

★ Roll Call Number

14-0041

Agenda Item Number

19A

Date January 13, 2014

**SET HEARING FOR CONVEYANCE OF REAL PROPERTY
LOCATED AT 1302 4TH STREET AND 2820 EAST 38TH STREET TO
GREATER DES MOINES HABITAT FOR HUMANITY FOR \$9,800**

WHEREAS, on January 13, 2014, by Roll Call No. 14-0040, the City Council approved Donation Agreements with Wells Fargo Bank, N.A. ("Wells Fargo") and authorized acquisition of real properties located at 1302 4th Street and 2820 East 38th Street, Des Moines ("Properties"), as legally described below, subject to certain terms set forth in said Roll Call; and

WHEREAS, the City Neighborhood Conservation Services Division of the Community Development Department ("NCS") distributed a Request for Proposal ("RFP") to developers certified with the City's Neighborhood Stabilization Program for the sale and redevelopment of the Properties, with Greater Des Moines Habitat for Humanity ("Habitat") being the only respondent; and

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

WHEREAS, Habitat has offered to the City of Des Moines the purchase price of \$9,800, equaling \$4,800 for 1302 4th Street and \$5,000 for 2820 East 38th Street, for fee simple interest in the Properties for the purpose of redevelopment, and the City's Real Estate Division has determined that said purchase price reflects the fair market land value of the Properties; and

WHEREAS, if approved, the proposed conveyance by the City to Habitat will be subject to the following: (1) City approval and closing on the Properties from Wells Fargo; (2) demolition of the structure located upon 2820 East 38th Street by Wells Fargo prior to closing; (3) closing with Habitat will occur immediately upon and following the closing with Wells Fargo; and (4) certain terms and conditions of the Donation Agreements between the City and Wells Fargo, including those stated herein above, will be included in the Purchase Agreement with Habitat for the conveyance of the Properties; and

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

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

1. The City of Des Moines, Iowa proposes to convey the real properties located at 1302 4th Street and 2820 East 38th Street, Des Moines, legally described as follows, to Greater Des Moines Habitat for Humanity

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for \$9,800 and with closing subject to the terms and conditions set forth herein above and included in the Offer to Purchase:

1302 4th Street: Lot 50 Rutherford Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2820 East 38th Street: Except the East 13 feet, Lot 470 Four Mile, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. A public hearing will be held on January 27, 2014 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above described proposal and any other(s) submitted prior to or during the public hearing.

3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. Non- project related proceeds are used to support general operating budget expenses: Org - EG064090.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

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

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