

Date April 7, 2014

**RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION
FOR WKKS PROPERTIES, L.C. AND WHITELINE LOFTS, L.L.L.P.**

WHEREAS, on June 20, 2005, by Roll Call No. 05-1525, the City Council approved an Urban Renewal Development Agreement with WKKS Properties, L.C. and Whiteline Lofts, L.L.L.P. (collectively the "Developer") for the redevelopment of the former Des Moines Tire Building upon the Property at 120 S.W. 5th Street, for a residential project known as Whiteline Lofts; and

WHEREAS, the Developer completed Whiteline Lofts by October 31, 2006 in substantial compliance with the approved Conceptual Development Plan and should have promptly requested the City issue a Certificate of Completion as evidence of satisfaction of the Developer's construction obligations under the Development Agreement, but such request was not made until recently.

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

1. The City Council hereby finds and acknowledges that Developer satisfied its obligation to complete the Whiteline Lofts project upon the Property at 120 S.W. 5th Street more specifically described as follows:

Lots Twelve (12), Thirteen (13) and Fifteen (15) in Official Plat of Lots 3, 4, 6, 7 and 8, Block Sixteen (16), FORT DES MOINES; also Lot Five (5) in Block 16, in fort Des Moines; also the North 8 feet of Market Street extending from the West line of S.W. Fifth Street to a point 194 feet West; also the vacated alley East of and adjoining said Lot 15, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

in substantial compliance with the approved Conceptual Development Plan and the requirements of the Development Agreement, by October 31, 2006.

2. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 26 of the Development Agreement, for the improvements to the Property at 120 S.W. Fifth Street more specifically described above.

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14-0546

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3. For purposes of the Declaration of Covenants imposed on the Property described above and recorded on June 27, 2005, in Book 11136, commencing at Page 3, in the office of the Recorder of Polk County, Iowa, the Certificate of Completion hereby granted shall be considered to have been issued on October 31, 2006. Effective October 31, 2006, the limitations imposed by subsections 3(f) and (g) of the Declaration of Covenants on the transfer, assignment, conveyance or lease of the Property, and on the imposition of any encumbrance or lien on the Property were of no further force or effect.
4. The City Clerk is hereby directed to cause a certified copy of this resolution and roll call to be recorded in the land records of the Polk County Recorder.

(Council Communication No. 14- 152)

MOVED by Mahaffey to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
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