



Roll Call Number

24-D115

Agenda Item Number

31A

Date January 22, 2024

RESOLUTION APPROVING TERMINATION OF DECLARATION OF COVENANTS REQUIRING PROPERTY BE MAINTAINED UNDER SINGLE OWNERSHIP FOR PROPERTY LOCATED AT 666 GRAND AVENUE AND 601 LOCUST STREET

WHEREAS, the City of Des Moines is the beneficiary of a Declaration of Covenants recorded on or about February 6, 2017 in Book 16366, Page 975 in the Office of the Polk County Recorder (the “Declaration”); and

WHEREAS, the Declaration relates to two parcels of property in downtown Des Moines locally known as 666 Grand Avenue and 601 Locust Street, commonly referred to as the “Ruan Center” and “Ruan II” building, respectively (collectively, the “Properties”); and

WHEREAS, the Declaration was filed in order to satisfy certain City site plan and other code requirements which required the parcels to be treated as a single consolidated parcel; and

WHEREAS, the Declaration required the Properties to remain under common ownership and devoted to a common use and prohibited any transfer of the property which severed such common ownership or use without written approval of the City; and

WHEREAS, the current owner of the Properties, Ruan Center Corporation, seeks to transfer the property located at 601 Locust Street to a new entity entitled Ruan Redevelopment Partners, LLC which seeks to utilize the property located at 601 Locust Street for redevelopment purposes; and

WHEREAS, Des Moines Municipal Code section 26.308.a.4 requires the consent of the building official be obtained prior to amendment or termination of the declaration of covenants and the building official is authorized to consent to such amendment or termination only if appropriate measures have been taken to the reasonable satisfaction of the building official to remedy any violations of Chapter 26 and Chapter 46 that would otherwise exist upon such amendment or termination; and

WHEREAS, the building official has determined to his reasonable satisfaction that the objectives and safeguards of Chapter 26 and 46 can be met upon termination of the Declaration by execution and recordation of a new Lot Tie Easement Agreement by the current owner, Ruan Center Corporation, and the new owner of 601 Locust Street, Ruan Redevelopment Partners, LLC (the “Lot Tie Agreement”); and

WHEREAS, the Lot Tie Agreement, in form satisfactory to the City’s building official and legal department has been executed and are expected to be recorded on or about January 26,



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2024 or on the date of acquisition of 601 Locust Street by Ruan Redevelopment Partners, LLC, whichever is later.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, that:

- 1. Effective on January 26, 2024 or as of the date of acquisition of 601 Locust Street by Ruan Redevelopment Partners, LLC, whichever is later, the City hereby consents to the termination of the Declaration recorded on or about February 6, 2017 in Book 16366, Page 975 in the Office of the Polk County Recorder; and
2. the City Clerk or her designee is hereby authorized to provide a certified copy of this Resolution to the owners of the Properties to be recorded in the Office of the Polk County Recorder at or immediately before the time of the proposed transfer of property located at 601 Locust Street from Ruan Center Corporation to Ruan Redevelopment Partners, LLC.; and
3. the City consents to the proposed property transfer of 601 Locust Street from Ruan Center Corporation to Ruan Redevelopment Partners, LLC.

MOVED BY Gatto to adopt. SECOND BY Coleman (Council Communication No. 24-025)

Approved as to Form: /s/ Gary D. Goudelock Jr. Gary D. Goudelock Jr., Assistant City Attorney

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

CERTIFICATE I, LAURA BAUMGARTNER, 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.

Connie Boesen Mayor

Laura Baumgartner City Clerk