

★ Roll Call Number

11-2058

Agenda Item Number

25A

Date December 5, 2011

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE  
OF COMPLETION FOR NEIGHBORHOOD DEVELOPMENT CORPORATION  
(NDC-MCDONALD'S PROJECT)

WHEREAS, on the 23<sup>rd</sup> day of September, 2002, by Roll Call 02-2354, the City Council approved an Urban Renewal Development Agreement with Neighborhood Development Corporation, an Iowa non-profit corporation, (the "Developer") for the redevelopment of property generally located at 6<sup>th</sup> and University Avenues (herein collectively called NDC-McDonald's Project); and

WHEREAS, the Developer completed NDC-McDonald's Project in substantial compliance with the approved Conceptual Development Plan, approved Construction Plans and the Development Agreement prior to December 31, 2003, but failed to request that 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 NDC-McDonald's Project described above in substantial compliance with the approved Conceptual Development Plan, approved Construction Plans and the requirements of the Development Agreement effective December 31, 2003. This resolution shall constitute the Certificate of Completion to be issued by the City pursuant to Section 204 of the Development Agreement, for the Improvements that were constructed on property in the vicinity of 6th and University Avenues, more specifically described as follows:

Lot 5 in GRAND PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Lot 8 in GRAND PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

The East 20 Feet of Lot 41 in GRAND PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

The North 20 Feet of Lot 44 in GRAND PARK, an Official Plat, less street right-of-way, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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2. Pursuant to Section 205 of the Development Agreement, the obligations and covenants with respect to construction of the Improvements, and the dates for the beginning and completion thereof, are hereby deemed satisfied and terminated.
3. The City Clerk is hereby directed to cause a certified copy of this resolution to be recorded in the land records of the Polk County Recorder with such recording costs to be repaid by Neighborhood Development Corporation.

(Council Communication No. 11- 742 )

MOVED by Mahaffey to adopt.

FORM APPROVED:

  
 Lawrence R. McDowell  
 Deputy City Attorney

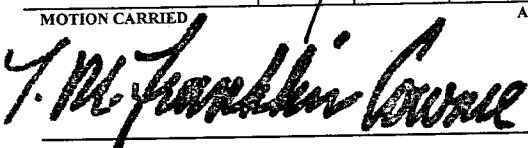
Cert of Completion.doc

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