

★ Roll Call Number  
14-0957

Agenda Item Number  
29

Date June 23, 2014

RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION TO  
BALLYARD LOFTS LLC, FOR THE REDEVELOPMENT OF THE BALLYARD  
LOFTS APARTMENTS AT 350 SW 2nd STREET

WHEREAS, on June 10, 2013, by Roll Call No. 13-0906, the City Council approved an Urban Renewal Development Agreement with Ballyard Lofts LLC (the "Developer"), for the redevelopment of the historic warehouse at 350 SW 2<sup>nd</sup> Street as an apartment building with 44 market rate apartments, now known as the Ballyard Lofts; and

WHEREAS, the Developer has completed the Ballyard Lofts in substantial compliance with the Development Agreement and the approved Conceptual Development Plan and has requested the City issue a Certificate of Completion as evidence of satisfaction of the Developer's construction obligations under 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 complete the Ballyard Lofts at 350 SW 2nd Street in substantial compliance with the Development Agreement and the approved Conceptual Development Plan. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 2.4 of the Development Agreement, for the improvements to the Ballyard Lofts, more specifically described as follows:

Parcel "C" as shown by the Plat of Survey recorded on March 14, 2013, in Book 14697, at Page 88, in the office of the Recorder of Polk County, Iowa, and more specifically described as follows:

**PARCEL C:**

AN IRREGULAR SHAPED PORTION OF LOT 2 IN FACTORY ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA DESCRIBED AS:  
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE N15°23'14"W (PREVIOUSLY RECORDED BEARING) ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 316.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N15°23'14"W ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 184.40 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE N74°23'41"E ALONG THE NORTH LINE OF SAID LOT 2 AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF W. MARTIN LUTHER KING Jr. PARKWAY AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 89.34 FEET; THENCE S88°30'49"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID W. MARTIN LUTHER KING Jr. PARKWAY, A DISTANCE OF 157.76 FEET; THENCE S63°05'40"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID W. MARTIN LUTHER KING Jr. PARKWAY, A DISTANCE OF 43.40 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SW. 2nd STREET AS IT IS PRESENTLY ESTABLISHED; THENCE S17°25'53"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SW. 2nd STREET, A DISTANCE OF 108.47 FEET; THENCE S74°20'04"W, A DISTANCE OF 276.29 FEET TO THE POINT OF BEGINNING.  
SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.  
SAID TRACT OF LAND CONTAINS 44,945 SQUARE FEET OR 1.03 ACRES.

( continued )

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2. 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.

(Council Communication No. 14- 305 )

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown  
Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO				✓
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	5			2

MOTION CARRIED

APPROVED

T. M. Franklin 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