



Roll Call Number

16-1213

Agenda Item Number

30

Date July 25, 2016

RESOLUTION APPROVING ISSUANCE OF A CERTIFICATE OF PARTIAL COMPLETION FOR THE MIXED USE PROJECT BY EAST VILLAGE TOWER PARTNERS, LLC, AT 600 E. 5TH STREET

WHEREAS, on June 9, 2014, by Roll Call No. 14-0854, the City Council approved an Urban Renewal Development Agreement (the "Agreement") with East Village Tower Partners, LLC (hereinafter "Tower Partners"), represented by Jake Christensen of Christensen Development, its Managing Member, whereby Tower Partners agreed to make the following improvements to the existing building and property at 600 E. 5th Street:

Residential and Exterior Improvements:

- To renovate the existing building to contain approximately 103 apartments with amenities including an exercise room, a business center, laundry facilities and on-site management.
To improve the property with additional off-street parking, landscaping and streetscape improvements.

Commercial Improvements:

- To provide approximately 5,000 square feet of space for restaurant use on the first floor;
To retain the existing skilled nursing facility on the lower level at the southeast end of the building.

all to be completed in conformance with the approved Conceptual Development Plan; and,

WHEREAS, Tower Partners has completed the Residential and Exterior Improvements in substantial compliance with the Agreement and the approved Conceptual Development Plan, and has requested the City issue a Certificate of Partial Completion as evidence of satisfaction of a portion of Tower Partners' construction obligations under the Agreement.

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

- The City Council hereby finds and acknowledges that Tower Partners has satisfied its obligation to complete the Residential and Exterior Improvements to the property at 600 E. 5th Street, more specifically described below, in substantial compliance with the Agreement and the approved Conceptual Development Plan.

All of Lot 6, Block D, RIVER HILLS PLAT 3, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, except a portion lying in the Southwest corner of said Lot 6, Block D, described as follows:

Beginning at the Southwest corner of said Lot 6; thence running N6°30'27"W, along the West line of said Lot 6, a distance of 414.73 feet to the Northwest corner of said



Roll Call Number

16-1213

Agenda Item Number

30

Date July 25, 2016

-2-

Lot 6, said corner also being a point of tangency with the circular curve in the next described course; thence Southeasterly along the arc of a circular curve to the left, having for its elements a radius of 1,104.90 feet and a central angle of 39°05'01", a distance of 169.35 feet to the point of tangency; thence running S15°17'21"E, tangent to the last mentioned curve, a distance of 226.32 feet to a point of curvature of a circular curve to the left; thence running South and East along the arc of said circular curve to the left, having for its elements a radius of 15 feet and a central angle of 89°52'55", a distance of 23.53 feet to a point of tangency with the South line of said Lot 6; thence running S74°49'44"W, along the South line of said Lot 6, a distance of 65.34 feet to the Point of Beginning, containing 145,915 square feet more or less.

- 2. Upon completion of the Commercial Improvements, Tower Partners shall request issuance of the Certificate of Completion pursuant to Section 2.4 of the Agreement to memorialize the satisfactory completion of all the required improvements to the property pursuant to the Agreement and the approved Conceptual Development Plan.
- 3. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution and roll call to the Office of Economic Development for transmittal to the Developer.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown, Assistant City Attorney
U:\Rog Docs\Eco Dev\EV Tower\RC Cert of Partial Completion.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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
Mayor

Diane Rauh
City Clerk