



Roll Call Number

19-0713

Agenda Item Number

22A

Date May 6, 2019

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION TO NEW HORIZON REAL ESTATE DEVELOPMENT - IOWA, LLP, FOR THE NEW HORIZON ACADEMY AT 450 SW 9th STREET

WHEREAS, on October 8, 2007, by Roll Call No. 07-1991, the City Council approved an Amended and Restated Urban Renewal Development Agreement (the "Master Agreement") with River Point West LLC (the "Developer") represented by George Sherman, whereby the Developer agreed to acquire all the land within a designated portion of the Riverpoint West Area including the parcel at 450 SW 9th Street described below, to install all necessary public infrastructure, and to clear and prepare the land for redevelopment in accordance with an approved Conceptual Development Plan; and,

WHEREAS, on September 25, 2017, by Roll Call No. 17-1658, the City Council approved a Parcel Development Agreement with New Horizon Real Estate Development - Iowa, LLP (the "Owner"), represented by Jeannine Laughlin, Area Director-Iowa, whereby the Owner agreed to purchase the parcel at 450 SW 9th Street from Developer, and to construct a three story child daycare facility containing approximately 12,700 square feet of finished floor area on the parcel, with off-street parking spaces, landscaping and streetscape enhancements (collectively the "Improvements") in accordance with an approved Redevelopment Plan; and,

WHEREAS, the Improvements to the parcel at 450 SW 9th Street have been completed in substantial compliance with the Parcel Development Agreement and the approved Redevelopment Plan; and,

WHEREAS, the Owner has requested the City issue a Certificate of Completion as evidence of Developer's satisfaction of its construction obligation under the Parcel Development 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 December 31, 2018, New Horizon Real Estate Development - Iowa, LLP, has satisfied its obligation to complete the construction of the Improvements at 450 SW 9th Street, more specifically described as follows, in substantial compliance with the Parcel Development Agreement and the approved Redevelopment Plan. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 1.7 of the Parcel Redevelopment Agreement recorded on October 13, 2017, in Book 16682, at Page 934, in the land records of the Polk County, Recorder.

Parcel 2017-96 as shown by the Plat of Survey recorded on September 5, 2017, in Book 16632, at Pages 507-508, in the office of the Polk County Recorder, also being a part of Parcel "H" of Factory Addition Plat 3 as shown in the Plat Of Survey recorded on August 14, 2015, in Book 15697, at Page 523, of the Polk County Recorder's Office, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.



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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.

MOVED by Gatto to adopt.

FORM APPROVED:

By: Roger K. Brown, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
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

J. M. Frankhu Cownie Mayor

Diane Rauh City Clerk