



AGENDA ITEM: J1AA

**CITY OF WAUKEE, IOWA  
CITY COUNCIL MEETING COMMUNICATION**

**MEETING DATE:** September 7, 2021

**AGENDA ITEM:** Consideration of approval of a resolution approving Certificate of Completion, Developer Public Improvements [Waukeee Towne Center, LLC]

**FORMAT:** Resolution

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**SYNOPSIS INCLUDING PRO & CON:** The City entered into a Development Agreement with Waukeee Towne Center, LLC related to property located south of Hickman Road and west of Alice's Road. Among other things, the developer was responsible for constructing public improvements which included the construction of a portion of SE Laurel Street across the property.

The developer has completed the public improvements to the satisfaction of the City.

**FISCAL IMPACT INCLUDING COST/BENEFIT ANALYSIS:**

**COMMISSION/BOARD/COMMITTEE COMMENT:**

**STAFF REVIEW AND COMMENT:** Staff would recommend approval of the resolution.

**RECOMMENDATION:** Approve the resolution

**ATTACHMENTS:** I. Proposed Resolution

**PREPARED BY:** Brad Deets, Assistant City Administrator

**REVIEWED BY:**

**PUBLIC NOTICE INFORMATION –**

**NAME OF PUBLICATION:**

**DATE OF PUBLICATION:**

THE CITY OF WAUKEE, IOWA

RESOLUTION 2021-

**APPROVING THE CERTIFICATE OF COMPLETION FOR DEVELOPER PUBLIC IMPROVEMENTS - WAUKEE TOWNE CENTER**

*IN THE NAME AND BY THE AUTHORITY OF THE CITY OF WAUKEE, IOWA*

WHEREAS, the City of Waukee, Iowa (the "City") and Waukee Towne Center, LLC (the "Developer") did on or about the 5th day of October, 2020, make, execute, and deliver, each to the other, an Agreement for Private Development (the "Agreement"), wherein and whereby the Developer agreed, in accordance with the terms of the Agreement, to develop certain real property located within the City and as more particularly described as follows:

A PARCEL OF LAND IN PARCEL 'BB' OF THE E1/2 NE1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5<sup>TH</sup> P.M., AN OFFICIAL PARCEL RECORDED IN BOOK 2012, PAGE 22929 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WAUKEE, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID PARCEL 'BB', SAID NW CORNER ALSO BEING THE SW CORNER OF WAUKEE MARKET PLACE PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2017, PAGE 9595 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE N89°37'30"E, 832.69 FEET ALONG THE NORTH LINE OF SAID PARCEL 'BB', SAID NORTH LINE ALSO COINCIDING WITH THE SOUTH LINE OF SAID WAUKEE MARKET PLACE PLAT 1 TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 77.50 FEET AND A CHORD BEARING S45°11'16"E, AN ARC LENGTH OF 122.24 FEET ALONG SAID NORTH LINE TO A POINT OF TANGENCY; THENCE S00°00'03"E, 215.99 FEET ALONG SAID NORTH LINE TO A POINT; THENCE N89°55'17"E, 325.01 FEET ALONG SAID NORTH LINE TO THE SE CORNER OF LOT 7 OF SAID WAUKEE MARKET PLACE PLAT 1, SAID SE CORNER ALSO BEING THE NW CORNER OF THE WARRANTY DEED AND ATTACHED ACQUISITION PLAT RECORDED IN BOOK 2017, PAGE 23499 AT THE DALLAS COUNTY RECORDER'S OFFICE, THENCE SOUTHERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3437.50 FEET AND A CHORD BEARING S01°12'23"W, AN ARC LENGTH OF 153.28 FEET ALONG THE WEST LINE OF SAID WARRANTY DEED TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3562.50 FEET AND A CHORD BEARING S01°12'09"W, AN ARC LENGTH OF 159.33 FEET ALONG SAID WEST LINE TO A POINT OF TANGENCY; THENCE S00°04'43"E, 443.32 FEET ALONG SAID WEST LINE TO A POINT; THENCE N89°44'09"W, 376.67 FEET TO A POINT; THENCE N00°04'43"W, 408.62 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 303.00 FEET AND A CHORD BEARING N45°13'37"W, AN ARC LENGTH OF 477.52 FEET TO A POINT OF TANGENCY; THENCE S89°37'40"W, 208.53 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 363.00 FEET AND A CHORD BEARING N59°50'42"W, AN ARC LENGTH OF 383.06 FEET TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING N61°06'47"W, AN ARC LENGTH OF 27.55 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 'BB'; THENCE N00°00'05"E, 135.57 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 13.41 ACRES MORE OR LESS AND SUBJECT TO EASEMENTS, AGREEMENTS AND LICENSES OF RECORD.

(the "Development Property"); and

WHEREAS, the Agreement incorporated and contained certain covenants and restrictions with respect to the development of the Development Property, and obligated the Developer to construct certain Developer Public Improvements (as defined therein) in accordance with the Agreement; and

WHEREAS, Developer has to the present date performed said covenants and conditions insofar as they relate to the construction of said Developer Public Improvements in a manner deemed by the City to be in conformance with the Agreement to permit the execution and recording of this certification.

NOW, THEREFORE, this is to certify that all covenants and conditions of the Agreement with respect to the obligations of Developer and its successors and assigns, to construct the Developer Public Improvements on the Development Property have been completed and performed by Developer and are hereby released absolutely and forever terminated insofar as they apply to the land described herein. The County Recorder of Dallas County is hereby authorized to accept for recording and to record the filing of this instrument, to be a conclusive determination of the satisfactory termination of the covenants and conditions of said Agreement with respect to the construction of the Developer Public Improvements set forth in the Agreement.

All other provisions of the Agreement shall otherwise remain in full force and effect until termination as provided therein.

*[Signatures Start on Next Page]*

(SEAL)

CITY OF WAUKEE, IOWA

By: \_\_\_\_\_  
Courtney Clarke, Mayor

ATTEST:

By: \_\_\_\_\_  
Becky Schuett, City Clerk

STATE OF IOWA                    )  
  ) SS  
COUNTY OF DALLAS            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me a Notary Public in and for said State, personally appeared Courtney Clarke and Becky Schuett, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Waukee, Iowa, a Municipality created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed and sealed on behalf of said Municipality by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

<b>RESULTS OF VOTE:</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Anna Bergman Pierce				
R. Charles Bottenberg				
Chris Crone				
Larry R. Lyon				
Ben Sinclair				