

★ Roll Call Number
11-0039

Agenda Item Number
34

Date January 10, 2010

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE
OF COMPLETION FOR THE DAVIS TOWER

WHEREAS, on June 21, 2006, by Roll Call 06-1274, the City Council approved an Urban Renewal Development Agreement with LB Properties X, LLC (the "Developer") for the redevelopment of the Hotel Fort Des Moines parking ramp site at 215 10th Street by the construction of the Davis Tower containing at least 25,000 square feet of retail space, 110,000 square feet of office space, and 680 structured parking spaces (herein collectively called the "Project"); and

WHEREAS, the Developer has completed the Davis Tower in substantial compliance with the approved Conceptual Development Plan and has requested the City issue a Certificate of Completion as evidence of satisfaction of the Developer's construction obligations under the Development Agreement; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. The City Council hereby finds and acknowledges that Developer has satisfied its obligation to complete the Davis Tower described above in substantial compliance with the approved Conceptual Development Plan and the requirements of the Development Agreement. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 205 of the Development Agreement, for the improvements to the Davis Tower, more specifically described as follows:

Lots 1 through 5, and Lot 6 (except the East 6.0 feet of said Lot 6, and except the West 6.0 feet of the East 12.0 feet of the North 19.40 feet of said Lot 6), and the vacated East/West alley right-of-way lying South of and adjoining said Lots 1 through 5, and lying South of and adjoining said Lot 6 (except the East 6.0 feet of said Lot 6), in John A. Garver's Subdivision of Lots 5 and 6 in Block 2 in West Fort Des Moines, an Official Plat; and, Lot 7 (except the East 6.0 feet of said Lot 7) in Block 2 in West Fort Des Moines, an Official Plat; and, Lots 7 and 8 (except the East 6.0 feet of said Lots 7 and 8), in Block 12, in H.M. Hoxie's Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. 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.

(continued)

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-2-

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(Council Communication No. 11- 007)

MOVED by Mahaffey to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

C:\Rog\Eco Dev\Davis Twr\Cert of Completion.doc

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GRIESS | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED

APPROVED

T. M. Franklin 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.

Diane Rauh City Clerk