SHEETS 1-3

REVISED:

8/3/2018

FILE: H:\2018\1801002\DWG\1801002-PS 3.DWG

FILE DATE: 8/3/18 DATE PLOTTED: 8/3/2018 9:26 AM

**DATE OF SURVEY**

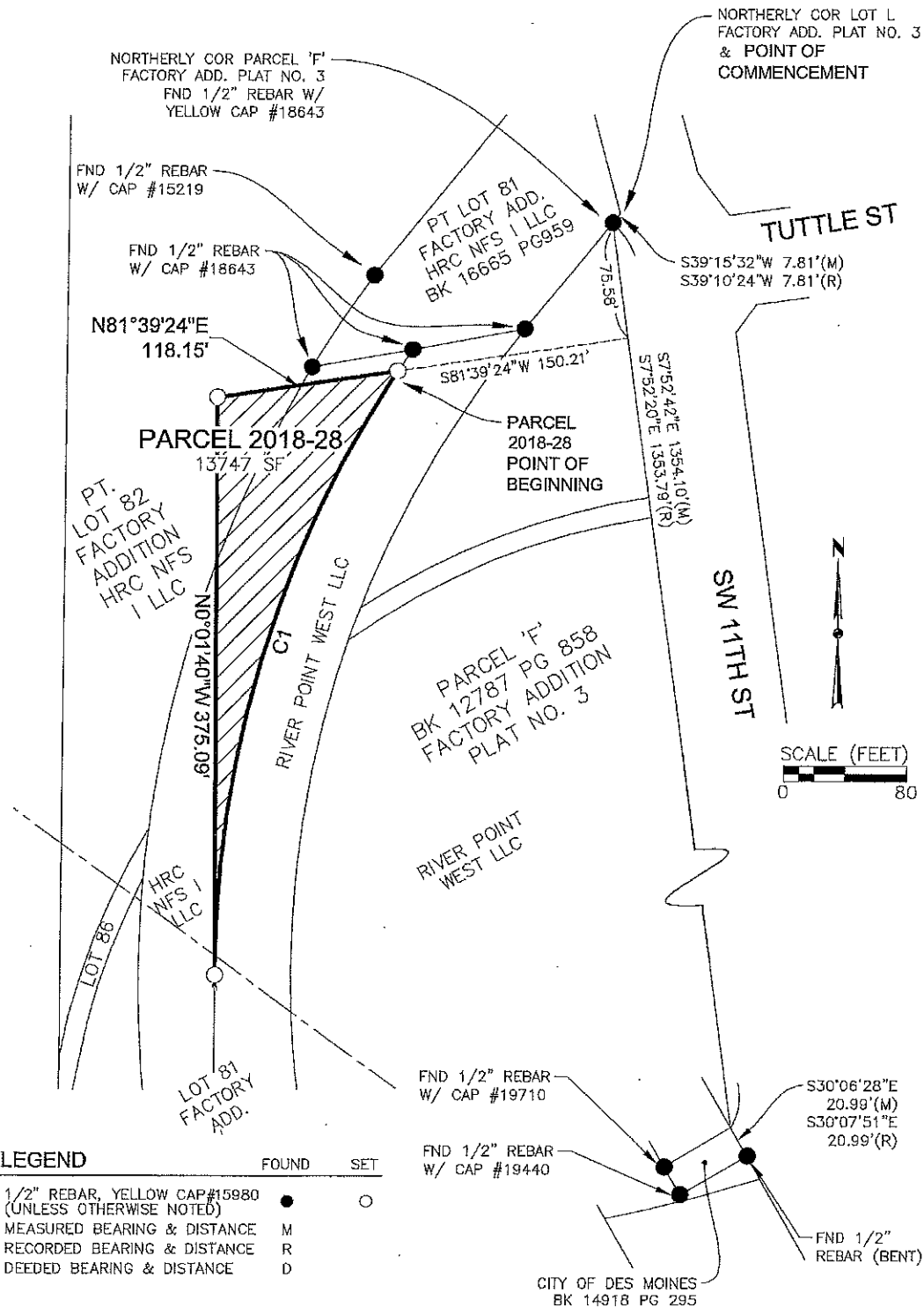
2-15-2018

**NOTES**

INTENT OF SURVEY IS TO CREATE NEW TAX PARCELS TO CONVEY OWNERSHIP.

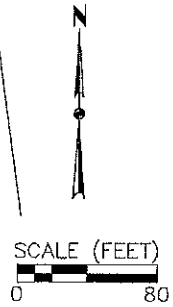
PARCELS ARE NOT ADDRESSED.

