



Roll Call Number

180582

Agenda Item Number

36

Date April 9, 2018

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION FOR PHASE I IMPROVEMENTS TO ELECTRO MANAGEMENT CORP. AND ELECTRICAL POWER PRODUCTS, INC. FOR RELOCATION AND EXPANSION OF AN INDUSTRIAL FACILITY ON PROPERTY LOCATED AT SW 42ND STREET AND ARMY POST ROAD

WHEREAS, on December 21, 2015, by Roll Call No. 15-2170, the City Council approved an Urban Renewal Development Agreement with Electro Management Corp. and Electrical Power Products, Inc. ("EP2") for the phased redevelopment of private property located at SW 42nd and Army Post Road for relocation and expansion of EP2's industrial facility, to be constructed and maintained in conformance with the approved Conceptual Development Plan, with an estimated project cost of \$13,000,000, and with economic development assistance applicable to the Phase I Improvements only; and

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

WHEREAS, EP2 has requested the City issue a Certificate of Completion as evidence of the satisfaction of its construction obligations for the Phase I Improvements 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 April 9, 2018, EP2 has satisfied its obligation to complete the Phase I Improvements to property located at SW 42nd Street and Army Post Road, legally described as follows, in substantial compliance with the Development Agreement with EP2 as recorded in the Polk County Recorder's Office in Book 15858, Page 771, and the approved Conceptual Development Plan:

The East 1/2 of the Southeast 1/4 of Section 36, Township 78 North, Range 25 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa, EXCEPT that part thereof conveyed to the State of Iowa by Warranty Deed recorded in Book 5265, Page 522 and EXCEPT that part taken by Condemnation filed August 24, 1999 in Book 8303, Page 292, and EXCEPT all that part lying South of the South line of the property taken by Condemnation referenced above.

Also known as:

PART OF THE E1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 78N, R25 WEST OF THE 5TH PM, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 36 TOWNSHIP 78N R25 WEST OF THE FIFTH PM; THENCE NORTH 89° 55' 33" WEST ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36 A DISTANCE OF 115.00 FEET; THENCE SOUTH 00° 03' 55" WEST PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 33.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE INTERSECTION OF THE WEST LINE OF SW 42ND STREET (IOWA HIGHWAY 28) AND THE SOUTH LINE OF PINE STREET; THENCE SOUTH 00° 03' 55" WEST ON SAID WEST LINE OF SW 42ND STREET A DISTANCE OF 1,342.60 FEET; THENCE SOUTH 03° 24' 14" WEST ON SAID WEST LINE OF SW 42ND STREET 254.91 FEET, TO THE NORTH LINE OF RELOCATED IOWA HIGHWAY 5; THENCE SOUTH 90° 00' 00" WEST ON SAID NORTH LINE OF RELOCATED IOWA HIGHWAY 5 A DISTANCE OF 511.54 FEET; THENCE



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NORTH 56° 30' 00" WEST ON SAID NORTH LINE OF RELOCATED IOWA HIGHWAY 5 A DISTANCE OF 805.35 FEET; THENCE NORTH 00° 17' 57" WEST A DISTANCE OF 1,040.50 FEET TO A POINT ON THE SOUTH LINE OF RELOCATED ARMY POST ROAD; THENCE NORTHEAST ALONG A 3,926.81 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 08° 16' 05", A CHORD DISTANCE OF 566.16 FEET, A CHORD BEARING OF NORTH 78° 29' 45" EAST, FOR AN ARC DISTANCE OF 566.65 FEET, SAID ARC BEING THE SOUTH LINE OF RELOCATED ARMY POST ROAD; THENCE SOUTH 89° 55' 33" EAST ON SAID SOUTH LINE OF RELOCATED ARMY POST ROAD A DISTANCE OF 650.42 FEET TO THE POINT OF BEGINNING CONTAINING 39.95 ACRES MORE OR LESS.

2. This resolution shall serve as the Certificate of Completion for the Phase I Improvements to be issued by the City pursuant to Section 2.4 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 Gatto 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 (7 yeas).

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