

Date..... April 10, 2006

RESOLUTION APPROVING AGREEMENT WITH VIRGINIA REGAN TO PRESERVE
THE CITY'S RIGHT TO TAKE A TAX DEED TO THE VACANT LOT AT
1315 HARRISON AVENUE INTENDED FOR REDEVELOPMENT FOR HOUSING

WHEREAS, on June 6, 2005, by Roll Call No. 05-1399, the City Council approved a request to the Polk County Treasurer for the assignment of the 2005 tax sale certificates for certain tax delinquent properties, including the vacant lot at 1315 Harrison Avenue (the "Property"); and,

WHEREAS, on February 20, 2006, by Roll Call No. 06-359 the City Council approved the assignment of the 2005 tax sale certificate or the Property to Community Housing Development Corporation for construction of housing; and,

WHEREAS, the City has given notice of expiration of the right of redemption from the 2005 tax sale pursuant to Iowa Code §447.9, and such right of redemption will expire on or about May 15, 2006; and,

WHEREAS, Virginia B. Regan holds the 2004 Tax Sale Certificate for the Property, and has declared her intent to redeem the Property from the 2005 tax sale in order to preserve her rights under her 2004 Tax Sale Certificate; and,

WHEREAS, it would cost approximately \$3,994.67 for the City or any other interested party to redeem the Property from the 2004 tax sale; and,

WHEREAS, the City desires that Virginia Regan not redeem the Property from the 2005 tax sale, to permit the City or Community Housing Development Corporation to obtain a tax deed under the 2005 Tax Sale Certificate, which would cancel the 2004 Tax Sale Certificate held by Virginia Regan; and,

WHEREAS, the City Manager has negotiated an Agreement with Virginia Regan whereby she has agreed forego her right to redeem the Property in exchange for a payment of \$3,323.75; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The Mayor is hereby authorized and directed to sign the proposed Agreement with Virginia Regan on behalf of the City of Des Moines, Iowa.
2. If the Property is not redeemed from the 2005 tax sale by May 18, 2005, so as to permit the City or its assignee to seek a tax deed, the City Treasurer is hereby authorized to

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make payment to the order of Virginia Regan in the amount of \$3,323.75 pursuant to the Agreement.

(Council Communication No. 06- 195)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| BROOKS | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| KIERNAN | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |

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.

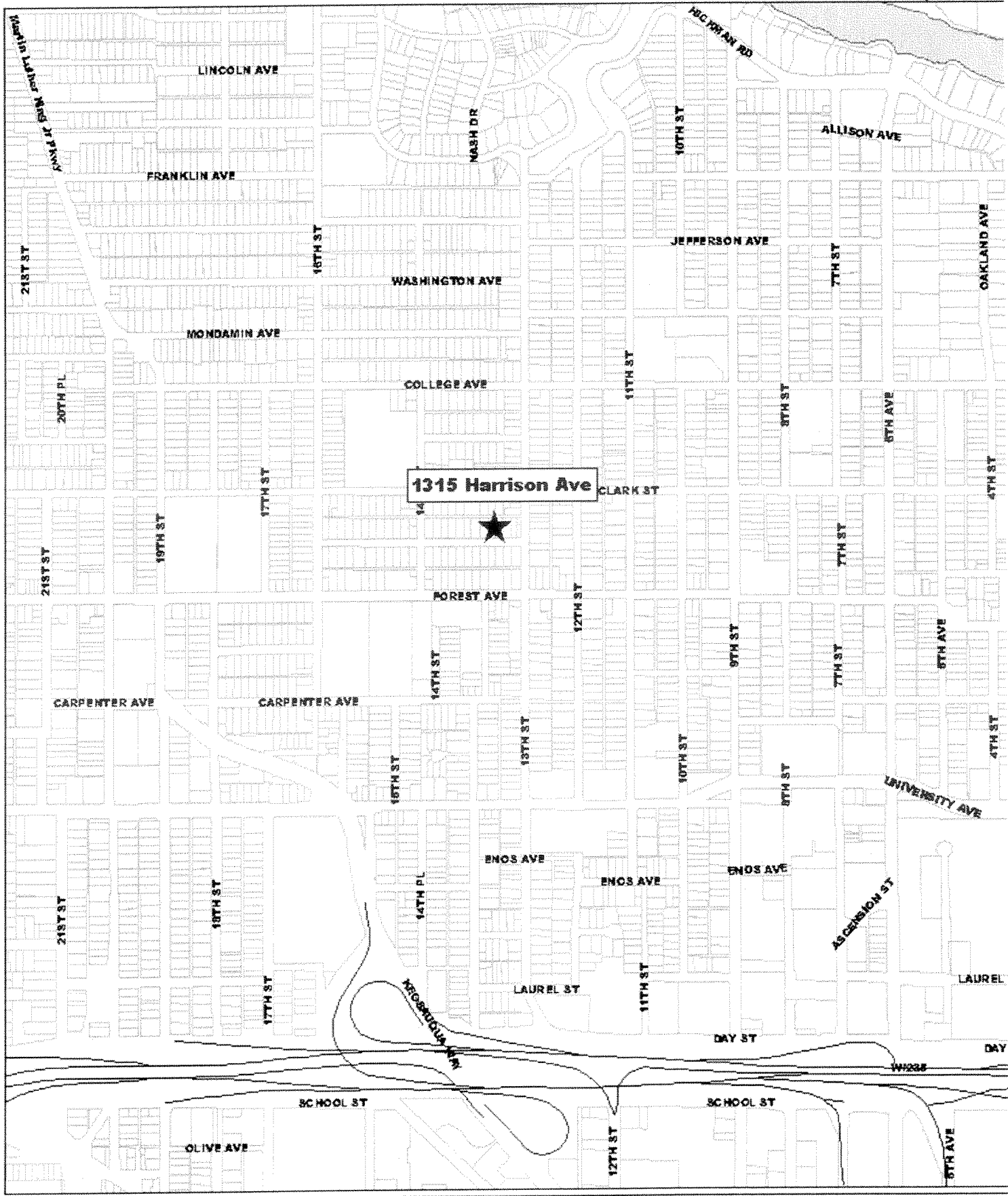
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

