



Roll Call Number

21-0179

Agenda Item Number

12

Date February 8, 2021

**APPROVING ESCROW AGREEMENT FOR PUD RESTORATION  
FOR GRADING WORK ASSOCIATED WITH  
"NORTHRIDGE" PUD IN THE VICINITY OF  
4600 AND 4700 EAST 14<sup>TH</sup> STREET**

WHEREAS, on March 23, 2020, by Roll Call Number 20-0577 the City Council approved the 1<sup>st</sup> Amendment to the "Northridge" PUD Conceptual Plan for property located in the vicinity of 4600 and 4700 East 14<sup>th</sup> Street ("Property"), to be developed by ILEX Group, Inc.(Owner), and

WHEREAS, on application by the Developer, the City's Planning Administrator approved an amended PUD Conceptual Plan "Northridge" to allow grading, construction and operation of uses allowed within the I1 district on the Property; and

WHEREAS, the developer, ILEX Group, Inc., is required to provide restoration security for the grading and ground surface restoration in order to secure a Grading Permit for construction on property within "Northridge" PUD; and,

WHEREAS, the City Engineer has approved the amount of security for the Site grading, silt fence, inlet protection, inspection, and site restoration, in the estimated amount of \$83,210.00; and

WHEREAS, City staff have negotiated an Escrow Agreement with ILEX Group, Inc., as developer and owner of the Property, whereby ILEX Group, Inc. has agreed to deposit the sum of \$83,210.00 with the City in payment to secure the required cost of grading restoration work on the Property.

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

1. The proposed Escrow Agreement with ILEX Group, Inc., as developer and owner of the Property is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the Escrow Agreement on behalf of the City.

2. The Engineering Department and Finance Department are hereby authorized and directed to administer the Escrow Agreement and to use and disburse the escrowed funds as required by the Escrow Agreement.

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MOVED by Gatto to adopt.

FORM APPROVED:

Judy K. Parks-Kruse  
Judy K. Parks-Kruse, Assistant City Attorney

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie  
Mayor

### 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.

P. Kay Cmelik  
City Clerk