

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> August 9, 2010
	<b>Agenda Item No.</b> 22 <b>Roll Call No.</b> <u>10-1280</u> <b>Communication No.</b> <u>10-478</u> <b>Submitted by:</b> <b>Phillip Delafield, Director, Community Development Department</b>

**AGENDA HEADING:**

Approving request to Polk County Treasurer for 2010 tax sale certificate on abandoned property located at 3132 Kingman Boulevard.

**SYNOPSIS:**

Recommend authorizing the Community Development Director to send an affidavit to the Polk County Treasurer requesting assignment of the 2010 tax sale certificate for an abandoned structure in danger of becoming a public nuisance located at 3132 Kingman Boulevard. Upon receipt of the tax certificate, the Community Development Director is authorized to issue a Request for Proposal to developers for proposals to rehabilitate the property.

**FISCAL IMPACT: NONE**

Amount: \$0

Funding Source: N/A

**ADDITIONAL INFORMATION:**

The Polk County Treasurer issues tax sale certificates for delinquent tax properties at a monthly tax sale auction. State Code 446.19A allows counties and cities to withhold properties from the auction or request assignment of the certificate any time during the year under certain conditions in order to rehabilitate the structures for housing. To obtain the tax certificate pursuant to State Code 446.19A, the City Council must send an affidavit to the Polk County Treasurer swearing that the conditions can be met. The conditions that govern the withdrawal of a property from the tax sale include:

1. The property is a residentially assessed vacant lot or structure,
2. The existing residential structure can and will be rehabilitated for housing. The City cannot tear down the property and rebuild for another purpose or request vacant land.
3. The structure or lot is considered abandoned, and
4. The property is a public nuisance or is in danger of becoming a public nuisance.

In addition, the act provides that a city may assign the tax sale certificate or sell the certificate. State law requires the owners of record be served with a notice of the owner's right to redeem the property in a manner described in the statute.

A tax sale certificate was sold on this property in 2007. The owner of the tax sale certificate continued to pay the taxes but did not take tax deed to the property under the time guidelines and the certificate has expired. The taxes due in September 2009 and March 2010 will be in the tax sale auction on August 19<sup>th</sup>, 2010.

This is an important property along Kingman Avenue with some historic significance. Staff proposes that the City acquire the tax sale certificate at the August auction before the certificate is sold to an investor. The Community Development Department will send out a request for proposal for rehabilitation of the structure to developers. The rehabilitation submittal must have an emphasis on preservation and include evidence of financing, examples of similar work completed in Des Moines area, and a binding agreement in a form satisfactory to the Legal Department for use as single family or multi-family housing.



The house at 3132 Kingman has most recently been a four-plex but has been vacant since approximately 2002. It is zoned R-3, multi-family housing.

The owner of the property, Leslie J. Barnett, may choose to pay the taxes and any special assessments on the property at which time the City's action would be moot. As of July 27, 2010, the amount owed to the Treasurer is \$ 9,510.40. That amount increases by 2% every month. The City does not have to pay for assignment of the tax sale certificate by this action but the developer assigned the certificate will need to pay that amount to Polk County.

### **PREVIOUS COUNCIL ACTION(S):**

Date: June 14, 2010

Roll Call Number: 10-921

Action: City Manager to remove two requested properties from the Polk County tax sale certificate for future development of housing. ([Council Communication No. 10-328](#)) Moved by Moore to adopt; refer to the City Manager to identify any City-owned property that is buildable/usable. Also, work with Polk County to jointly market the lots. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Council action will be required to assign the tax sale certificate to a rehabilitation developer.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).