



Roll Call Number

22-0340

Agenda Item Number

48

Date March 7, 2022

RESOLUTION APPROVING ISSUANCE OF A CERTIFICATE OF COMPLETION FOR THE MIXED-USE PROJECT BY EAST VILLAGE TOWER PARTNERS, LLC, AT 600 E. 5TH STREET

WHEREAS, on June 9, 2014, by Roll Call No. 14-0854, the City Council approved an Urban Renewal Development Agreement (the "Agreement") with East Village Tower Partners, LLC (hereinafter "Tower Partners"), represented by Jake Christensen of Christensen Development, its Managing Member, whereby Tower Partners agreed to make the following improvements to the existing building and property at 600 E. 5th Street:

Residential and Exterior Improvements:

- To renovate the existing building to contain approximately 103 apartments with amenities including an exercise room, a business center, laundry facilities and on-site management.
- To improve the property with additional off-street parking, landscaping and streetscape improvements.

Commercial Improvements:

- To provide approximately 5,000 square feet of space for restaurant use on the first floor;
- To retain the existing skilled nursing facility on the lower level at the southeast end of the building.

all to be completed in conformance with the approved Conceptual Development Plan; and

WHEREAS, on July 25, 2016, by Roll Call No. 16-1213, the City Council issued a Certificate of Partial Completion as evidence of satisfaction by Tower Partners of its construction obligations under the Agreement following completion of the Residential and Exterior Improvements in substantial compliance with the Agreement and the approved Conceptual Development Plan, and further required that Tower Partners request issuance of the Certificate of Completion pursuant to Section 2.4 of the Agreement upon completion of the Commercial Improvements; and

WHEREAS, Tower Partners has completed the Commercial Improvements in substantial compliance with the Agreement and the approved Conceptual Development Plan, and has requested the City issue a final Certificate of Completion as evidence of the satisfaction of its construction obligations for all Improvements under the Agreement.

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

1. The City Council hereby finds and acknowledges that Tower Partners has satisfied its obligation to complete all Improvements to the property at 600 E. 5th Street, legally



Roll Call Number

22-0340

Agenda Item Number

48

Date March 7, 2022

described as follows, in substantial compliance with the Agreement and the approved Conceptual Development Plan:

All of Lot 6, Block D, RIVER HILLS PLAT 3, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, except a portion lying in the Southwest corner of said Lot 6, Block D, described as follows:

Beginning at the Southwest corner of said Lot 6; thence running N6°30'27"W, along the West line of said Lot 6, a distance of 414.73 feet to the Northwest corner of said Lot 6, said corner also being a point of tangency with the circular curve in the next described course; thence Southeasterly along the arc of a circular curve to the left, having for its elements a radius of 1,104.90 feet and a central angle of 39°05'01", a distance of 169.35 feet to the point of tangency; thence running S15°17'21"E, tangent to the last mentioned curve, a distance of 226.32 feet to a point of curvature of a circular curve to the left; thence running South and East along the arc of said circular curve to the left, having for its elements a radius of 15 feet and a central angle of 89°52'55", a distance of 23.53 feet to a point of tangency with the South line of said Lot 6; thence running S74°49'44"W, along the South line of said Lot 6, a distance of 65.34 feet to the Point of Beginning, containing 145,915 square feet more or less.

2. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 2.4(A) of said Agreement.
3. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution and roll call to the Office of Economic Development for transmittal to the Developer.

MOVED by Gatto to adopt.

SECOND by Boesen.

FORM APPROVED:

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

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

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 Mayor

P. Kay Cmelik City Clerk