



Roll Call Number

Agenda Item Number

46

Date August 5, 2019

RESOLUTION AUTHORIZING PARTIAL RELEASE OF JUDGMENT LIEN (2137 DES MOINES STREET)

WHEREAS, the City of Des Moines filed a lawsuit (Case No. EQCE078793) and obtained a judgment in 2015 against the unknown heirs of Donald and Betty Norris in the amount of \$22,294.58, in relation to nuisance abatement and enforcement costs and court costs, which encumbers the real property formerly owned by Donald and Betty Norris located at 2137 Des Moines Street in the Fairground Neighborhood in Des Moines ("Property"); and

WHEREAS, on April 18, 2019, Greater Des Moines Habitat for Humanity ("Habitat") acquired the Property by donation from former owner Brian and Bonnie Kay, and Habitat intends to build a new house on the Property to sell to a qualified low-income home buyer; and

WHEREAS, the City has been requested by Habitat to release the above-listed judgment lien against the Property; and

WHEREAS, the City's Community Development Department staff have reviewed the requested judgment lien release and have determined that it would be in the City's best interest to release the above-listed judgment lien against the Property to allow for redevelopment by Habitat.

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, solely as to any liens that the City may have against the real property locally known as 2137 Des Moines Street, Des Moines, Iowa 50317 in the Polk County District Court case City of Des Moines v. Unknown Heirs of Donald and Betty Norris, EQCE078793, for the sole purpose of benefitting the redevelopment of the Property and the transfer of 2137 Des Moines Street from Greater Des Moines Habitat for Humanity to a low-income home buyer who has completed the Habitat Home Ownership Program.
2. The Mayor and City Clerk are authorized and directed to sign and attest to, respectively, the partial release of judgment lien as described above.
3. The City hereby retains any judgment lien that it may have against the unknown heirs of Donald and Betty Norris and all other defendants personally and against any other real or personal property affected by the judgment lien, in Polk County District Court Case No. EQCE078793, City of Des Moines v. Unknown Heirs of Donald and Betty Norris.

(Council Communication No. 19-329)

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

MOVED BY TO ADOPT.

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.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

Mayor

City Clerk