

Date September 27, 2010

CONVEYANCE OF CITY-OWNED PROPERTY LOCATED ON THE NORTH SIDE OF THE 2200 BLOCK OF FOREST AVENUE TO ANAWIM HOUSING FOR \$1 AND APPROVING RESIDENTIAL DEVELOPMENT AGREEMENT FOR THE FOREST AVENUE URBAN RENEWAL PROJECT

WHEREAS, on October 24, 2005 by Roll Call No. 05-2584, the City Council of the City of Des Moines adopted the Forest Avenue Urban Renewal Plan; and

WHEREAS, on September 11, 2006 by Roll Call No. 06-1810, the City Council of the City of Des Moines adopted the Amended Forest Avenue Urban Renewal Plan; and

WHEREAS, the City Council of the City of Des Moines established fair market value and subsequently acquired the properties located at 2201 Forest Avenue, 2217 Forest Avenue and 1405 23rd Street; and

WHEREAS, on March 3, 2010 city staff sent notice requesting competitive Letters of Interest from developers for the site located on the north side of the 2200 block of Forest Avenue for development of rental units in a townhouse style; and

WHEREAS, a Letter of Interest and proposal was received from a partnership between Hubbell Realty and Anawim Housing by the submission deadline of May 28, 2010 to develop 16 units of rental housing on the site in (2) eight-unit buildings; and

WHEREAS, on June 28, 2010 by Roll Call No. 10-391, the City Council of the City of Des Moines approved a grant application to the Iowa Department of Economic Development (IDED) for Community Development Block Grant – Disaster Relief (CDBG-DR) funding for the construction of rental occupied units in response to a notice of funding distributed January 6, 2010; and

WHEREAS, Anawim Housing dba ANAWIM plans to enter into a Residential Development Agreement with the City of Des Moines and proposes and agrees to include Urban Renewal and Affordable Housing Covenants as part of the negotiated development agreement for the Forest Avenue Urban Renewal Project; and

WHEREAS, on, September 13, 2010, by Roll Call No. 10-1454, it was duly resolved by the City Council that the proposed conveyance of real property at 2201 Forest Avenue, 2217 Forest Avenue and 1405 23rd Street, be set down for hearing on September 27, 2010, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal was published as provided by law in the Des Moines Register on September 16, 2010, setting forth the time and place for hearing on the 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.

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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 this property at 2201 Forest Avenue, 2217 Forest Avenue and 1405 23rd Street, more specifically described as follows:

Lots 10, 11, 12 and 13 of Block 2 Marquardt Addition, 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 City-owned property to Anawim Housing for \$1.00, together with payment by such grantee of the estimated publication and recording costs in the amount of \$113.00 for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The 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 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 Deed and copies of the other documents to the grantees.
8. The City Council hereby makes the following findings in support of the Development Agreement:
 - a. The development assistance and the obligations assumed by the Developer under the Development Agreement will generate the following gains and benefits: (i) provide affordable housing in decent, safe and sanitary conditions, (ii) encourage further investment and attract and retain residents in the Project Area.
 - b. The development of the properties will further the objectives of the Forest Avenue Urban Renewal Project.
 - c. The development of the Properties in accordance with the Development Agreement and resulting housing opportunities would not occur without the economic incentives provided by the Development Agreement and the public gains and benefits are warranted in comparison to the amount of economic incentives.

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d. The development of the Properties pursuant to the Development Agreement and the fulfillment generally of the Development Agreement are in the vital and best interests of the City and the health, safety, morals and welfare of its residents.

9. The Development Agreement with the Developer, which is on file in the Office of the City Clerk is hereby approved and the Mayor is hereby authorized and directed to sign the Development Agreement on behalf of the City and the City Clerk or Chief Deputy City Clerk is hereby authorized and directed to attest to the Mayor's signature and affix the seal of the City.

10. The Community Development Director or his designees are hereby authorized and directed to administer the Development Agreement on behalf of the City and to monitor compliance by Developer with the terms and conditions of the Development Agreement and to forward to the City Council all matters and documents that require City Council review and approval in accordance with the Development Agreement.

(Council Communication No. 10-593)

Moved by Griess to adopt.

APPROVED AS TO FORM:

Michael F. Kelley
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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

T.M. Franklin Cownie Mayor