



Roll Call Number

11-00216

Agenda Item Number

21

Date January 10, 2011

RESOLUTION SCHEDULING HEARING ON AGREEMENT FOR THE ACQUISITION OF
A TAX SALE DEED TO THE PROPERTIES AT 3132 KINGMAN BOULEVARD
AND 1147 27th STREET AND THE CONVEYANCE OF SUCH PROPERTIES TO DENIS
MARCHAND FOR REDEVELOPMENT FOR HOUSING

WHEREAS, Iowa Code §446.19A permits cities to acquire tax sale certificates for vacant lots and for abandoned property assessed as residential property or as commercial multifamily property at a tax sale without paying the taxes then due, to obtain the assignment of outstanding tax sale certificates by payment to the holder in the amount then due to redeem the certificate, and to give notice of expiration of the redemption period upon an expedited schedule, all for the purpose of encouraging the acquisition and rehabilitation of abandoned dwellings and the development of vacant lots for residential use; and,

WHEREAS, the real estate at 3132 Kingman Boulevard, more specifically described as follows:

Lot 2, in Subdivision of Block "A" in Replat of Lyon's Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

contains a vacant structure assessed as residential property in danger of becoming a public nuisance and suitable for redevelopment for housing use; and, the real estate at 1147 27th Street, more specifically described as follows:

Lot 28, Drake University Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

is a vacant lot assessed as residential property in danger of becoming a public nuisance and the lot is suitable for redevelopment for housing use (such real estate is hereinafter collectively referred to as the "Parcels"); and,

WHEREAS, the tax sale certificates for the two Parcels described above were acquired by the City pursuant to Iowa Code §446.19A, with the intent that such certificate be assigned to Redeveloper; and,

WHEREAS, the Parcels are both encumbered with liens for substantial amounts of special assessments and for such liens be cleared in a manner that does not permit the current owners to redeem the Parcels from the tax sale without payment of such special assessments it is necessary that the City take title to the Parcels by tax deed; and,

WHEREAS, Denis Marchand has signed an *Agreement for Purchase of Real Estate* prepared by the City Legal Department and on file in the Office of the City Clerk, whereby the

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City agrees to take the necessary steps to acquire tax deeds for the Parcels described above and to convey such Parcels to Denis Marchand, and Denis Marchand agrees to pay for a Special Counsel to represent the City in acquiring the tax deeds and all the associated costs and expenses, and to redevelop such Parcels for residential use; NOW THEREFORE,

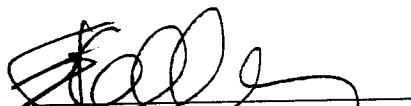
BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City of Des Moines proposes to acquire and convey the Parcels described above to Denis Marchand in exchange for an undertaking by Denis Marchand to pay all the costs incurred by the City to acquire such Parcels by tax deed and to redevelop such Parcels for housing.
2. That the City Council shall consider the *Agreement for Purchase of Real Estate* and the conveyance of such real estate to Denis Marchand at a public hearing to be held on January 24, 2011 at 5:00 p.m. in the Council Chambers.
3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

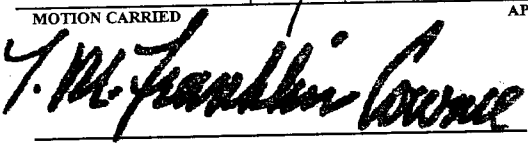
(Council Communication No. 11- 006)

APPROVED AS TO FORM:

Moved by Mahaffey to adopt.


 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED 7 APPROVED

 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.


 City Clerk