

Date January 14, 2019

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY
LOCATED AT 1124 13th STREET AND 1311 LAUREL STREET
TO INDIGO DAWN, LLC FOR REDEVELOPMENT OF HOUSING**

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, in accordance with Iowa Code 446.18, cities may also bid on tax sale certificates as public bidders in the annual Polk County Tax Sale Auction; and

WHEREAS, on December 19, 2011, by Roll Call No. 11-2158, the City Council determined that the real property at 1124 13th Street was a public nuisance and authorized the City Legal Department to proceed with court action seeking authority to abate the public nuisance; and

WHEREAS, on February 5, 2018, by Roll Call No. 18-0204, the City Council approved acquisition of the vacant and abandoned properties locally known as 1124 13th Street and 1311 Laurel Street (collectively "Properties") by tax sale deed and directed Community Development staff to distribute a Request for Proposal (RFP) to developers to acquire and renovate said properties based on an approved rehabilitation plan; and

WHEREAS, the City has completed the tax sale process and acquired the Properties by tax sale deeds issued by Polk County; and

WHEREAS, on May 1, 2018, City staff distributed a Request for Proposal (RFP) to redevelopers of single family housing in order to select a developer to complete the necessary development on the properties for housing use; and

WHEREAS, Indigo Dawn, LLC, represented by Chaden Halfhill, President, 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 Indigo Dawn, LLC will be governed by and subject to approval of an acquisition and rehabilitation agreement between Indigo Dawn, LLC and the City of Des Moines, which agreement is on file in the office of the City Clerk, and will further be subject to completion by the City of the tax sale process and acquisition of the Properties by tax sale deed; and

WHEREAS, deed restrictions containing single-family owner-occupancy requirements, with allowance for use as rental in accordance with the Des Moines Municipal Code until December 31, 2024, and compliance with the conditions of the RFP and submitted proposal, will be included in the deeds conveying the Property to Indigo Dawn, LLC; and

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

WHEREAS, on December 17, 2018, by Roll Call 18-2065, it was duly resolved by the City Council that the proposed conveyance of the Properties to Indigo Dawn, LLC be set down for hearing on January 14, 2019, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal was published as provided by law in 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 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 conveyance of the Properties locally known as 1124 13th Street and 1311 Laurel Street and legally described as follows:

Address: 1124 13th Street, Des Moines, Iowa, 50314

Legal Description: The North 78 feet of Lots 11 and 12 in the Sub-Division of Lots 8 and 9 in the Official Plat of the Northwest Fractional Quarter of the Northwest Fractional Quarter of Section 4 Township 78, Range 24, West of the 5th P.M., an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

Address: 1311 Laurel Street, Des Moines, IA, 50314

Legal Description: The West 9 feet of Lot 3 and the East Half (1/2) of Lot 4, Saucerman and English's Addition, 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 said properties to Indigo Dawn, LLC in exchange for \$200.00 and in-kind consideration in the form of development of the Properties 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 Indigo Dawn, LLC, be and is hereby approved.
4. That the Agreement between the City of Des Moines and Indigo Dawn, LLC for Acquisition and Rehabilitation/Redevelopment of City Properties, including the Offer to Purchase attached hereto, 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

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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 Polk County Recorder's Office for the purpose of causing these documents to be recorded.

- 6. 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.
- 7. Non-project related proceeds shall be used to support redevelopment/rehabilitation expenses for costs associated with future properties acquired through tax sale certificate process: Community Development Department Budget Special Revenue, Nongrant CD046000/482450.

(Council Communication No. 19-003)

MOVED BY _____ TO ADOPT.

FORM APPROVED:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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