



Roll Call Number

17-0113

Agenda Item Number

24C

Date January 23, 2017

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION TO EDGE AT GRAY'S LANDING LLC FOR THE EDGE AT GRAY'S LANDING APARTMENTS AT 406 SW 9TH STREET

WHEREAS, on October 8, 2007, by Roll Call No. 07-1991, the City Council approved an Amended and Restated Urban Renewal Development Agreement (the "Master Agreement") with River Point West LLC (the "Developer") represented by George Sherman, whereby the Developer agreed to acquire all the land within a designated portion of the Riverpoint West Area including the parcel at 406 SW 9th Street described below, to install all necessary public infrastructure, and to clear and prepare the land for redevelopment in accordance with an approved Conceptual Development Plan; and,

WHEREAS, on May 18, 2015, by Roll Call No. 0823, the City Council approved a Parcel Development Agreement with Edge at Gray's Landing LLC (the "Owner") represented by George Sherman, whereby the Owner agreed to purchase the parcel at 406 SW 9th Street from Developer, and to construct a 90 unit multiple-family residential complex with off-street parking and landscaping (collectively the "Improvements") on the parcel in accordance with an approved Redevelopment Plan; and,

WHEREAS, the Improvements to the parcel at 406 SW 9th Street have been completed in substantial compliance with the Parcel Development Agreement and the approved Redevelopment Plan; and,

WHEREAS, the Owner has requested the City issue a Certificate of Completion as evidence of Developer's satisfaction of its construction obligation under the Parcel 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 as of December 31, 2016, Edge at Gray's Landing LLC has satisfied its obligation to complete the construction of the Improvements at 406 SW 9th Street, more specifically described as follows, in substantial compliance with the Parcel Development Agreement and the approved Redevelopment Plan. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 1.7 of the Parcel Redevelopment Agreement

Parcel "I", as shown on Plat of Survey dated August 10, 2015, and filed August 14, 2015, in Book 15697, Page 523, in the Office of the County Recorder of Polk County, Iowa, and consisting of part of Lots B, G, H, 6, 7, 8 and 9 of Factory Addition Plat 3, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

ALSO DESCRIBED AS:

Parcel "I", as shown on Plat of Survey recorded August 14, 2015, in Book 15697, Page 523, in the Office of the County Recorder of Polk County, Iowa, also described as:



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A PART OF LOTS B, G, H, 6, 7, 8 AND 9 OF FACTORY ADDITION PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER LOT 1, OF SAID FACTORY ADDITION PLAT 3; THENCE SOUTH 15°27'16" EAST ALONG THE EAST LINE OF SAID FACTORY ADDITION PLAT 3 AND BEING ALONG THE WEST RIGHT-OF-WAY LINE OF SW 9TH STREET, 422.44 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE CONTINUING SOUTH 15°27'16" EAST ALONG SAID EAST LINE OF FACTORY ADDITION PLAT 3 AND ALONG SAID WEST RIGHT-OF-WAY LINE OF SW 9TH STREET, 35.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°27'16" EAST ALONG SAID EAST LINE OF FACTORY ADDITION PLAT 3 AND ALONG SAID WEST RIGHT-OF-WAY LINE OF SW 9TH STREET, 331.30 FEET; THENCE SOUTH 74°33'40" WEST, 211.77 FEET; THENCE NORTH 15°38'17" WEST, 181.52 FEET; THENCE NORTH 07°56'45" WEST, 202.48 FEET; THENCE NORTH 82°03'15" EAST, 150.06 FEET; THENCE SOUTH 65°12'44" EAST, 48.63 FEET TO THE POINT OF BEGINNING.

2. The City Clerk is hereby directed to cause a certified copy of this resolution and roll call to be recorded in the office of the Recorder of Polk County, Iowa.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K Brown

Roger Brown, Assistant City Attorney

G:\APPDATA\LEGAL\Urban-Renewal\Metro\Projects\Riverpoint\Parcels\Edge\RC Cert of Completion 2017-01-09.docx

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Course Mayor

Diane Rauh City Clerk