

★ Roll Call Number

08-1885

Agenda Item Number

55

Dispositions – Hawthorne North Softball Field: Page 1

Date October 27, 2008

HOLD HEARING FOR THE CONVEYANCE OF CITY-OWNED PROPERTY LOCALLY KNOWN AS 1005 MAURY STREET, LOCATED ON THE SOUTH SIDE OF MAURY STREET BETWEEN SE 10TH AND SE 11TH STREETS, TO GREATER DES MOINES HABITAT FOR HUMANITY FOR \$72,500

WHEREAS, on August 7, 2006, by Roll Call No. 06-1597, the City Council approved the vacation of public use in and conveyance of City-owned property locally known as 1005 Maury Street, located on the south side of Maury Street between SE 10th and SE 11th Streets to The Southern Rose LP, which conveyance and purchase agreement were subject to the buyer receiving Iowa Finance Authority Low Income Tax Credits in 2007 or 2008, with closing on the conveyance to occur by September 2008; and

WHEREAS, The Southern Rose LP has recently notified the City that it was unsuccessful in receiving such tax credits in 2007 or 2008, and thus the purchase agreement is no longer effective pursuant to the terms of said agreement, due to the inability of the buyer to obtain tax credits as a condition precedent to the conveyance; and

WHEREAS, this property has been re-bid by prospective developers for redevelopment, and Greater Des Moines Habitat for Humanity Inc., has submitted the highest offer to purchase said parcel for \$72,500, for construction of single family homes for low-income working families; and

WHEREAS, on October 13, 2008, by Roll Call No. 08-1752, it was duly resolved by the City Council that the proposed conveyance of such City-owned property be set down for hearing on October 27, 2008, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to convey City-owned property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed conveyance of, 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed conveyance of City-owned property as described below are hereby overruled and the hearing is closed.

2. There is no public need for such property, and the public would not be inconvenienced by the conveyance of City-owned property locally known as 1005 Maury Street, located on the south side of Maury Street between SE 10th and SE 11th Streets, more specifically described as follows:

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DESCRIPTION APPROVED
James D. [Signature]

All of Lots 1 through 10, and the intervening North/South alley right-of-way in Block 5, Allen's Second Addition to Des Moines, an Official Plat; the East 10.0 feet of vacated Southeast 10th Street right-of-way lying West of and adjoining Lots 1 through 5 of said Block 5; and the West 10.0 feet of vacated Southeast 11th Street right-of-way lying East of and adjoining Lots 6 through 10 of said Block 5, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(North South Alley Vacated by Ordinance No. 5327, passed August 31, 1951.)
(Public Use of Hawthorne North Softball Field Vacated by Ordinance No. 14,581, passed September 11, 2006.)
(SE 10th and SE 11th Streets Vacated by Ordinance No.14, 597, passed October 23, 2006.)

3. That the sale and conveyance of the above-described City-owned property to Greater Des Moines Habitat for Humanity Inc, for the consideration of \$72,500, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved. This conveyance is for the purpose of the grantee's construction of single family homes for low-income working families, said development to be coordinated with the City's Community Development/Community Services Division to determine the number of homes and specific design criteria.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the said 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 for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the 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 grantees.

8. The proceeds from the sale of this property will be deposited into the following account:
PROJECT: EN139, FUND: GE001, ORG: ENG04700.

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(Council Communication No. 08- 643)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
VLISSIS	✓			
TOTAL	7			

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.

T. M. Franklin Cownie Mayor

Diane Rauh City Clerk