



Roll Call Number

13-1993

Agenda Item Number

25

Date December 23, 2013

RESOLUTION APPROVING AGREEMENT FOR CONVEYANCE OF A TAX SALE
CERTIFICATE FOR THE PROPERTY AT 1332 41ST STREET TO LESLIE
GEARHART AND TODD MCBRIDE FOR REHABILITATION OF 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, on October 21, 2013 by Roll Call 13-1645, the City Council approved a request to the Polk County Treasurer for assignment of the 2013 Tax Sale Certificate for the Property at 1332 41st Street; and the release of a Request For Proposal (RFP) to locate a developer to take an assignment of the Tax Sale Certificate, to acquire the Property by tax deed, and to rehabilitate the Property for single-family residential use; and,

WHEREAS, the City of Des Moines sent out a Request for Proposals to developers to acquire and rehabilitate the Property for single-family use, and received proposals from three (3) developers on November 25, 2013, which were scored by a staff committee in accordance with criteria included in the RFP; and,

WHEREAS, Leslie Gearhart and Todd McBride submitted the highest scored proposal to acquire and rehabilitate the Property in accordance with City of Des Moines requirements for single-family residential use and to reimburse the City for any costs in acquiring said property; and,

WHEREAS, Leslie Gearhart and Todd McBride have established Thirteen Thirty 2, LLC, an Iowa limited liability company, as the legal entity to acquire and rehabilitate the Property.

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

1. The Agreement now on file in the Office of the City Clerk between City and Thirteen Thirty 2, LLC (the "Buyer"), whereby the City agrees to assign the tax sale certificate for the Property at 1332 41st Street to the Buyer upon payment of the \$3,430,24 paid by the City to acquire the tax sale certificate, and Buyer agrees to rehabilitate the house upon the Property for single-family owner-occupied residential use, is hereby approved.
2. The Mayor is hereby authorized and directed to sign the Agreement on behalf of the City of Des Moines.

(continued)

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- 3. Upon execution of the Agreement by the parties thereto, the City Manager, or his designee, is hereby further authorized and directed to sign the Assignment of such tax sale certificate on behalf of the City of Des Moines, and to deliver such Assignment to the Buyer as provided in the Agreement.

(City Council Communication No. 13-604)

MOVED by Mahaffey to adopt.

FORM APPROVED:

Roger K Brown

Roger Brown

Assistant City Attorney

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