

★ Roll Call Number

12-0045

Agenda Item Number

27

Date January 9, 2012

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION FOR 3801 LLC (Richard Eychaner)

WHEREAS, on July 25, 2011, by Roll Call 11-1326, the City Council approved an Urban Renewal Development Agreement with 3801 LLC (Richard Eychaner (the "Developer") for the redevelopment of 3801 Merle Hay Road, (herein collectively called the "Project"); and

WHEREAS, the Developer has completed the Project 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 Project 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 204 of the Development Agreement, for the improvements to 3801 Merle Hay Road, more specifically described as follows:

The West 50 feet of Lots 34 through 37, and except streets, Lots 43 through 54, Block P, Aviation Park, 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.

(Council Communication No. 12- 015 Attached)

APPROVED AS TO FORM:

Moved by Hensley to adopt.

[Signature of Michael F. Kelley]

Michael F. Kelley Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (7 yeas).

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.

[Signature of T. M. Franklin] Mayor

[Signature of Diane Rauh] City Clerk