

★ Roll Call Number  
17-1571

Agenda Item Number  
33A

Date September 11, 2017

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE  
OF COMPLETION FOR THE CITYVILLE ON 9<sup>TH</sup> PHASE 2 IMPROVEMENTS

WHEREAS, on February 25, 2013, by Roll Call No. 13-0343, the City Council approved an Amended and Restated Urban Renewal Development Agreement (the "Agreement") with Hubbell Realty Company, Hubbell Terminal Corporation and 510 SW 9<sup>th</sup> Street LLC (collectively "Hubbell"), whereby Hubbell undertook the Cityville on 9th project consisting of nine building with a mix of residential and commercial uses (collectively the "Improvements") to be constructed in three phases in conformance with an approved Conceptual Development Plan; and,

WHEREAS, the Phase 1 Improvements were completed in substantial conformance with the Agreement and the approved Conceptual Development Plan, and a Certificate of Completion for the Phase 1 Improvements was issued on February 8, 2016, by Roll Call No. 16-0212; and,

WHEREAS, on this date by a prior resolution, the City Council has approved a First Amendment to the Agreement and an amended Conceptual Development Plan to reallocated the required Improvements between the three phases of construction; and,

WHEREAS, Hubbell has completed the Phase 2 Improvements in substantial conformance with the First Amendment to the Agreement and the amended Conceptual Development Plan, and has commenced construction of the Phase 3 Improvements.

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

1. The City Council hereby finds Developer has satisfied its obligation to complete the Phase 2 Improvements within the Cityville on 9th project in substantial compliance with the Conceptual Development Plan and the Agreement as previously amended. This resolution shall serve as the Partial Certificate of Completion to be issued by the City pursuant to Section 3.5 of the Development Agreement, for the Phase 2 Improvements to the Cityville on 9th project, on the property described as follows:

Beginning at the Northwest corner of said Parcel "E"; thence North 74°(degrees) 33'(minutes) 01"(seconds) East, 548.65 feet (previously recorded as North 74°37'02" East, 548.65 feet) along the North line of said Parcel "E" to the Northeast corner of said Parcel "E" on the West line of said Lot "J" in Factory Addition Plat No. 3; thence North 74°32'43" East, 167.00 feet (previously recorded as North 74°37'02" East, 167.03 feet) to the East line of said Lot 11 in Factory Addition Plat No. 3; thence South 15°28'39" East, 604.63 feet (previously recorded as South 15°24'28" East) along the East line of said Lots 11 and 12 in Factory Addition Plat No. 3; thence

( continued )

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South 74°28'35" West, 166.89 feet (previously recorded as South 74°33'02" West, 166.89 feet) to the Southeast corner of said Parcel "E" on the West line of said Lot "J" in Factory Addition Plat No. 3; thence South 74°28'03" West, 628.91 feet (previously recorded as South 74°32'06" West, 628.91 feet) along the South line of said Parcel "E" to the Southwest corner of said Parcel "E"; thence North 07°56'21" West, 610.98 feet (previously recorded as North 07°52'20" West, 610.98 feet) along the West line of said Parcel "E" to the point of beginning (containing 10.50 acres., more or less).

- The City Clerk is hereby directed to cause a certified copy of the resolution and roll call to be recorded in the land records of the Polk County Recorder.

(Council Communication No. 17- 645 )

MOVED by Coleman 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	✓			
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.

MOTION CARRIED APPROVED  
T. M. Franklin Mayor

Diane Rauh City Clerk