



Roll Call Number

17.0985

Agenda Item Number

35

Date June 12, 2017

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION TO IOWA MACHINE SHED CO., FOR THE AC HOTEL AT 401 E. GRAND AVENUE

WHEREAS, on March 9, 2015, by Roll Call No. 15-0423, the City Council approved an *Urban Renewal Agreement for Sale of Land for Private Redevelopment* (the "Agreement") with Iowa Machine Shed Co. (the "Developer"), represented by Michael Whalen, its President, whereby the Developer agreed to purchase and redevelop the property at 401 E. Grand Avenue with a 6-story, 100 room hotel featuring underground parking, a rooftop bar, and a small fitness center (hereinafter collectively referred to as the "Improvements") in conformance with an approved Conceptual Development Plan; and,

WHEREAS, the Improvements have been completed in substantial compliance with the Agreement and the approved Conceptual Development Plan, and the hotel is an AC Hotel by Marriott; and,

WHEREAS, Iowa Machine Shed Co., has requested the City issue a Certificate of Completion as evidence of the satisfaction of its construction obligations under the 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 Iowa Machine Shed Co., has satisfied its obligation to complete the Improvements to 401 E. Grand Avenue, more specifically described below, in substantial compliance with the Agreement and the approved Conceptual Plan. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 3.4 of that Agreement.

Except the East 15 feet, Lot 3; all of Lots 4 and 5; and, the East 47.5 feet of Lot 6, in Block 9, East Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

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.

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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	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MOORE	1			
WESTERGAARD	1			
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