.....Mayor

City Clerk



HARRISON
1315 [REDACTED] Avenue - Tax Sale Certificate
 March 30, 2006



AGREEMENT

regarding 1315 Harrison Avenue

This Agreement is made and entered into as of the 10th day of April, 2006, by and between the City of Des Moines, Iowa ("City"), an Iowa municipal corporation, and Virginia B. Regan ("Regan") of Everett, Washington.

WHEREAS, at the 2004 Polk County tax sale, Regan paid \$2,655.34 to acquire Tax Sale Certificate No. 2004-1717 for the real estate at 1315 Harrison Avenue, Des Moines, Iowa (the "Property"), and continues to hold the certificate; and,

WHEREAS, at the 2005 Polk County tax sale, City acquired Tax Sale Certificate No. 2005-1609 for the Property pursuant to Iowa Code §446.19A on the basis that the Property is a vacant lot suitable for use as housing; and,

WHEREAS, the City has given notice of expiration of the right of redemption from the 2005 tax sale pursuant to Iowa Code §447.9, and such right of redemption will expire on or about May 15, 2006; and,

WHEREAS, Regan has declared her intent to redeem the Property from the 2005 tax sale in order to preserve her rights under her 2004 Tax Sale Certificate; and,

WHEREAS, it would cost approximately \$3,994.67 for the City or any other interested party to redeem the Property from the 2004 tax sale; and,

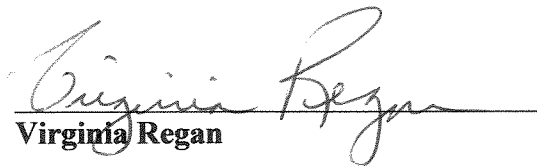
WHEREAS, the City desires that Regan not redeem the Property from the 2005 tax sale, to permit the City to obtain a tax deed under its 2005 Tax Sale Certificate and thereby cancel the 2004 Tax Sale Certificate held by Regan.

THEREFORE, in consideration of the mutual undertakings of the parties, the City and Regan hereby agree as follows:

1. Regan shall NOT exercise her right to redeem the Property at 1315 Harrison Avenue from the 2005 tax sale.
2. If the Property at 1315 Harrison Avenue has not been redeemed from the 2005 tax sale prior to May 18, 2005, by Regan or any other party, the City shall by May 28, 2005, pay Regan the sum of \$3,323.75.
3. If the Property at 1315 Harrison Avenue is redeemed from the 2005 tax sale prior to May 18, 2005, by Regan or any other party, the City shall have no obligation to make any payment to Regan under this Agreement, and this Agreement shall thereafter be of no further force or effect.

*Agreement
regarding 1315 Harrison Avenue
page 2*

Date signed: _____

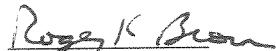

Virginia Regan

City of Des Moines, Iowa

Date signed: April ____, 2006

By: _____
Frank Cownie, Mayor

Form approved:



Roger K. Brown

Assistant City Attorney

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Authorized by Resolution and Roll Call No. 06-_____, passed by the City Council
of the City of Des Moines, Iowa, on April 10, 2006.

JIMBR:Jim Nervig:Regan, Virginia:Agreement.doc