

★ Roll Call Number  
14-0958

Agenda Item Number  
30

Date June 23, 2014

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF  
COMPLETION TO WESTGATE PARTNERSHIP, L.L.C., FOR THE  
RENOVATION OF THE BUILDING AT 1408 LOCUST STREET

WHEREAS, on December 19, 2011, by Roll Call No. 11-2132, the City Council approved an Urban Renewal Development Agreement with Westgate Partnership, L.L.C. (the "Developer"), for the redevelopment of the historic building at 1408 Locust Street for commercial office use on the 2nd floor and for commercial and/or retail uses on the 1st floor in conformance with the approved Conceptual Development Plan; and

WHEREAS, the Developer has completed the redevelopment of the building in substantial compliance with the Development Agreement and 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, as follows:

1. The City Council hereby finds and acknowledges that Developer has satisfied its obligation to redevelopment of the historic building at 1408 Locust Street in substantial compliance with the Development Agreement and the approved Conceptual Development Plan. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 2.4 of the Development Agreement, for the redevelopment of the building at 1408 Locust Street, more specifically described as follows:

Lot 3 and Lot 2 (except the East 16 ½ feet of Lot 2), in Block 2, in J.C. Savery's Park Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

AND, the leasehold interest held by Westgate Partnership, L.L.C., and memorialized by the Memorandum of Lease recorded in the land records in the office of the Recorder of Polk County, Iowa, on August 12, 2011, in Book 13,938 at Page 754, in and to the following described property:

All that part of the vacated 16 ½ foot North/South alley extending from the South right-of-way line of Locust Street, as presently established, to the East/West alley south of Locust Street, more particularly described as: The easterly 16 ½ feet of Lot 2 of J.C. Savery's Park Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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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. 14- 315 )

MOVED by Hensley 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	<u>5</u>			<u>2</u>

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