



Roll Call Number

18-0117

Agenda Item Number

23

Date January 22, 2018

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION TO EAGLE VIEW LOFTS, LLC FOR THE REDEVELOPMENT OF PROPERTY LOCATED AT SE 6TH STREET AND SHAW STREET FOR A MULTI-FAMILY HOUSING PROJECT

WHEREAS, on February 22, 2016, by Roll Call No. 16-0344, the City Council approved a Development Agreement with Eagle View Lofts, LLC for the construction of 120 market rate and/or mixed income dwelling units on the real property in the vicinity of SE 6th Street and Shaw Street, to be constructed and maintained in conformance with the approved Conceptual Development Plan, with an estimated project cost of \$18,000,000; and

WHEREAS, the Improvements have been completed in substantial compliance with the Development Agreement and the approved Conceptual Development Plan; and

WHEREAS, Eagle View Lofts, LLC 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 as of January 22, 2017, Eagle View Lofts, LLC has satisfied its obligation to complete the Improvements to property in the vicinity of SE 6th Street and Shaw Street, legally described as follows, in substantial compliance with the Development Agreement with Eagle View Lofts, LLC as recorded in the Polk County Recorder's Office in Book 16118, Page 772, and the approved Conceptual Development Plan:

LOTS 2, 3, 4, AND NORTH 30.00 FEET OF LOT 5, BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL THAT PART OF LOTS 6, 7 AND 8, BLOCK 57, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 14° (DEGREES) 49' (MINUTES) 03" (SECONDS) EAST, ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 18.64 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 65°19'02" EAST, 194.39 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6, SAID POINT BEING NORTH 14°49'03" WEST, 25.00 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 6, AND BEING THE TERMINUS OF THE LINE, AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER, JR., LICENSED SURVEYOR NO. 13975, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND



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ALL OF LOTS 9 AND 10, BLOCK 57, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 16,767 SQUARE FEET;

AND

ALL OF LOT 1, BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 8,378 SQUARE FEET;

AND

THE SOUTH HALF (1/2) OF LOT 5, BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 3,890 SQUARE FEET;

AND

ALL THAT PART OF THE VACATED SOUTHEAST 5TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 1, 2 AND 3, BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 13,413 SQUARE FEET;

AND

**PARCEL 'A' – LEGAL DESCRIPTION, AS RECORDED IN BOOK 15271 PAGE 181 IN THE RECORDER'S OFFICE OF POLK COUNTY, IOWA:**

A PART OF VACATED SE 5TH STREET WEST OF BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BLOCK 57, TOWN OF DE MOINE; THENCE NORTH 74°59'06" EAST, 80.00 FEET TO THE NORTHWEST CORNER OF LOT 4, BLOCK 58 AND THE WEST LINE OF BLOCK 58; THENCE SOUTH 14°50'01" EAST ALONG SAID WEST LINE, 112.00 FEET TO THE SOUTHWEST CORNER OF LOT 5, BLOCK 58; THENCE SOUTH 74°59'11" WEST, 49.82 FEET; THENCE NORTH 65°18'12" WEST, 39.13 FEET TO THE EAST LINE OF BLOCK 57; THENCE NORTH 14°50'01" WEST ALONG SAID EAST LINE, 87.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8,583 SQUARE FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD;

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**PARCEL 'B' – LEGAL DESCRIPTION, AS RECORDED IN BOOK 15271 PAGE 201 IN THE RECORDER'S OFFICE OF POLK COUNTY, IOWA:**

A PART OF THE VACATED NORTH/SOUTH ALLEY IN BLOCK 57, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 57, TOWN OF DE MOINE; THENCE NORTH 14°50'01" WEST ALONG THE EAST LINE OF LOTS 1 AND 2, BLOCK 57, A DISTANCE OF 112.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 74°56'45" EAST, 18.00 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK 57; THENCE SOUTH 14°50'01" EAST ALONG THE WEST LINE OF LOTS 8, 9 AND 10, A DISTANCE OF 130.64 FEET; THENCE NORTH 58°56'22" WEST, 25.86 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,184 SQUARE FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD;

AND

**PARCEL 'C' – LEGAL DESCRIPTION, AS RECORDED IN BOOK 15271 PAGE 218 IN THE RECORDER'S OFFICE OF POLK COUNTY, IOWA:**

A PART OF LOT 1 AND LOT 2, BLOCK 57, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 14°50'01" EAST ALONG THE EAST LINE OF SAID LOT 1 AND LOT 2, A DISTANCE OF 112.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 57°20'31" WEST, 151.40 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE NORTH 74°56'45" EAST ALONG SAID NORTH LINE, 102.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 5,729 SQUARE FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD;

AND

**PARCEL 'D' – LEGAL DESCRIPTION, AS RECORDED IN BOOK 15271 PAGE 219 IN THE RECORDER'S OFFICE OF POLK COUNTY, IOWA:**

A PART OF VACATED SHAW STREET SOUTH OF BLOCK 56, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 57, TOWN OF DE MOINE; THENCE SOUTH 74°56'45" WEST ALONG THE NORTH LINE OF SAID BLOCK 57, A DISTANCE OF 120.30 FEET; THENCE NORTH 57°20'31" WEST, 71.15 FEET; THENCE NORTH 14°41'48"



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WEST 27.36 FEET TO THE SOUTHWEST CORNER OF LOT 5, BLOCK 56 AND THE SOUTH LINE OF BLOCK 56; THENCE NORTH 74°56'45" EAST ALONG SAID SOUTH LINE, 168.00 FEET TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 56; THENCE SOUTH 15°03'26" EAST, 80.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 12,192 SQUARE FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

2. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 3.5 of that Agreement.

3. 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 Coleman TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, 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 Coonie Mayor

Diane Rauh City Clerk