



Roll Call Number

11-0707

Agenda Item Number

52

Date April 25, 2011

RESOLUTION APPROVING AN AGREEMENT WITH GREATER DES MOINES HABITAT FOR HUMANITY FOR PURCHASE OF REAL ESTATE WHEREBY CITY AGREES TO ACQUIRE 1144 17TH STREET AND 3017 MAHASKA AVENUE BY TAX SALE DEED AND CONVEY FOR CONSTRUCTION AS AFFORDABLE HOUSING

WHEREAS, the real estate located at 1144 17th Street, more specifically described as follows:

Legal: Lot 10 Block 2 Harlan Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

contains a vacant lot assessed as residential property suitable for redevelopment for housing use; and the real estate at 3017 Mahaska Avenue, more specifically described as follows:

Legal: Lot 12, Block 9 Hyde Park Plat Number 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

contains a vacant lot assessed as residential property suitable for redevelopment for housing use (such real estate is referred to as "Parcels"); and,

WHEREAS, pursuant to Iowa Code §446.19A, on June 14, 2010 by Roll Call 10-920, the City Council authorized the City Manager to request the removal of Parcels from Polk County tax sale and to approve assignment of tax sale certificates to Greater Des Moines Habitat For Humanity, Inc. for development of low to moderate income owner-occupied housing; and,

WHEREAS, Greater Des Moines Habitat for Humanity has agreed to pay for a Special Council to represent the City in acquiring the tax deed and all associated costs and expenses; and

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

WHEREAS, the Parcels are both encumbered with liens for substantial amounts of special assessments. For such liens to 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, on April 11, 2011 by Roll Call No. 11-0581, it was duly resolved by the City Council that the proposed Agreement and conveyance of such Parcels be set down for public hearing on April 25, 2011 at 5:00 pm, in the Council Chambers; and



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WHEREAS, due notice of said proposed Agreement and conveyance of real estate was published as provided by law on April 14, 2011 in The Des Moines Register, setting forth the time and place for hearing on the proposal; and

WHEREAS, in accordance with said notice, those interested in the proposed Agreement and 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,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- 1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed Agreement and conveyance of real estate as described above are hereby overruled and the hearing is closed.
2. Agreement for Purchase of Real Estate described above is hereby approved. The Mayor is hereby authorized and directed to sign the Agreement on behalf of the City of Des Moines and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.
3. If the City receives title to the Parcels by tax deed as provided in the Agreement, the Mayor is hereby further authorized and directed to sign the Quit Claims on behalf of the City of Des Moines to convey such Parcels to Greater Des Moines Habitat for Humanity as provided in the Agreement, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such documents.

FORM APPROVED:

[Signature]

Michael F. Kelley Assistant City Attorney

MOVED BY [Signature] TO ADOPT

(Council Communication No. 11-234)

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

[Signature] Mayor

[Signature] City Clerk