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Date January 24, 2011.....

RESOLUTION APPROVING AGREEMENT FOR THE ACQUISITION OF  
A TAX SALE DEED TO THE PROPERTIES AT 3132 KINGMAN BOULEVARD  
AND 1147 27th STREET AND THE CONVEYANCE OF SUCH PROPERTIES TO DENIS  
MARCHAND FOR REDEVELOPMENT FOR HOUSING

WHEREAS, the real estate at 3132 Kingman Boulevard, more specifically described as follows:

Lot 2, in Subdivision of Block "A" in Replat of Lyon's Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

contains a vacant structure assessed as residential property in danger of becoming a public nuisance and suitable for redevelopment for housing use; and, the real estate at 1147 27th Street, more specifically described as follows:

Lot 28, Drake University Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

is a vacant lot assessed as residential property in danger of becoming a public nuisance and the lot is suitable for redevelopment for housing use (such real estate is hereinafter collectively referred to as the "Parcels"); and,

WHEREAS, the tax sale certificates for the two Parcels described above were acquired by the City pursuant to Iowa Code §446.19A, with the intent that such certificate be assigned to Redeveloper; and,

WHEREAS, the Parcels are both encumbered with liens for substantial amounts of special assessments and for such liens be cleared in a manner that does not permit the current owners to redeem the Parcels from the tax sale without payment of such special assessments it is necessary that the City take title to the Parcels by tax deed; and,

WHEREAS, Denis Marchand has signed an *Agreement for Purchase of Real Estate* prepared by the City Legal Department and on file in the Office of the City Clerk, whereby the City agrees to take the necessary steps to acquire tax deeds for the Parcels described above and to convey such Parcels to Denis Marchand, and Denis Marchand agrees to pay for a Special Council to represent the City in acquiring the tax deeds and all the associated costs and expenses, and to redevelop such Parcels for residential use; and,

WHEREAS, on January 10, 2011, by Roll Call No. 11- 0026 it was duly resolved by the City Council that the proposed Agreement and conveyance of such Parcels be set down for hearing on January 24, 2011, at 5:00 p.m., in the Council Chambers; and

Date January 24, 2011

WHEREAS, due notice of said proposed Agreement and conveyance of real estate was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed Agreement and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; NOW THEREFORE,

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed Agreement and conveyance of real estate as described above are hereby overruled and the hearing is closed.

2. The *Agreement for Purchase of Real Estate* described above is hereby approved. The Mayor is hereby authorized and directed to sign the Agreement on behalf of the City of Des Moines and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.

3. If the City receives title to the Parcels by tax deed as provided in the Agreement, the Mayor is hereby further authorized and directed to sign the Quit Claims on behalf of the City of Des Moines to convey such Parcels to Denis Marchand as provided in the Agreement, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such documents.

( Council Communication No. 11- **042** )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown, Assistant City Attorney

C:\Rog\Neighborhood\Tax Sale\Marchand\RC approve agr.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				

**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