



**Roll Call Number**

21-1128

**Agenda Item Number**

44

**Date** July 19, 2021

**RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION TO ELECTRO MANAGEMENT CORP. AND ELECTRICAL POWER PRODUCTS, INC. (BRITT BAKER) FOR THE COMPLETION OF A 60,000 SQUARE-FOOT WAREHOUSE ADDITION TO THE EXISTING PRODUCTION FACILITY LOCATED AT 4240 ARMY POST ROAD**

**WHEREAS**, on December 21, 2015, by Roll Call No. 15-2170, the City Council approved an Urban Renewal Development Agreement (“Agreement”) with Electro Management Corp. and Electrical Power Products, Inc. (collectively “EP2”), represented by Britt Baker, CEO, for the phased redevelopment of private property located at 4240 Army Post Road for relocation and expansion of EP2’s industrial facility, to be constructed and maintained in conformance with the approved Conceptual Development Plan, with an estimated project cost of \$13,000,000, and with economic development assistance applicable to the Phase I Improvements only; and

**WHEREAS**, on April 9, 2018, by Roll Call No. 18-0582, the City Council approved the issuance of the Certificate of Completion for the Phase I Improvements for said project, which improvements included construction of a 242,800 square-foot production and office facility located on a 20.8-acre parcel within the SW 42<sup>nd</sup> and Army Post Urban Renewal Area; and

**WHEREAS**, on November 23, 2020, by Roll Call No. 20-1882, the City Council approved an amendment to the Agreement with EP2 for construction of an addition to the Phase I building (“Phase I-A Improvements”) for use by EP2 as expansion of its production and office facility, with an anticipated minimum project cost of \$5,900,000.00, which addition contains a minimum of 60,000 square feet of warehouse space, constructed with similar and consistent color, design, materials, and landscaping as the Phase I Improvements; and

**WHEREAS**, the Phase I-A Improvements have been completed in substantial compliance with the Development Agreement and the approved Conceptual Development Plan, both as amended; and

**WHEREAS**, EP2 has requested the City issue a Certificate of Completion as evidence of the satisfaction of its construction obligations for the Phase I-A Improvements under the 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 July 19, 2021, Electro Management Corp. and Electrical Power Products, Inc. have satisfied their obligation to complete the Phase I-A Improvements to property located at 4240 Army Post Road, legally described as follows, in substantial compliance with the Urban Renewal Development Agreement with Electro Management Corp. and Electrical Power Products, Inc. as recorded in the Polk County Recorder’s Office in Book 15858, Page 771, as amended, and the approved Conceptual Development Plan, as amended:

The East 850.0 feet of the following described property:  
The East ½ of the Southeast 1/4 of Section 36, Township 78 North, Range 25 West of the 5th P.M., now included in and forming a part of the City of Des Moines,



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Polk County, Iowa, EXCEPT that part thereof conveyed to the State of Iowa by Warranty Deed recorded in Book 5265, Page 522 and EXCEPT that part taken by Condemnation filed August 24, 1999 in Book 8303, Page 292, and EXCEPT all that part lying South of the South line of the property taken by Condemnation referenced above.

2. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 2.4 of said Agreement, as amended.

3. 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:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

[Signature of P. Kay Cmelik]

City Clerk