



Roll Call Number

150209

Agenda Item Number

23

Date February 9, 2015

**RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION
FOR EAST VILLAGE GROWTH PARTNERS, LLC MIXED USE BUILDING
LOCATED AT 350 EAST LOCUST STREET – DISPOSITION PARCEL NO. 02-1A,
METRO CENTER URBAN RENEWAL PROJECT**

WHEREAS, on March 11, 2013 by Roll Call No. 13-0421, the City Council approved an Urban Renewal Agreement for Sale of Land for Private Redevelopment between the City and East Village Growth Partners, LLC ("Development Agreement") for the construction of a five story mixed-used building containing at least twenty residential units and at least 5,700 square feet of area devoted for retail, office or restaurant uses on Disposition Parcel No. 02-1A located at 350 East Locust Street; and

WHEREAS, on July 29, 2013 by Roll Call No. 13-1205, the City Council approved a First Amendment to the Development Agreement and on July 14, 2014 by Roll Call No. 14-1066, the City Council approved a Second Amendment to the Development Agreement; and

WHEREAS, the terms of the Development Agreement provide that the City shall issue the Certificate of Completion upon the City's determination of satisfactory completion of the development Improvements and the Developer has requested that the Certificate of Completion for the mixed use building development be issued; and

WHEREAS, City staff has inspected the development improvements and found the Improvements have been completed in substantial compliance with the terms of 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 construct the Improvements on the Property in substantial compliance with the provisions of the Development Agreement and the approved Construction Plans.

2. This resolution shall constitute the issuance of a Certificate of Completion for the Improvements on the Property in accordance with Section 36 of the Development Agreement. Pursuant to Section 37 of the Development Agreement, the obligations and covenants contained in the Development Agreement and Special Warranty Deed with respect to construction of the Improvements on the Property, and the dates for the beginning and completion thereof, are hereby deemed satisfied and terminated.

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3. The City Manager or his designee and the Finance Department are hereby authorized to release and return to East Village Growth Partners, LLC the Good Faith Deposit previously delivered to the City.

4. 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.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lawrence R. McDowell
Deputy City Attorney

(Council Communication No. 15-061)

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk