

★ Roll Call Number

10-843

Agenda Item Number

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Date May 24, 2010

**HOLD HEARING FOR THE CONVEYANCE OF CITY-OWNED PROPERTY LOCATED  
AT 1131 28<sup>TH</sup> STREET TO DENIS MARCHAND FOR \$10,305.36**

**WHEREAS**, on February 28, 2005, by Roll Call No. 05-513, the City Council of the City of Des Moines directed staff to abate the nuisance property located at 1131 28<sup>th</sup> Street ("Property"); and

**WHEREAS**, on June 4, 2007, by Roll Call No. 07-1059, the City Council of the City of Des Moines approved a request to the Polk County Treasurer for assignment for 2007 Tax Certificate for 1131 28<sup>th</sup> Street in order for the City to sell said property for redevelopment of in-fill housing; and

**WHEREAS**, on March 5, 2010, the Property was conveyed to the City by Tax Sale Deed; and

**WHEREAS**, Denis Marchand wishes to develop the Property in accordance with City of Des Moines' requirements, and has offered to the City of Des Moines the purchase price of \$10,305.36 for the purchase of such Property, more specifically described below, which conveyance will be subject to a Declaration of Restrictive Covenants setting forth the City's development requirements, and which price reflects both the fair market value of the Property as currently estimated by the City's Real Estate Division and the City's current investment in the Property; and

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

**WHEREAS**, on, May 10, 2010, by Roll Call No. 10-714, it was duly resolved by the City Council that the proposed conveyance of real property at 1311 28<sup>th</sup> Street, be set down for hearing on May 24, 2010, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this public real property was given as provided by law, setting forth the time and place for hearing on said 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the real property locally known as 1311 28<sup>th</sup> Street, more specifically described as follows:

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Lot 58 in Drake University's Addition to the City of Des Moines, 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 such real property, subject to a Declaration of Restrictive Covenants setting forth the City's development requirements, to Denis Marchand for \$10,305.36 together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and Deed for the conveyance as identified above, and the Chief Deputy City Clerk is authorized and directed to attest to the Mayor's signature.
5. The Chief Deputy City Clerk is authorized and directed to forward the original of this 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 and the Declaration of Restrictive Covenants 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 and the Declaration of Restrictive Covenants, 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 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: 2010-11 Operating Budget, Page 70, Community Development Department, Special Revenue Funds, LIHTC – Low Income Housing Tax Credit, SP060, CDD100400.

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(Council Communication No. 10- 303 )

Moved by Densley to adopt.

APPROVED AS TO FORM:

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

*BCW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GRIESS	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE				✓
TOTAL	5			2
MOTION CARRIED			APPROVED	

T. M. Franklin 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.

Diane Rauh City Clerk