SEE CURVE DATA ON SHEET 3 OF 3



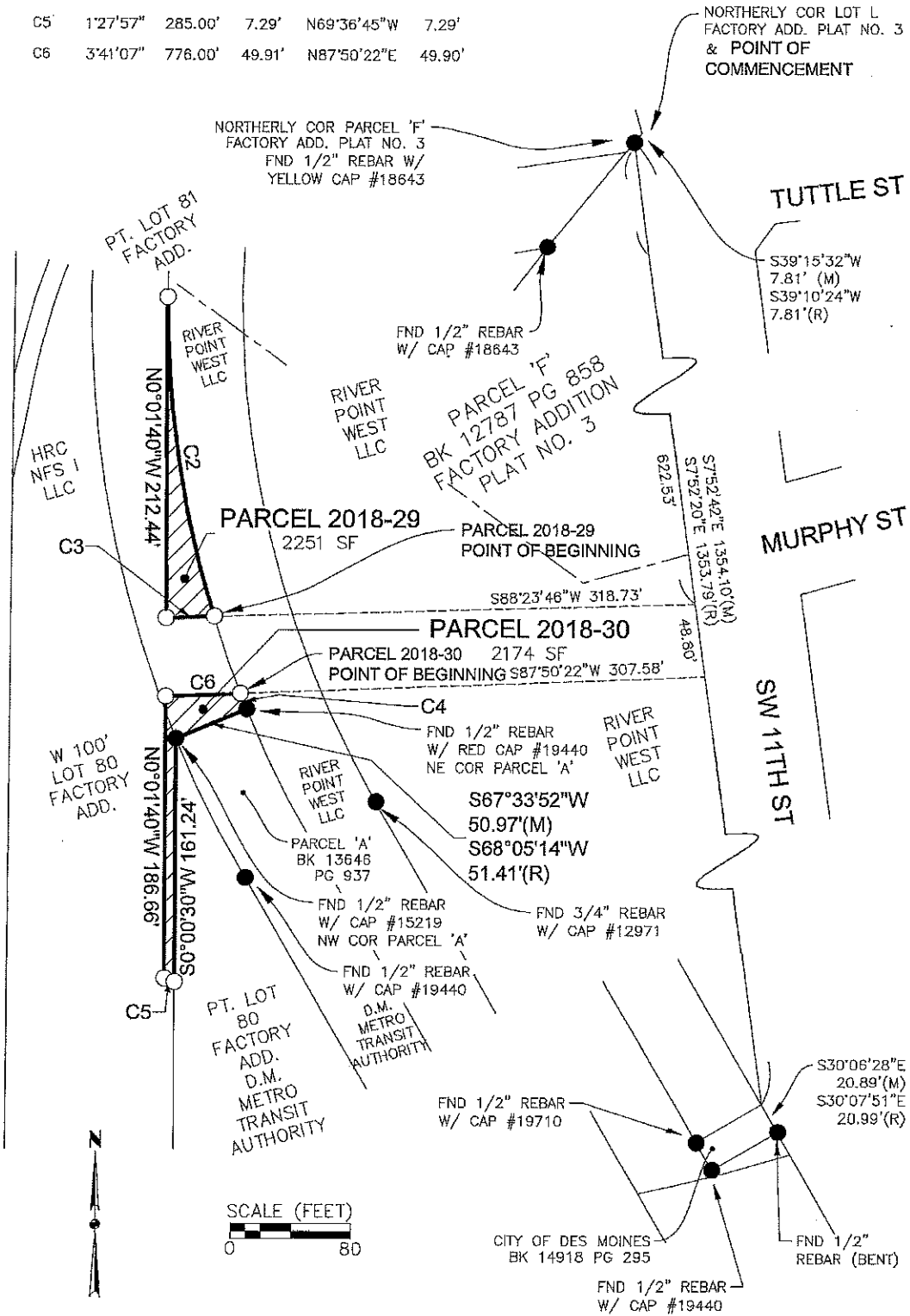
**LEGEND**

	FOUND	SET
1/2" REBAR, YELLOW CAP #15980 (UNLESS OTHERWISE NOTED)	●	○
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	



**CURVE DATA**

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	33°11'54"	716.25'	415.01'	S16°34'17"W	409.23'
C2	17°10'48"	716.25'	214.77'	S8°37'04"E	213.96'
C3	2°31'49"	724.00'	31.97'	S88°23'46"W	31.97'
C4	0°53'48"	716.25'	11.21'	S21°58'59"E	11.21'
C5	1°27'57"	285.00'	7.29'	N69°36'45"W	7.29'
C6	3°41'07"	776.00'	49.91'	N87°50'22"E	49.90'



3/3  
1801.002

**GRAY'S STATION  
PLAT OF SURVEY**

DES MOINES, IOWA



3405 SE CROSSROADS DRIVE, SUITE G  
GRIMES, IOWA 50111

PH: (515) 369-4400 Fax: (515) 369-4410