

★ Roll Call Number

13-1134

Agenda Item Number

51

Date July 15, 2013

**HOLD HEARING FOR CONVEYANCE OF PROPERTY LOCATED AT
1406 21ST STREET TO ANAWIM HOUSING FOR \$4,800**

WHEREAS, on June 24, 2013, by Roll Call No. 13-0997, the City Council approved a Donation Agreement with Wells Fargo Bank, N.A. ("Wells Fargo") and authorized acquisition of real property located at 1406 21st Street, Des Moines ("Property"), subject to certain terms set forth in said Roll Call; and

WHEREAS, on June 24, 2013, by Roll Call No. 13-0998, the City Council received a letter from non-profit corporation Anawim Housing requesting to purchase the Property from the City immediately upon closing on acquisition thereof by the City from Wells Fargo for use by Anawim for revitalization of the Forest Avenue corridor; and

WHEREAS, Wells Fargo will not allow the City to assign its interest in the Donation Agreement to Anawim because Wells Fargo has not yet approved Anawim to participate in the REO Donation and Discounted Sale program; however, Wells Fargo acknowledges and agrees that the City may sell the Property to Anawim immediately following the City's acquisition of the Property; and

WHEREAS, Anawim has offered to the City of Des Moines the purchase price of \$4,800.00 for the purchase of a fee simple interest in 1406 21st Street, as legally described below, for the purpose of revitalization of the Forest Avenue Corridor, which purchase price reflects the fair market value of the Property as vacant as currently estimated by the City's Real Estate Division; and

WHEREAS, the proposed conveyance of the Property by the City to Anawim will be subject to the following: (1) the City's closing on acquisition of the Property from Wells Fargo, following compliance by Wells Fargo with the terms of the Donation Agreement; (2) closing on the City's conveyance of the Property to Anawim will occur immediately upon and following the City's closing on acquisition of the Property from Wells Fargo; and (3) certain terms and conditions of the Donation Agreement between the City and Wells Fargo, including acceptance of the Property "as-is, where-is" without warranty as to condition or title and release of claims related to the Property, will be included in the purchase agreement between the City and Anawim; and

WHEREAS, Anawim also will be required to obtain City approval of its site plan for redevelopment of the Property, and required to enter into a development agreement with the City should the City's Community Development Department provide funds for said future redevelopment project, which requirements will be included in the deed conveying the Property to Anawim; and

WHEREAS, there is no known current or future public need or benefit for the Property to be sold, and the City will not be inconvenienced by the sale of the Property subject to the terms and conditions set forth herein; and

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WHEREAS, on June 24, 2013, by Roll Call No. 13-0998, it was duly resolved by the City Council that the proposed conveyance of real property at 1406 21st Street to Anawim be set down for hearing on July 15, 2013, 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, 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.

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, any and all objections to the proposed conveyance of the real property as described below are hereby overruled and the hearing is closed.

2. There is no public need for the real property described below and the public would not be inconvenienced by reason of the conveyance of the property locally known as 1406 21st Street, Des Moines, more specifically described as follows:

The South 7 feet of Lot 1 and all of Lot 2, Block 3, Marquardt's 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 property to Anawim Housing for \$4,800, together with payment by such grantee of the estimated publication and recording costs in the amount of \$113.00 for this transaction, and with closing subject to the terms and conditions set forth herein above and included in the Offer to Purchase between the City and Anawim, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Offer and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature and to forward the original of this Offer and Quit Claim 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 following closing.

5. Upon fulfillment of the conditions set forth herein above and in the Offer to Purchase, the Real Estate Division Manager is authorized and directed to close upon the sale of the above-described property to Anawim Housing and to forward the original of the Offer and Quit Claim 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.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.

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7. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Fund, FUND: SP767, ORG: ENG980500.

(Council Communication No. 13-371)

Moved by Giess to adopt.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin</u> 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