

★ Roll Call Number

14-1713

Agenda Item Number

23

Date November 3, 2014

RESOLUTION APPROVING REQUEST BY DES MOINES APARTMENTS,
LP, FOR AN EXTENSION ON THE TIME ALLOWED TO COMPLETE THE
RENOVATION AND REHABILITATION OF THE DES MOINES BUILDING
AT 406 6th AVENUE AND 513 LOCUST STREET

WHEREAS, on November 7, 2011, by Roll Call No. 11-1898, the City Council of the City of Des Moines approved an *Agreement for Sale of Real Estate* (the "Agreement") whereby the City agreed to convey the Des Moines Building at 406 6th Avenue and 513 Locust Street to Des Moines Apartments, LP (the "Redeveloper"), and the Redeveloper agreed to renovate and rehabilitate the building for commercial and residential use; and,

WHEREAS, Section 2.2 of the Agreement provides that the Redeveloper shall cause the renovation and rehabilitation of the Des Moines Building to be substantially completed and eligible for issuance of the Certificate of Completion by October 31, 2013; and,

WHEREAS, on April 21, 2014, by Roll Call No. 14-0626, the City Council approved a request from the Redeveloper to extend the time allowed under the Agreement for the substantial completion of the improvements to the Des Moines Building until October 31, 2014, in recognition that the start of the renovation and rehabilitation of the Des Moines Building was delayed due to the closing of one of the main contractors on the project, and the difficulty and delays in obtaining the anticipated state assistance; and,

WHEREAS, the Redeveloper has requested that the City approve a further extension on the time allowed under the Agreement for the completion of the skywalk finish and stairs along the north and east sides of the new open area created immediately east of the Des Moines Building, and for the completion of landscape, streetscape and other exterior improvements as more specifically described in the accompanying letter from Nelson Construction & Development.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the time allowed under the Agreement for the substantial completion of the improvements within the Des Moines Building and to the skywalk finish and stars is extended by two additional months to December 31, 2014, and the time for substantial completion of the landscape, streetscape and other exterior improvements is extended to May 31, 2015.

(Council Communication No. 14- 523)

(continued)

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-2-

Date November 3, 2014

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 | 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 Council Mayor

Diane Rauh City Clerk