



Roll Call Number

14-1646

Agenda Item Number

35

Date October 20, 2014

RESOLUTION AUTHORIZING PARTIAL RELEASE OF JUDGMENT LIENS (1942 ARLINGTON AVENUE)

WHEREAS, the City of Des Moines filed a lawsuit (Case No. EQCE 50919) and obtained a judgment against Eppard Investment, Inc. in the amount of \$1,395.00 in relation to nuisance abatement and enforcement costs, court costs and sanctions, which lien encumbers the real property located at 1942 Arlington Avenue, in the River Bend neighborhood in Des Moines ("Property"); and

WHEREAS, the City of Des Moines further filed lawsuits and obtained judgments against Karen Towers and Steve Towers, in relation to nuisance abatement and enforcement costs and court costs, which liens encumber the Property as follows: Case No. CICI 5816, \$825.00; Case No. CICI 5815, \$450.00; Case No. CICI 5914, \$900.00; Case No. CICI 5915, \$900.00; and

WHEREAS, on July 14, 2014, by Roll Call No. 14-1093, City Council accepted a request from Michael Hildebrand, of Hildebrand Properties, LLC, to speak regarding the Property, and referred the matter to the City Manager and the City Attorney to work with Neighborhood Finance Corporation (NFC) on recommendations regarding a policy to assist rehabilitation of nuisance properties City-wide to become owner-occupied; and

WHEREAS, as presented to Council, Hildebrand Properties, LLC has entered into a purchase agreement for the purchase of the Property from property owner 1942 Arlington Trust, for the purpose of rehabilitating and reselling the Property for owner-occupancy; and

WHEREAS, the City has been requested to release the above-listed judgment liens against the Property in order for the sale of the Property to Hildebrand Properties, LLC to proceed; and

WHEREAS, City Community Development staff have reviewed Hildebrand Properties, LLC's request and have determined that the Property is a contributing structure in the Riverview Park Plat National Register Historic District and in the River Bend Local Historic District and that it would be in the City's best interest to release the above-listed judgment liens to allow for rehabilitation and redevelopment of the Property for residential occupancy, rather than for the City to proceed with nuisance abatement and demolish the building and incur additional demolition and enforcement costs.

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

- 1. The City approves partial release of its judgment liens, solely as to any liens that the City may have against the real property locally known as 1942 Arlington Avenue, Des Moines, in the following Polk County District Court cases:
a. City of Des Moines v. Eppard Investment, Inc., EQCE 50919
b. City of Des Moines, Iowa v. Karen L. Towers, CICI 5816
c. City of Des Moines, Iowa v. Karen L. Towers, CICI 5815
d. City of Des Moines, Iowa v. Karen Towers and Steve Towers, CICI 5914
e. City of Des Moines, Iowa v. Karen Towers and Steve Towers, CICI 5915

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and for the sole purpose of effectuating the sale of 1942 Arlington Avenue, Des Moines, to Hildebrand Properties, LLC for rehabilitation and resale for residential owner-occupancy. In the event that the sale to Hildebrand Properties, LLC does not occur for the purposes set forth herein, the City's partial release as approved herein shall be ineffectual and void.

2. The Mayor and City Clerk are authorized and directed to sign and attest, respectively, any necessary partial releases, after approval as to form by the City Legal Department, for use at or after closing on the sale of 1942 Arlington Avenue to Hildebrand Properties, LLC.

3. The City hereby retains any judgment lien that it may have against Eppard Investment, Inc. and all other defendants personally and against any other real or personal property affected by the judgment lien in Polk County District Court Case No. EQCE 50919, City of Des Moines v. Eppard Investment, Inc.

4. The City hereby retains any judgment lien that it may have against Karen Towers and Steve Towers and all other defendants personally and against any other real or personally property affected by the judgment liens in Polk County District Court Case Nos. CICI 5816, City of Des Moines, Iowa v. Karen L. Towers; CICI 5815, City of Des Moines, Iowa v. Karen L. Towers; CICI 5914, City of Des Moines, Iowa v. Karen Towers and Steve Towers; and CICI 5915, City of Des Moines, Iowa v. Karen Towers and Steve Tower.

5. The Community Development Director, City Attorney, and their designees are directed to continue to work on a recommendation for a policy and process regarding nuisance properties and the City's property liens in order to assist rehabilitation and/or redevelopment of said properties.

MOVED by Hensley to adopt.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(Council Communication No. 14-504)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
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