

**CITY COUNCIL
COMMUNICATION:**

03-069

AGENDA:

FEBRUARY 10, 2003

SUBJECT:

REMEDY FOR THE
TITLE PROBLEMS
ON THE BROOKS
SCHOOL SITE

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

Issuance of a replacement deed for a prior conveyance to the Des Moines School District where the deed was apparently lost and never recorded, and release of a condition reserved in a separate deed of a second parcel conveyed to the School District. These actions are requested to remedy two title objections with the Brooks School Site, which is being sold by the School District to Community Housing Development Corporation (CHDC).

FISCAL IMPACT —

None.

RECOMMENDATION —

Approval.

BACKGROUND —

In 1999, the Des Moines School District closed Brooks School and combined it with Lucas; subsequently, the combined schools were located on the newly constructed Capitol View School. The School District has sold the Brooks School property to CHDC for a new housing development.

The City of Des Moines Neighborhood Development Division has also worked with the Fairground Neighborhood Association to create a neighborhood plan to create a vision for the future of the neighborhood. This proposed housing development is consistent with the Fairground Neighborhood Action Plan and with the concepts of the City's 2020 Community Character/Land Use Plan. This project will play a major part in the revitalization of the Fairground Neighborhood.

CHDC has presented the proposed plans to the Fairgrounds Neighborhood Association. The neighborhood association is supportive of the development.

On November 4, 2002, the City Council approved an allocation of \$235,000 of Home Investments Partnership Act/Community Housing Development Organization (HOME/CHDO) funds to CHDC to assist with the construction of eight single-family owner-occupied housing units to be constructed at the Brooks School site. The total cost of the single-family development will be \$1,078,400. Also, the City Council awarded \$325,000 HOME/CHDO for the construction of 10-12 town homes to rent to senior citizens. The Senior Town Homes total project will be \$845,500. The construction of these units

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represents the first phase of the project.

During the sale of this property, the title opinion identified two title objections. City Legal is recommending that the City Council take the following action to remedy the title objections.

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- Issue a Replacement Quit Claim Deed to replace the lost deed for the land vacated by Ordinance No. 3967, passed August 30, 1930 and conveyed to the School District.
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- Issue a Release of Reservation which specifically releases the following reservation in the Quit Claim Deed recorded on July 23, 1941, in Book 1618 at Page 472: "This quit claim deed is made with the specific reservation that in the event the property herein described is hereafter needed for a public purpose it may be condemned and acquired by the City of Des Moines without payment of a consideration therefore for damages growing out of said condemnation."

These actions should be granted by the City to facilitate the housing project undertaken by CHDC with the assistance from the City through the HOME Program. The stated consideration for the new deed and release will be the undertaking by CHDC to complete a housing project upon the site.

