



Roll Call Number

18-1986

Agenda Item Number

17

Date December 3, 2018

RESOLUTION APPROVING RELEASE OF PARCELS TO BE TRANSFERRED FROM THE GRAY'S STATION PROJECT TO THE GRAY'S LANDING PROJECT, FROM THE DECLARATION OF COVENANTS APPLICABLE TO THE GRAY'S STATION PROJECT

WHEREAS, on August 24, 2015, by Roll Call No. 15-1463, the City Council approved a Second Amended and Restated Urban Renewal Development Agreement with River Point West LLC (hereinafter "RPW"), represented by George Sherman, for the redevelopment of a large area generally west of SW 9th Street and south of Martin Luther King Jr. Parkway for a mixed-use project known as Gray's Station; and,

WHEREAS, on August 14, 2017, by Roll Call No. 17-1408, the City Council approved an Urban Renewal Development Agreement with HRC NFS I, LLC, and Hubbell Realty Company (hereinafter collectively "HRC"), represented by Joseph Pietruszynski, for the redevelopment of a large area generally west of SW 11th Street and south of Martin Luther King Jr. Parkway for a mixed-use project known as Gray's Station; and,

WHEREAS, Gray's Station and Gray's Landing are adjoining projects, and both projects would benefit from the transfer of certain parcels from HRC to RPW; and,

WHEREAS, Parcels 2018-28, 2018-29 and 2018-30 (collectively the "Parcels"), as described in the Plat of Survey attached hereto as Exhibit "B-2", are owned by HRC and subject to the Development Agreement between the City and HRC, and are proposed to be conveyed to RPW to create a more regular line between the Gray's Landing and Gray's Station projects.

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

1. Effective upon the conveyance of Parcels 2018-28, 2018-29 and 2018-30, as described in the accompanying Exhibit "B-2", from HRC NFC I, LLC to River Point West LLC, such Parcels are hereby released from all covenants and use restrictions imposed upon the Parcels by the Urban Renewal Development between the City of Des Moines, HRC NFS I, LLC, and Hubbell Realty Company dated August 14, 2017, and recorded on September 1, 2017, in Book 16629, at Pages 251 to 288, and any amendments thereto. Such covenants and use restrictions shall include, but are not limited to the Urban Renewal Covenants imposed by Article 8 of the said Urban Renewal Development Agreement.

2. The Legal Department is hereby authorized and directed to cause a certified copy of this resolution and roll call to be recorded concurrently with the conveyance of the Parcels from HRC to RPW.



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-2-

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MOVED by Gatto to adopt.

FORM APPROVED:

By: Roger K. Brown
Roger K. Brown, Assistant City Attorney

G:\APPDATA\LEGAL\Urban-Renewal\Metro\Projects\Riverpoint\Dev Agr\3rd A&R Agr\RC release Gray's Station covenants.docx

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.

MOTION CARRIED APPROVED J. M. Franklin Cownie Mayor

Diane Rauh City Clerk