



**Roll Call Number**

14-0173

**Agenda Item Number**

44

**Date** January 27, 2014

**HEARING FOR CONVEYANCE OF REAL PROPERTY  
LOCATED AT 1302 4<sup>TH</sup> STREET AND 2820 EAST 38<sup>TH</sup> 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 4<sup>th</sup> Street and 2820 East 38<sup>th</sup> 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 4<sup>th</sup> Street and \$5,000 for 2820 East 38<sup>th</sup> 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 38<sup>th</sup> 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 will be included in the Purchase Agreement between the City and 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; and

**WHEREAS**, on January 13, 2014, by Roll Call No. 14-0041, it was duly resolved by the City Council that the proposed conveyance of real properties at 1302 4<sup>th</sup> Street and 2820 East 38<sup>th</sup> Street to Greater Des Moines Habitat for Humanity for \$9,800 be set down for hearing on January 27, 2014, at 5:00 p.m., in the City Council Chambers; and

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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 properties as described below are hereby overruled and the hearing is closed.

2. There is no public need for the real properties described below and the public would not be inconvenienced by reason of the conveyance of the properties locally known as 1302 4<sup>th</sup> Street and 2820 East 38<sup>th</sup> Street, Des Moines, legally described as follows:

1302 4<sup>th</sup> 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 38<sup>th</sup> 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.

3. That the sale and conveyance of such properties to Greater Des Moines Habitat for Humanity for \$9,800, 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 Habitat, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Offer and Quit Claim Deeds 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 Deeds, 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 properties to Habitat and to forward the original of the Offer and Quit Claim Deeds, 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.

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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 Deeds and copies of the other documents to the grantee.

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

(Council Communication No. 14-039)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRAY, HENSLEY, MAHAFFEY, MOORE, VOSS, and TOTAL.

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