

Date June 24, 2019

RESOLUTION APPROVING ISSUANCE OF A CERTIFICATE OF COMPLETION TO 111 EAST GRAND, LLC, FOR THE MIXED-USE BUILDING AT 111 E. GRAND AVENUE

WHEREAS, on April 11, 2016, by Roll Call No. 16-0634, the City Council approved an *Urban Renewal Agreement for Sale of Land for Private Redevelopment* (the "Original Agreement") with 101 East Grand Parking, LLC (the "Developer"), represented by Paul Hayes, President, which provided for the sale by City to the Developer of portions of the block east of the Des Moines City Hall for redevelopment with a parking garage fronting E. 2nd Street in the middle of the block to be re-acquired by City under a lease purchase agreement, and with separate 4-story mixed-use buildings on the parcels north and south of the parking garage; and,

WHEREAS, Developer completed the parking garage in conformance with the Original Agreement, and such parking garage is now in operation as the East Second Parking Garage; and,

WHEREAS, on April 23, 2018, by Roll Call No.18- 0702, the City Council approved a *First Amendment and Partial Assignment of Urban Renewal Agreement for Sale of Land for Private Redevelopment* (the "First Amendment") with the Developer and with 111 East Grand, LLC represented by Tim Rypma, Vice President, whereby 111 East Grand, LLC, agreed to acquire the parcel at 111 E. Grand Avenue, immediately north of the East Second Parking Garage, and to redevelop such parcel with a 4-story building with at least 75% of the ground floor devoted to retail, restaurant, and limited professional office use and the upper floors devoted to office use, in substantial conformance with the approved Conceptual Development Plan; and,

WHEREAS, the building at 111 E. Grand Avenue has now been completed in substantial conformance with the Original Agreement as amended, and with the approved Conceptual Development Plan; and,

WHEREAS, 111 East Grand, LLC, has requested that the City issue a Certificate of Completion to memorialize the satisfaction of its construction obligations for the building at 111 E. Grand Avenue.

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 111 East Grand, LLC, has satisfied its obligations to complete the 4-story mixed-use building at 111 E. Grand Avenue on the property more specifically described below, in substantial compliance with the Original Agreement as amended, and the approved Conceptual Development Plan. This resolution shall serve as the Certificate of Completion to be issued by the City pursuant to Section 3.5 of the Original Agreement for the phase of improvements to be located on the property described below.



Roll Call Number

Agenda Item Number

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-2-

Date June 24, 2019

Parcel 2016-20, as shown by the Plat of Survey recorded on March 24, 2016, in Book 15934, at Page 39, being a part of Block 3, East Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. 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 _____ to adopt.

FORM APPROVED:

By: Roger K Brown
Roger K. Brown, Assistant City Attorney

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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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

City Clerk



AIA Document G704™ – 2017

Certificate of Substantial Completion

PROJECT: *(name and address)*
111 E. Grand LLC-Mixed Use
Retail Office Space

CONTRACT INFORMATION:
Contract For: General Construction
Date: April 12, 2018

CERTIFICATE INFORMATION:
Certificate Number: 001
Date: April 25, 2019

OWNER: *(name and address)*
111 E. Grand LLC
111 East Grand Avenue
Des Moines, IA 50309

ARCHITECT: *(name and address)*
Neumann Monson Architects
418 Sixth Avenue, Suite 209
Des Moines, IA 50309

CONTRACTOR: *(name and address)*
Ryan Companies US, Inc.
14001 University Avenue, Suite 300
Clive, IA 50325

The Work identified below has been reviewed and found, to the Architect's best knowledge, information, and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated below is the date established by this Certificate.
(Identify the Work, or portion thereof, that is substantially complete.)

Neumann Monson
Architects

Cheung Chan

April 25, 2019

ARCHITECT *(Firm Name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE OF SUBSTANTIAL COMPLETION

WARRANTIES

The date of Substantial Completion of the Project or portion designated above is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:
(Identify warranties that do not commence on the date of Substantial Completion, if any, and indicate their date of commencement.)
None

WORK TO BE COMPLETED OR CORRECTED

A list of items to be completed or corrected is attached hereto, or transmitted as agreed upon by the parties, and identified as follows:
(Identify the list of Work to be completed or corrected.)
Exterior metal cladding; and
additional items as listed in the attachment

The failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items on the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment, whichever occurs first. The Contractor will complete or correct the Work on the list of items attached hereto within fourteen (14) days from the above date of Substantial Completion.

Cost estimate of Work to be completed or corrected: \$75,000

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work, insurance, and other items identified below shall be as follows:
(Note: Owner's and Contractor's legal and insurance counsel should review insurance requirements and coverage.)

The Owner and Contractor hereby accept the responsibilities assigned to them in this Certificate of Substantial Completion:

Ryan Companies US, Inc.
CONTRACTOR *(Firm Name)*

Russ Lewton, VP of Ops

6/11/19

111 East Grand LLC
OWNER *(Firm Name)*

Paul D. Hayes, Pres

6/11/19