


## COUNCIL COMMUNICATION

	Number:	<b>21-533</b>	Meeting:	<b>December 6, 2021</b>
	Agenda Item:	<b>41</b>	Roll Call:	<b>21-1831</b>
	Submitted by:	<b>Chris Johansen, Neighborhood Services Department Director</b>		

### AGENDA HEADING:

Approve Third Amendment of Agreement between the City of Des Moines and Ben Spellman for acquisition and rehabilitation of properties located at 1124 13th Street and 1311 Laurel Street to extend agreement until June 30, 2022.

### SYNOPSIS:

- On December 5, 2019, an Amendment and Assignment of Development Agreement was administratively completed to transfer and assign unto Astilbe Morning, LLC all rights, title and interest in and to the Development Agreement with the City.
- On November 13, 2020, a second amendment of the Development Agreement was approved extending the agreement to December 30, 2021.
- On July 1, 2021, an Amendment and Assignment of Development Agreement was administratively completed to transfer and assign unto Ben Spellman all rights, title and interest in and to the Development Agreement with the City.
- Ben Spellman has requested an amendment of the Development Agreement extending the agreement to June 30, 2022.

### FISCAL IMPACT: NONE

### ADDITIONAL INFORMATION:

- On December 19, 2011, by Roll Call No. 11-2158, the City Council determined that the real property at 1124 13th Street was a public nuisance and authorized the City Legal Department to proceed with court action seeking authority to abate the public nuisance.
- A strategy for neighborhood revitalization is to pursue a tax sale certificate for public nuisance properties, having the City take title, and then convey the property to a developer for rehabilitation/redevelopment.
- On February 5, 2018, by Roll Call No. 18-0204, the City Council approved several actions to direct staff to acquire the tax sale deed to the two (2) properties and find a single-family developer to rehabilitate the structures.

- On May 16, 2018, the City Community Development staff distributed a Request for Proposal (RFP) to select a developer to complete the necessary development on the two (2) properties for housing and identified Indigo Dawn, LLC for the purpose of said redevelopment.
- On December 5, 2019, the City accepted Astilbe Morning, LLC as Assignee of the Development Agreement that transfers and assigns unto Astilbe Morning, LLC all rights, title and interest in and to the Development Agreement with the City.
- On December 16, 2019, by Roll Call No. 19-2027, the City Council approved the First Amendment to Acquisition Agreement between the City and Astilbe Morning, LLC, to allow extension of the Agreement until December 30, 2020.
- On November 9, 2020, by Roll Call No. 20-1781, the City Council approved the Second Amendment to Acquisition Agreement between the City and Astilbe Morning, LLC, to allow extension of the Agreement until December 30, 2021.
- On July 1, 2021, the City accepted Ben Spellman as Assignee of the Development Agreement that transfers and assigns unto Ben Spellman all rights, title and interest in and to the Development Agreement with the City.
- There is no change in the design proposal for the rehabilitation of the two (2) properties.
- Ben Spellman has requested an amendment of the Development Agreement extending the agreement to June 30, 2022, to allow completion of the project. Significant progress has been made on the rehab since the assignment of the agreement to the Developer.

**PREVIOUS COUNCIL ACTION(S):**

Date: November 9, 2020

Roll Call Number: [20-1781](#)

Action: [Second](#) Amendment to agreement with Astilbe Morning, LLC for property located at 1124 13th Street and 1311 Laurel Street to allow extension of time for completion of project. ([Council Communication No. 20-481](#)) Moved by Boesen to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Board of Health

Date: December 19, 2011

Resolution Number: [11-2158](#)

Action: Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the property located at 1124 13th Street, Des Moines, Iowa. Main structure, Titleholder Samuel Tiger (deceased). Moved by Mahaffey to adopt. Motion Carried 7-0.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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