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.....
Date..... August 21, 2006

RESOLUTION APPROVING AGREEMENT WITH SHERRY SMITH TO PRESERVE
THE CITY'S RIGHT TO TAKE A TAX DEED TO THE VACANT LOT AT
1622 FOREST AVENUE INTENDED FOR REDEVELOPMENT FOR HOUSING

WHEREAS, Sherry Smith, sometimes known as Sherry Wiggins, is the titleholder of the vacant lot at 1622 Forest Avenue (the "Property"); and,

WHEREAS, on March 6, 2006, by Roll Call No. 06-442, the City Council approved the purchase of the 2003 Tax Sale Certificate for the Property from OHP1, L.C., a subsidiary of Oak Helm Partners represented by John Howes, to permit the Property to be redeveloped for housing; and,

WHEREAS, the City has given notice of expiration of the right of redemption from the 2003 tax sale pursuant to Iowa Code §447.9; and,

WHEREAS, on August 7, 2006, by Roll Call No. 06-1585, the City Council approved the assignment of the 2003 Tax Sale Certificate for the Property to Community Housing Development Corporation for construction of housing; and,

WHEREAS, Ms. Smith has declared her intent to redeem the Property from the 2003 tax sale unless she is compensated for her interest in the property as provided below; and,

WHEREAS, the City desires that Ms. Smith not redeem the Property from the 2003 tax sale, to permit Community Housing Development Corporation to obtain a tax deed under the 2003 Tax Sale Certificate and redevelop the Property for residential use; and,

WHEREAS, the City Manager has negotiated an Agreement with Ms. Smith whereby she has agreed to forego her right to redeem the Property in exchange for a payment of \$4,000.00; 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 Sherry Smith on behalf of the City of Des Moines, Iowa.

(continued)

★ Roll Call Number

Agenda Item Number

29

Date August 21, 2006

- If the Property is not redeemed from the 2003 tax sale by August 23, 2006, so as to permit Community Housing Development Corporation, as assignee of the City, to seek a tax deed for the Property, the City Treasurer is hereby authorized to make payment to the order of Ms. Smith in the amount of \$4,000.00 pursuant to the Agreement.

(Council Communication No. 06- 527)

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				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

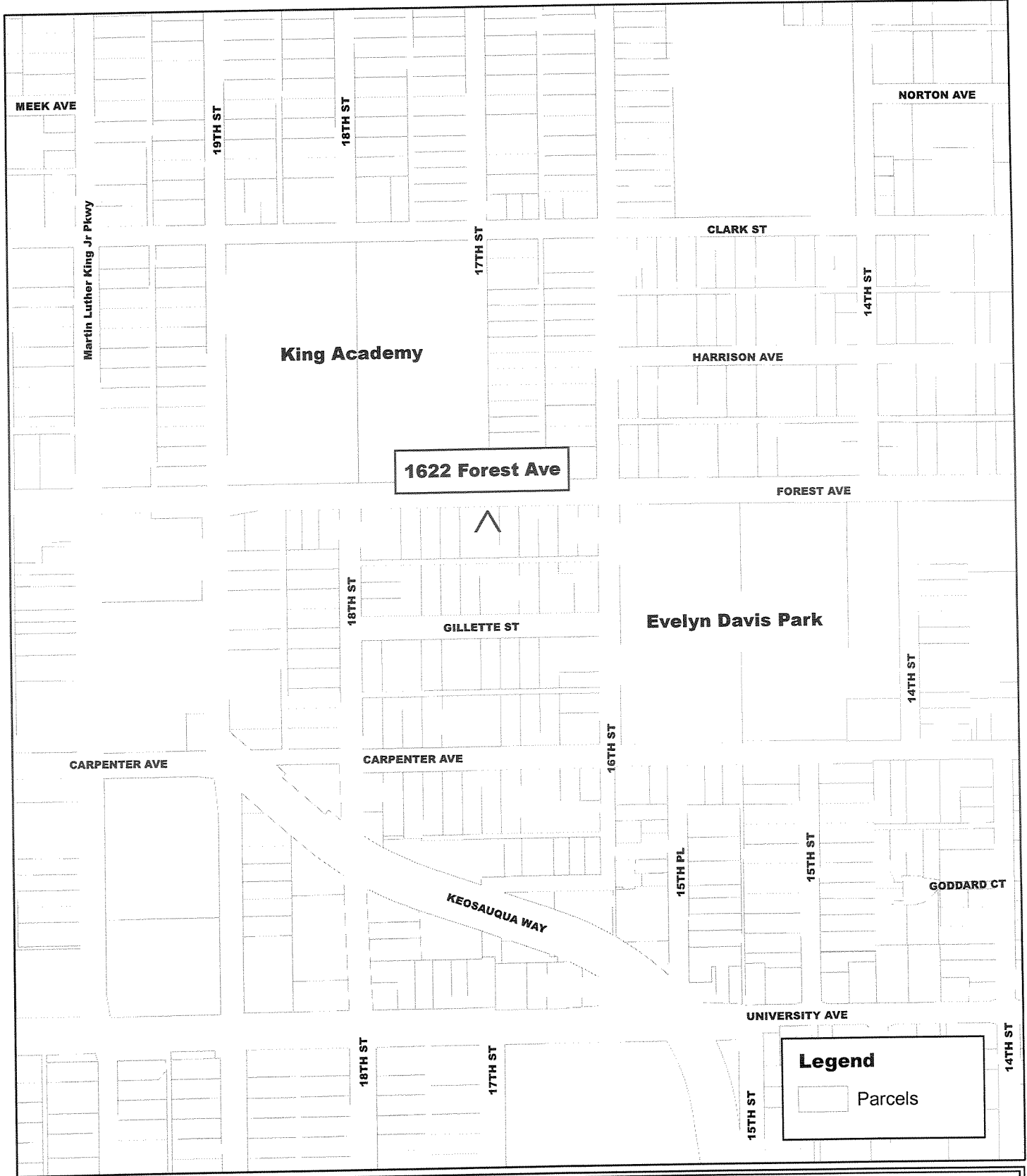
Mayor

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.

City Clerk



Assignment of Tax Sale Certificate
1622 Forest Avenue
 July 31, 2006

