



Roll Call Number

20-0623

Agenda Item Number

21-I

Date April 20, 2020

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF FINAL COMPLETION FOR THE DES MOINES BUILDING AT 406 6th AVENUE AND 513 LOCUST STREET

WHEREAS, on November 7, 2011, by Roll Call No. 11-1898, the City Council of the City of Des Moines approved an *Agreement for Sale of Real Estate* (the "Agreement") whereby the City agreed to sell and convey the Des Moines Building at 406 6th Avenue and 513 Locust Street, more specifically described as follows:

Lots Three (3) and Four (4), in Block C, in Commissioner's Addition to Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa,

to Des Moines Apartments, LP (the "Redeveloper"), represented by Steve Foutch, officer, and the Redeveloper agreed to renovate and rehabilitate the building for commercial and residential use; and,

WHEREAS, on February 23, 2015, by Roll Call No. 15-0313, the City Council approved the issuance of a Certificate of Partial Completion acknowledging that the Des Moines Building had been renovated for commercial and residential use in substantial conformance with the Agreement, with the exception of the following improvements that needed to be finished before a Certificate of Completion could be issued:

- a) The landscaping and exterior improvements within the open area formerly occupied by the Des Moines Building Annex.
- b) The stairway and entrance/exits from such open area to the adjoining north/south Skywalk Corridor.

WHEREAS, the Redeveloper thereafter promptly completed the redevelopment of the Des Moines Building in conformance with the Agreement, but did not seek issuance of a Certificate of Final Completion to memorialize the completion of the renovation work in conformance with the Agreement; and,

WHEREAS, the Des Moines Building is now owned by Des Moines Apartments LP, represented by Mike Nelson, and it has requested the City issue a Certificate of Final Completion to memorialize the satisfactory completion of the Redeveloper's construction obligations under the Agreement, and to remedy a title objection that has arisen during the refinancing of the building.

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



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1. The City Council hereby finds and acknowledges that Redeveloper has satisfactorily completed the renovation of the Des Moines Building and the Skywalk Corridors in and adjoining the Des Moines Building in substantial compliance with the Agreement.
3. The City Clerk is hereby directed to cause a certified copy of the resolution and roll call to be recorded in the land records of the Polk County Recorder.

MOVED by Gatto to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

CERTIFICATE

I, P. Kay Cmelik, 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.

J. M. Franklin Cownie

P. Kay Cmelik

City Clerk