



Roll Call Number

11-1805

Agenda Item Number

41B

Date October 24, 2011

CERTIFICATE OF FINAL COMPLETION FOR THE AIRPORT BUSINESS PARK URBAN RENEWAL PROJECT

WHEREAS, on December 2, 1996, by Roll Call No. 96-4043, the City of Des Moines entered into an Urban Renewal Development Agreement with ABC Partners, L.P. ("Developer"), represented by Richard Margulies, Managing Member, which provided for the construction by the Developer of the streets, water lines, sanitary and storm sewer systems, curbing, sidewalks and other public infrastructure (collectively the "Improvements") in phases to allow the development of Airport Business Park for commercial and light industrial uses; and,

WHEREAS, on April 8, 2002, by Roll Call 02-863, the City Council approved the First Amendment to the Development Agreement which together with the original agreement are hereinafter collectively referred to as the "Development Agreement"; and,

WHEREAS, pursuant to the Development Agreement, Developer executed a Declaration of Covenants and Supplemental Declaration of Covenants which were recorded in the office of the Polk County Recorder as follows:

Table with 3 columns: Document, Date Recorded, Book - Page. Rows include Declaration of Covenants (05-15-1997, 7634-107) and Supplemental Declaration of Covenants (11/01/2002, 9434-688).

WHEREAS, pursuant to the Development Agreement and the declarations of covenants identified above, Developer has constructed the final phase of the required Improvements, consisting of public infrastructure with Airport Business Park Plat 3; and,

WHEREAS, pursuant to Section 106 of the said Development Agreement, City agreed to issue a Certificate of Final Completion upon satisfactory completion of all phases of the Improvements; and,

WHEREAS, City staff has inspected the portion of the Improvements identified above and has found that the Improvements have been satisfactorily completed by the Developer; and,

WHEREAS, the Developer has demonstrated that it has incurred Eligible Project Costs of \$636,588.22 for the final phase of the required Improvements; and,

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

- 1. The City Council hereby finds that ABC Partners, LP, has satisfied the requirements for issuance of a Certificate of Final Completion pursuant to section 106 of the Development

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Agreement for the Improvements in Airport Business Park with the improvements to Airport Business Park Plat 3, and that the Eligible Project Costs for this final phase of the Improvements is \$636,588.22.

2. This resolution shall constitute a **Certificate of Final Completion** to acknowledge that Developer has timely commenced and completed all the required Improvements in Airport Business Park pursuant to the Development Agreement, consisting of the required public improvements within Airport Business Park Plats 1, 2 and 3.
3. The City Clerk is hereby authorized to forward a certified copy of this resolution to the Office of Economic Development for transmittal to the Developer.

(Council Communication No. 11-656)

MOVED by Manaffey to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

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

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.

T. M. Franklin Mayor

Diane Rauh City Clerk