

★ Roll Call Number

10-082

Agenda Item Number

M.H.G.B.-4

Date..... January 25, 2010.....

APPROVAL OF CONVEYANCE OF 1463 5<sup>th</sup> AVENUE TO HOME, INC.

WHEREAS, on August 19, 2003 the City of Des Moines, as Municipal Housing Agency, received approval from the United States Department of Housing and Urban Development (HUD) of the Housing Disposition Plan; and

WHEREAS, on November 24, 2008, by Roll Call 08-2202, the Municipal Housing Governing Board (MHGB) approved terms for a negotiated sale of the property locally known as 1463 5<sup>th</sup> Avenue (Property) to Home Opportunities Made Easy, Inc. (Buyer); and

WHEREAS, on July 7, 2009, the U.S. Department of Housing and Urban Development approved the negotiated sale; and

WHEREAS, an Offer to Buy Real Estate and Acceptance, a Special Warranty Deed with Restrictive Covenant and Groundwater Hazard Statement have been prepared for this negotiated sale and are on file with the City Clerk as Exhibits "A1" through "A3" and by this reference made a part hereof; and

WHEREAS, pursuant to Section 403A.3(9) of the Code of Iowa, the requirements of Iowa Code Section 364.7 do not apply to the City when exercising its municipal housing powers.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the City of Des Moines, Iowa, Municipal Housing Agency, pursuant to its municipal housing powers set forth in Chapter 403A, Code of Iowa, that the above-referenced Offer to Buy Real Estate and Acceptance, Special Warranty Deed and other closing documents, are hereby approved conveying title to the Property to the Buyer, and, subject to final approval by the Legal Department of all documents, the Mayor is authorized to execute the Offer and Special Warranty Deed, and the City Clerk to attest to his signature; and

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute all other related documents on behalf of the City subject to final approval of the documents by the Legal Department and execution of the documents by the Buyer.

(Board Communication No. 10-047)

APPROVED AS TO FORM:

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

Moved by Hensley to adopt.

M.H.G.B. ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City of Des Moines, Municipal Housing Agency Governing Board, 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