



Date January 8, 2024

**RESOLUTION AUTHORIZING BIDDING AT SHERIFF’S SALE
(1401 E. 12TH STREET)**

WHEREAS, the City of Des Moines filed a nuisance abatement action against Olivet University in Polk County Case No. EQCE077953 (the “Action”); and

WHEREAS, in 2016, the City obtained judgment in the Action against Olivet University for costs associated with the nuisance abatement, including demolition, court costs, and interest; and

WHEREAS, as a result of the final district judgment in the Action, a lien encumbering the real property located at 1401 E 12th Street in the Capital Park Neighborhood in Des Moines (“Property”) was created by operation of law in the amount of the judgment and costs; and

WHEREAS, in 2023, the City initiated efforts to collect the unpaid judgment in the Action by way of special execution against the Property; and

WHEREAS, an execution on the judgment has issued and the Polk County Sheriff’s Department has set Tuesday, January 9th, 2024, as the date of the Sheriff’s sale for the Property; and

WHEREAS, the City’s Neighborhood Services and Development Services staff have identified that it is in the City’s best interests to attempt to acquire the property at the Sheriff’s sale and collaboratively work with the community for the redevelopment of the site for missing middle housing, which will include a mix of market rate and affordable units; and

WHEREAS, the auction price for the Property may exceed the amount of the City’s judgment lien which would require the City to bid additional consideration beyond the amount of its lien in order to acquire the Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Manager or his designee, subject to approval by the Legal Department is authorized and directed to represent the City’s interest in acquisition of the property and bid in an amount not to exceed the amount authorized during closed session in order to acquire the property locally known as 1401 E 12th Street, Des Moines and legally described as follows:

LOTS 175, 176, 177, 178, 179, 180, 181, 182, 247, 248, 249, 250, 251, 252, 253 AND 254
IN CAPITAL PARK, AN OFFICIAL PLAT AND ALL THAT PART OF THE
VACATED NORTH-SOUTH ALLEY LYING BETWEEN EAST 12TH STREET AND
EAST 13TH STREET, EXTENDING FROM THE NORTH LINE OF CLEVELAND

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AVENUE TO A LINE SOUTH OF AND PARALLEL TO THE NORTHERLY LINE OF LOTS 175 AND 254, IN CAPITAL PARK AND THAT PART OF THE FORMER DES MOINES & MINNESOTA RAILROAD COMPANY 50 FEET RIGHT-OF-WAY IN SE ¼ SECTION 35-79-24 BETWEEN EAST 12TH STREET AND EAST 13TH STREET, LYING SOUTHERLY OF LOTS 177 AND 253 AND NORTHERLY OF LOTS 178 AND 252, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. The Finance Director is authorized and directed to issue a check to pay the fees and bid certified by a City Department related to the acquisitions listed above from Neighborhood Services Department Budget, Org Code: CDB06722, Object Code: 541010 and deposit proceeds from the Sheriff's sale, if any, to Org Code: CDB06722, Object Code: 482450.
3. The City Clerk is hereby directed to release the recording and minutes of the closed session for public examination when the transaction discussed is completed.

(Council Communication No. 24-013)

Moved by _____ to adopt.

Second by _____

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr., Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

MOTION CARRIED

APPROVED

_____ Mayor

_____ City Clerk