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**Date** ..... October 26, 2015 .....

**HEARING FOR CONVEYANCE OF  
MULTIPLE CITY-OWNED PROPERTIES IN THE BIRDLAND PROJECT AREA  
TO GREATER DES MOINES HABITAT FOR HUMANITY FOR \$56,000  
AND APPROVING ACQUISITION AGREEMENT**

**WHEREAS**, on September 20, 1993, by Roll Call No. 93-3747, the City Council approved an emergency voluntary acquisition program to purchase residential properties severely damaged by the floods of 1993; and

**WHEREAS**, on October 25, 1993, by Roll Call No. 93-4031, the City Council established a voluntary acquisition program for flood-damaged owner-occupied residences, including an optional relocation benefits plan, by approving the program description titles Voluntary Acquisition Program of Residences (known as VAPOR); and

**WHEREAS**, on July 28, 2008 by Roll Call No. 08-1376, the City Council authorized to develop, execute, and administer an agreement with Neighborhood Finance Corporation to fund a voluntary flood acquisition program; approval to proceed with acquisition of eligible flood damaged properties in the Birdland Area; and authorization to allocate funds for the Home Restoration Program to be administered by the Polk County Housing Trust Fund to rehabilitate flood damaged properties in the Birdland Area (amended and extended on September 8, 2008 by Roll Call No. 08-1625); and

**WHEREAS**, the aforementioned voluntary buyouts left a number of vacant City-owned lots scattered throughout the Birdland Area; and

**WHEREAS**, on January 12, 2015, by Roll Call No. 15-0043, the City Council approved the Birdland Area Redevelopment Plan as an element of, and amendment to, the Des Moines' 2020 Community Character Land Use Plan, and authorized staff to initiate a request for proposal (RFP) process to dispose of select City-owned lots in the Birdland Project Area; and

**WHEREAS**, in accordance with said Council direction, the City Neighborhood Conservation Services Division of the Community Development Department ("NCS") distributed a Request for Proposal ("RFP") to developers certified with the City's Neighborhood Stabilization Program for the sale and redevelopment of the properties listed below; and

**WHEREAS**, Greater Des Moines Habitat for Humanity ("Habitat") responded to the RFP and was selected by the City staff reviewers as a recommended developer, and has offered to the City of Des Moines the purchase price of \$56,000, for fee simple interest in the properties listed below for the purpose of redevelopment, which said price reflects the fair market land value of the properties as determined by the City's Real Estate Division; and

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Date October 26, 2015.....

**WHEREAS**, on October 12, 2015, by Roll Call No. 15-1694, it was duly resolved by the City Council that the proposed conveyance of multiple City-owned properties listed below to Habitat for \$56,000 be set down for hearing on October 26, 2015, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of the proposal was published as provided by law in the Des Moines Register, setting forth the time and place for hearing on the proposal; and

**WHEREAS**, if approved, the proposed conveyance by the City to Habitat will be subject to approval of an acquisition agreement between Habitat and the City of Des Moines; and

**WHEREAS**, there is no known current or future public need or benefit for the properties to be sold, and the City will not be inconvenienced by the sale of the properties listed below subject to the terms and conditions set forth herein and in the acquisition agreement; and

**WHEREAS**, in accordance with City Council direction, those interested in this proposed 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the real properties as described below are hereby overruled and the hearing is closed.

2. There is no public need for the real properties described below and the public would not be inconvenienced by reason of the conveyance of the properties locally known as 206 Holcomb Avenue, 304 Watson Avenue, 306 Watson Avenue, District Parcel: 070/04520-001-000 Geo Parcel: 7924-26-379-008 (referred to as 311 Watson Avenue), 314 Watson Avenue, 317 Watson Avenue, 318 Watson Avenue, 400 Watson Avenue, and 407 Watson Avenue, Des Moines, legally described as follows:

206 Holcomb Avenue: Lots 4, 5 and 6, Block 1, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

304 Watson Avenue: Lots 47 and 48, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.



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**Date** ..... October 26, 2015 .....

306 Watson Avenue: The west ½ of Lot 45 and Lot 46, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

District Parcel: 070/04520-001-000 Geo Parcel: 7924-26-379-008 (referred to as 311 Watson Avenue): Lots 20 and 21, Block 5, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

314 Watson Avenue: Lots 42 and 43, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

317 Watson Avenue: Lots 22, 23 and 24, Block 5, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

318 Watson Avenue: Lots 40 and 41, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

400 Watson Avenue: Lots 38 and 39, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

407 Watson Avenue: Lots 26, 27 and 28, Block 5, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such properties to Greater Des Moines Habitat for Humanity for \$56,000, together with payment by such grantee of the estimated publication and recording costs in the amount of \$113.00 for this transaction, and with closing subject to the terms and conditions set forth herein above and included in the Offer to Purchase between the City and Habitat and in the acquisition agreement, be and is hereby approved.

4. That the Agreement between the City of Des Moines and Greater Des Moines Habitat for Humanity for Acquisition of City Owned Lots in the Birdland Area for Construction of New Housing, including the Offer to Purchase as attached thereto, be and is hereby approved.

5. The Mayor is authorized and directed to sign said Agreement, the Offer to Purchase, and the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature and to forward the original of said Agreement, the Offer to Purchase,



Roll Call Number

Agenda Item Number

48

Date October 26, 2015

and the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department.

6. Upon fulfillment of the conditions set forth herein above and in the Offer to Purchase, the Real Estate Division Manager is authorized and directed to close upon the sale of the above-described properties to Habitat and to forward the original Quit Claim Deeds, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deeds and copies of the other documents to the grantee.

8. Non- project related proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 15-539)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

AW

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