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**Date** April 17, 2017

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT  
708 BUCHANAN TO HOME OPPORTUNITIES MADE EASY, INC.,  
AND APPROVING ACQUISITION AGREEMENT**

**WHEREAS**, Iowa Code Section 446.19A permits cities to acquire tax sale certificates for abandoned property assessed as residential property or as commercial multifamily property or vacant residential lots at a tax sale without paying the taxes then due, to obtain the assignment of outstanding tax sale certificates by payment to the certificate holder the amount then due to redeem the certificate, and to further assign said certificates, all for the purpose of encouraging the acquisition and rehabilitation of abandoned dwellings and lots; and

**WHEREAS**, on September 28, 2015, by Roll Call No. 15-1618, the City Council approved execution of a contract with Polk County for acquisition of the vacant and abandoned property locally known as 708 Buchanan Street ("Property") by tax sale deed, authorized the Community Development Director to request release of property taxes and special assessments, authorized release of all City liens and special assessments in order to encourage housing redevelopment and directed staff to distribute a Request for Proposal (RFP) to developers or work with neighborhood organizations and interested parties on developer-initiated proposals to acquire and construct single-family houses; and

**WHEREAS**, the City intends to accept title to the Property by tax sale deed on or before April 17, 2017, in order to comply with the statutory tax sale process; and

**WHEREAS**, the City staff has worked with Home Opportunities Made Easy, Inc. (HOME, Inc.) on a developer-initiated proposal to build single-family affordable housing that is compatible with the neighborhood on the site; and

**WHEREAS**, HOME, Inc. wishes to develop the Property in accordance with City of Des Moines' requirements, and has offered to the City of Des Moines the purchase price of \$6,000 for the purchase of such Property, more specifically described below, which conveyance will be subject to restrictive covenants setting forth the City's development requirements and the terms of an acquisition agreement as on file in the office of the City Clerk, and which price reflects both the fair market value of the Property as currently estimated by the City's Real Estate Division as well as the City's current investment in the Property; and

**WHEREAS**, HOME, Inc. will also be required to obtain an approved site plan by the City for redevelopment of the Property, and required to enter into a development agreement with the City should the City's Community Development Department provide funds for said future redevelopment project, which requirements will be included in the deed conveying the Property to HOME, Inc.; and

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**WHEREAS**, there is no known current or future public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

**WHEREAS**, on April 3, 2017, by Roll Call 17-0582, it was duly resolved by the City Council that the proposed conveyance of the Property to HOME, Inc. be set down for hearing on April 17, 2017, 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**, 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, that:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the real property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the real property described below and the public would not be inconvenienced by reason of the conveyance of the property locally known as 708 Buchanan Street, Des Moines Iowa, legally described as follows:

Lot 18 in Mary T. Smith's Subdivision of Lot 7 Dean's Sub Division and Out Lots, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such property to HOME, Inc. for \$6,000.00 and the in-kind consideration of development of the Property by rehabilitation and/or redevelopment for housing purposes in accordance with the acquisition agreement, and with closing subject to the terms and conditions set forth herein above and included in the acquisition agreement and Offer to Purchase between the City and HOME, Inc., be and is hereby approved.
4. That the Agreement between the City of Des Moines and HOME, Inc. for Acquisition and Rehabilitation/Redevelopment of City Property, including the Offer to Purchase attached thereto, be and is hereby approved.
5. The Mayor is authorized and directed to sign said Agreement, the Offer, and 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 the Offer, said Agreement, and Quit Claim Deed, together with a certified copy of this resolution and of the affidavit

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- 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 acquisition agreement and Offer to Purchase, the Real Estate Division Manager is authorized and directed to close upon the sale of the above-described property to HOME, Inc. and to forward the original 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 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 Deed and copies of the other documents to the grantee.
  8. Non- project related proceeds are used to support redevelopment/rehabilitation expenses for costs associated with future properties acquired through tax sale certificate process: Org – CD046000.

(Council Communication No. 17-353)

MOVED BY \_\_\_\_\_ TO ADOPT.

APPROVED AS TO FORM:

  
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 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GREY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

**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.

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk