

★ Roll Call Number

12-0094

Agenda Item Number

22

Date January 23, 2012

RESOLUTION APPROVING RELEASE OF JUDGMENT LIEN AGAINST PROPERTY AT 1147 27TH STREET CONVEYED BY THE CITY TO DENIS MARCHAND

WHEREAS, the City of Des Moines acquired the 2010 tax sale certificate for the "Property" at 1147 27th Street for the purpose of causing the property to be renovated for housing use; and,

WHEREAS, on January 24, 2011, by Roll Call No. 11-0135, the City Council approved an Agreement with Denis Marchand whereby the City agreed to convey the Property to Denis Marchand, and Denis Marchand agreed to employ Special Council to represent the City in obtaining the tax sale deed for the property and to redevelop the property for residential use; and,

WHEREAS, the Property was conveyed to the City by a Tax Sale Deed which was recorded on July 5, 2011, in Book 13896, at Pages 897-898, and the City then conveyed the property to Denis Marchand by a Quit Claim Deed recorded on July 18, 2011, in Book 13910, at Pages 319-321; and,

WHEREAS, the City of Des Moines previously held a judgment lien against the Property by reason of a judgment entered in 2006, in City of Des Moines, Iowa v. Michael Schumacher, Polk County Case No. CE 49619, which lien was intended to be extinguished through the tax sale and conveyance process identified above; and,

WHEREAS, a mortgage lender has now requested that the City formally release the City's judgment lien against the Property; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the Mayor and City Clerk are hereby authorized and directed to execute a Partial Release of Mortgage, in a form approved by the Legal Department, releasing the Property at 1147 27th Street from the lien of the judgment identified above.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown, Assistant City Attorney

C:\Rog\Neighborhood\Tax Sale\Marchand\RC 12-01-23 Partial Release.doc

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

MOTION CARRIED

APPROVED

T. M. Franklin Council 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