



Date May 8, 2017

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY  
LOCATED AT 1074 26<sup>th</sup> STREET TO DSMBLC HOLDINGS, 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 June 13, 2016, by Roll Call No. 16-0961, the City Council approved acquisition of the vacant and abandoned house locally known as 1074 26th 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 to acquire and renovate the Property based on a rehabilitation plan; and

**WHEREAS**, on June 13, 2016, by Roll Call No. 16-0961, the City Council authorized the Community Development Director to solicit funding from the Polk County Housing Trust Fund (PCHTF) and to execute agreement(s) required by PCHTF for use and repayment of funds for acquisition of the tax sale certificate for the Property for \$8,431.52; and

**WHEREAS**, the City has completed the tax sale process and acquired the Property by tax sale deed issued by Polk County; and

**WHEREAS**, the City staff distributed a Request for Proposal (RFP) to redevelopers of single family housing in order to select a developer to complete the necessary redevelopment on the Property for housing use; and

**WHEREAS**, DSMBLC Holdings, Inc. responded to the RFP and was selected by the reviewers as the recommended developer for the purpose of said redevelopment; and

**WHEREAS**, if approved, the proposed conveyance by the City to DSMBLC Holdings, Inc. will be governed by and subject to approval of an acquisition agreement between DSMBLC Holdings, Inc. and the City of Des Moines, in form on file in the office of the City Clerk; and

**WHEREAS**, deed restrictions containing single-family owner-occupancy requirements and compliance with the conditions of the RFP and submitted proposal will be included in the deed conveying the Property to DSMBLC Holdings, Inc.; and

**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



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WHEREAS, on April 17, 2017, by Roll Call 17-0672, it was duly resolved by the City Council that the proposed conveyance of the Property to DSMBLC Holdings, Inc. be set down for hearing on May 8, 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 1074 26th Street and legally described as follows:

That part of Lot 223 in UNIVERSITY LAND COMPANY'S FIRST ADDITION to Des Moines, Iowa, described as follows:

Commencing at a point 18 feet north of the Southeast corner of Lot 223, thence North along the East line of Lot 223, 56.4 feet, thence West 94 feet, thence Southwest 5.6 feet, thence South 31 feet, thence Southeast 65 feet, thence East 35 feet to the point of beginning, 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 DSMBLC Holdings, Inc. for \$8,431.52 and the in-kind consideration in the form of development of the Property by rehabilitation and/or redevelopment for housing purposes, in accordance with the terms and conditions of the acquisition agreement, Offer to Purchase, and the proposal submitted by DSMBLC Holdings, Inc., be and is hereby approved.
4. That the Agreement between the City of Des Moines and DSMBLC Holdings, 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 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 DSMBLC Holdings, 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



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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. The Polk County Housing Trust Fund will be repaid the amount of \$8,431.52 used for purchase of existing tax sale certificates, as authorized by June 13, 2016, by Roll Call No. 16-0961.
- 9. Any remaining non-project related proceeds shall be used to support redevelopment/rehabilitation expenses for costs associated with future properties acquired through tax sale certificate process: DHH00109 / 496010 or 482450.

(Council Communication No. 17-390)

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

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Glenna K. Frank, Assistant City Attorney

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