



Roll Call Number

19-0714

Agenda Item Number

22B

Date May 6, 2019

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION TO NEXUS AT GRAY'S LANDING LLC FOR THE NEXUS AT GRAY'S LANDING APARTMENTS AT 415 SW 11th 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 415 SW 11th 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 May 18, 2015, by Roll Call No. 15-0824, the City Council approved a Parcel Development Agreement with Nexus at Gray's Landing LLC (the "Owner") represented by George Sherman, whereby the Owner agreed to purchase the parcel at 415 SW 11th Street from Developer, and to construct a 142-unit apartment building on the parcel with off-street parking and landscaping (collectively the "Improvements") in accordance with an approved Redevelopment Plan; and,

WHEREAS, the Improvements to the parcel at 415 SW 11th 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, 2017, Nexus at Gray's Landing LLC has satisfied its obligation to complete the construction of the Improvements at 415 SW 11th 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 June 2, 2015, in Book 15598, at Page 50, in the land recorded of the Polk County Recorder.

Parcel "G", as shown on Plat of Survey dated August 10, 2015, filed August 14, 2015, in Book 15697, Page 523, in the Office of the County Recorder of Polk County, Iowa,

ALSO DESCRIBED AS:



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LOT E AND F AND A PART OF LOTS D, G, 6 AND 9 OF FACTORY ADDITION PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 82°19'11" WEST ALONG THE NORTH LINE OF SAID LOT 6 AND BEING ALONG THE SOUTH RIGHT-OF-WAY LINE OF TUTTLE STREET, 36.74 FEET; THENCE SOUTH 07°56'45" EAST 10.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 07°56'45" EAST 202.48 FEET; THENCE SOUTH 15°38'17" EAST 57.85 FEET; THENCE SOUTH 74°21'44" WEST 304.96 FEET; THENCE SOUTH 64°03'58" WEST, 45.46 FEET; THENCE SOUTH 82°03'15" WEST, 112.66 FEET TO THE EAST RIGHT-OF-WAY LINE OF SW 11TH STREET; THENCE NORTH 07°55'01" WEST ALONG SAID EAST RIGHT-OF-WAY LINE OF SW 11TH STREET 300.60 FEET; THENCE NORTH 43°39'33" EAST 22.63 FEET; THENCE NORTH 82°03'15" EAST 432.47 FEET TO THE POINT OF BEGINNING.

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

G:\APPDATA\LEGAL\Urban-Renewal\Metro\Projects\Riverpoint\Parcels\Nexus\RC Cert of Completion.docx

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

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.

Diane Rauh City Clerk