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Date..... September 14, 2009

**RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION
FOR NELSON DEVELOPMENT 15, LLC MIXED USE BUILDING LOCATED
AT 300 EAST GRAND AVENUE – DISPOSITION PARCEL NO. 02-3,
METRO CENTER URBAN RENEWAL PROJECT**

WHEREAS, on September 24, 2007, by Roll Call No. 07-1882, the City Council of the City of Des Moines approved an Urban Renewal Agreement for Sale of Land for Private Development (“Development Agreement”) with Nelson Development 15, LLC (“Nelson Development”) wherein the Nelson Development has undertaken construction of a six-story mixed use building containing residential units, retail or restaurant uses, surface parking improvements and streetscape improvements on property described as:

Lot 2, City Center Plat No. 1, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (“Property”).

WHEREAS, the terms of the Development Agreement provide that the City shall issue the Certificate of Completion upon the City’s determination of satisfactory completion of the development Improvements and the Developer has requested that the Certificate of Completion for the mixed use building development be issued; and

WHEREAS, City staff has inspected the development improvements and found the Improvements have been completed in substantial compliance with the terms of the Development Agreement.

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

1. The City Council hereby finds and acknowledges that Developer has satisfied its obligation to construct the Improvements on the Property in substantial compliance with the provisions of the Development Agreement and the approved Construction Plans.

2. This resolution shall constitute the issuance of a Certificate of Completion for the Improvements on the Property in accordance with Section 36 of the Development Agreement. Pursuant to Section 37 of the Development Agreement, the obligations and covenants contained in the Development Agreement and Special Warranty Deed with respect to construction of the Improvements on the Property, and the dates for the beginning and completion thereof, are hereby deemed satisfied and terminated.

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3. Upon direction of the City Manager or his designee, the Finance Department is hereby authorized to pay and release to Nelson Development the second and third installments of the Economic Development Grant in accordance with and at the times set forth by the terms of the Development Agreement and subject to compliance with the terms of Section 63 and further subject to the contingency of Section 64 of the Development Agreement.

4. The City Clerk is hereby directed to cause a certified copy of this resolution to be recorded in the land records of the Polk County Recorder.

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lawrence R. McDowell
Deputy City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VCLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
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.

City Clerk