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Date January 23, 2012

APPROVAL OF ASSIGNMENT OF AND AMENDMENT TO SPECIAL WARRANTY DEED FOR 1307 CLARK STREET FOR HOME OPPORTUNITIES MADE EASY, INCORPORATED (HOME, INC.)

WHEREAS, on October 24, 2005 by Roll Call No. 05-2584, the City Council of the City of Des Moines adopted the Forest Avenue Urban Renewal Plan; and

WHEREAS, on September 11, 2006 by Roll Call No. 06-1810, the City Council of the City of Des Moines adopted the Amended Forest Avenue Urban Renewal Plan; and

WHEREAS, on November 19, 2007, by Roll Call No. 07-636, the City Council of the City of Des Moines established fair market value and authorized voluntary acquisition for property located at what was then known locally as 1307 Clark Street and legally described as:

South 1/3 of the West 36.0 feet of Lot 11, Block 2, LAYMAN'S THIRD ADDITION, all now included and forming a part of the City of Des Moines, Polk County, Iowa; and

WHEREAS, the parcel formerly known as 1307 Clark Street has been combined with portions of the adjacent parcels formerly known as 1506 and 1510 13th Street and which is now locally known as 1305 Clark Street;

WHEREAS, on November 19, 2007 by Roll Call No. 07-2197, it was duly resolved by the City Council that the proposed conveyance of real property at 1307 Clark Street, be set down for public hearing on December 3, 2007, at 5:00 p.m., in the City Council Chambers; and

WHEREAS due notice of said proposal to convey this public real property was given as provided by law, setting for the time and place for hearing on said proposal; and

WHEREAS, on December 3, 2007 by Roll Calls 07-2333 and 07-2334 the public hearing was held and property conveyed to Jack DeLeon Construction, Inc. by Special Warranty Deed that included requirements for construction of two single family houses; and

WHEREAS, Jack DeLeon Construction, Inc. has failed to construct such housing due to the inability to finance the construction and uncertainty of purchase by a qualified homebuyer in the current economy; and

WHEREAS, Home Opportunities Made Easy, Inc. has proposed to accept an assignment of the deed to 1307 Clark Street, now a part of the a parcel locally known as 1305 Clark from by Jack DeLeon Construction in order to develop five units of permanent supportive rental housing; and

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WHEREAS, the Special Warranty Deed and Development Agreement for 1307 Clark Street requires that the City approve any transfer of the property prior to the completion of improvements thereon; and

WHEREAS, the Special Warranty Deed must be amended to accommodate the construction of permanent-supportive affordable rental housing rather than construction of two single family houses for re-sale to homeowners; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa

1. The transfer of the Special Warranty Deed 1307 Clark from Jack DeLeon Construction, Incorporated to HOME, Inc. is approved;

2. The Special Warranty Deed is amended to allow development of five units of permanent rental housing and to release the Minimum Development Requirements included in the terms and conditions of the City of Des Moines 2007 Infill Housing Proposal mailed to developers on March 2, 2007 except for that the Design Standards and Guidelines for Residential Construction included in the City of Des Moines 2007 Infill Housing Proposal remain in effect for the rental development.

(City Council Communication No. 12-028)

MOVED BY _____ TO ADOPT

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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