

Date December 9, 2013

AUTHORIZING ACQUISITION OF 1712 8TH STREET THROUGH DONATION FROM HALF MOON HOLDINGS, LC, AND RELEASING LIENS AND SPECIAL ASSESSMENTS

WHEREAS, the property at 1712 8th Street (hereinafter the "Property") is a vacant parcel in the River Bend Neighborhood situated between two other vacant parcels owned by the River Bend Neighborhood Association, and is suitable for redevelopment either as a single-family dwelling or as part of a low-density multi-family project; and,

WHEREAS, Half Moon Holdings, L.C., acquired the Property by tax deed on November 11, 2012, through foreclosure of a Tax Sale Certificate purchased at the 2009 Polk County Tax Sale; and,

WHEREAS, Half Moon Holdings, L.C., has offered to donate the Property to the City at no cost, subject to the City's acknowledgment that the assessed value of the Property as established by the Polk County Assessor is \$6,400.00; and

WHEREAS, the Property is subject to outstanding levies for back taxes totaling approximately \$11,469, which the County Board of Supervisors will consider waiving if the property becomes publicly owned; and

WHEREAS, the Property is subject to the special assessments levied by the following entities, which the City staff will request be released upon the City taking ownership of the Property:

City of Des Moines	\$8,702.22
Des Moines Water Works	\$1,862.57
<u>Polk County Weed Commissioner</u>	<u>\$631.50</u>
Total all Special Assessments	\$11,196.29

WHEREAS, it would facilitate redevelopment of the Property if the City were to take ownership of the Property to clear the back taxes, special assessments and costs levied against the Property; and

WHEREAS, the City staff will work with the River Bend Neighborhood Association to find an appropriate developer and development for the Property;

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

1. That the donation of the Property from HALF MOON HOLDINGS, L.C., is hereby approved and accepted, subject to the City Legal Department approving the form of the deed and confirming that the City is receiving marketable title to the Property subject

Date December 23, 2013

only to the outstanding levies for taxes and special assessments which the City will seek to have released.

2. Upon satisfaction of the conditions identified above, the City Clerk is hereby authorized and directed to certify on the deed to the City's acceptance of the conveyance of the Property, and the City Manager is authorized and directed to sign an IRS Form 8283 *Noncash Charitable Contribution* acknowledging receipt of the donation of the Property.
3. That the Real Estate Division Manager is authorized and directed to complete the acquisition pursuant to the Donation Agreement, in accordance with the conditions set forth herein above, and in accordance with standard real estate practices and state law requirements. The Finance Director is also authorized and directed to issue checks to pay the abstracting and recording costs certified by the Legal Department and the Engineering Department.

Address: 1712 8<sup>th</sup> Street  
District/Parcel No.: 080/05311-000-000  
Legal: Lot 5 & South 1/2 of Lot 4 Block 14 Polk County  
Homestead & Trust Company Addition.

4. In the event the City disposes of the property within 3 years, the City Manager shall cause the required IRS Form 8282 *Donee Information Return* to be filed, with a copy to be sent to the donor.
5. Upon the City taking title to the Property:
  - a) The special assessments levied by the City and pending against the Property are hereby released, and the City Engineer or the City Engineer's designee is hereby authorized and directed to notify Polk County of the release of such special assessments.
  - b) The Community Development Director or the Director's designee is hereby authorized and directed to seek the release of all other special assessments levied by Polk County, Des Moines Water Works or other governmental entities and pending against the Property.
  - c) The Property is hereby released from the lien of the judgment entered on behalf of the City in Polk County District Court Case No. CE 57235, and from any other judgment liens entered on behalf of the City and pending against the Property. However, such release shall be limited to the Property, any such judgments shall remain in full force and effect against the judgment debtor(s) and against any other real estate owned by such judgment debtor(s). The Legal Department is hereby authorized and directed to file the necessary pleadings to implement the limited release of judgments as provided herein.

★ Roll Call Number

13-1960

Agenda Item Number

12

-3-

Date December 23, 2013

(City Council Communication No. 13-617)

MOVED by Griess to adopt.

FORM APPROVED:

Roger K Brown

Roger Brown

Assistant City Attorney

G:\USERS\RKBrown\Rog Docs\Neighborhood\RC Accept donation of 1712 8th.doc

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

MOTION CARRIED

APPROVED

T. M. Franklin, 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