



Date January 26, 2015

**RESOLUTION AUTHORIZING PARTIAL RELEASE OF JUDGMENT LIENS
(2440-SW 9th Street, Des Moines, Iowa)
(2446-SW 9th Street, Des Moines, Iowa)**

WHEREAS, the City of Des Moines filed a lawsuit in Case No. EQCE 52141 and obtained a judgment in 2006 against the contract purchaser Sandy Olechnovics in the respective amount of \$11,208.53 in relation to the nuisance abatement and enforcement costs and courts, with interest which lien encumber the real properties located at 2440 SW 9th Street, Des Moines, Iowa and 2446 SW 9th Street, Des Moines, Iowa; and.

WHEREAS, the City of Des Moines filed a lawsuit in Case No. CE 55649 and obtained a judgment in 2008 against the contract purchaser Sandy Olechnovics and Shaw Street 801, L.C., in the respective amount of \$13,936.17, in relation to nuisance abatement and enforcement costs and court costs, which lien encumber the real properties located at 2440 SW 9th Street, Des Moines, Iowa and 2446 SW 9th Street, Des Moines, Iowa; and

WHEREAS, the titleholder is in the process of selling the properties to the Neighborhood Development Corporation and discovered the liens; and

WHEREAS, the titleholder has filed the legal documents of record to forfeit the real estate contract sale with the contract purchaser; and

WHEREAS, the City has been requested by the Neighborhood Development Corporation, to release the above-listed judgment liens against the aforesaid properties; and

WHEREAS, the City's Community Development staff have reviewed the requested judgment lien releases and have determined that, as the properties are to be sold for redevelopment on SW 9th Street, it would be in the City's best interest to release the above-listed judgment liens against the properties.

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

1. The City approves partial release of its judgment liens, solely as to any liens that the City may have against the real property locally known as 2440 SW 9th Street, Des Moines, 50315 and 2446 SW 9th Street, Des Moines, Iowa, in the following Polk County District Court cases:
 - a. City of Des Moines v. Sandy Olechnovics, EQCE 52141
 - b. City of Des Moines v. Shaw Street 801, L.C. and Sandy Olechnovics - EQCE 55649



Roll Call Number

Agenda Item Number

31

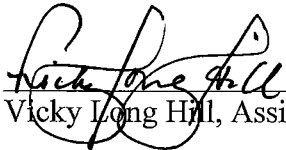
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for the sole purpose of benefitting the sale of 2440 SW 9th Street, Des Moines, Iowa and 2446 SW 9th Street, Des Moines, Iowa, to the Neighborhood Development Corporation.

2. The Mayor and City Clerk are authorized and directed to sign and attest to, respectively, the partial releases of judgment liens as described above.
3. The City hereby retains any judgment liens that it may have against Sandy Olechnovics and all other defendants personally and against any other real or personal property affected by the judgment liens, in Polk County District Court Case No. EQCE 52141, City of Des Moines v. Sandy Olechnovics and in Polk County District Court Case No. EQCE 55649, City of Des Moines v. Shaw Street 801, L.C. and Sandy Olechnovics.

Moved by _____ to adopt.

FORM APPROVED:



 Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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