



Roll Call Number

14-1659

Agenda Item Number

46

Date October 20, 2014

HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 1161 22nd STREET TO HOME OPPORTUNITIES MADE EASY, INC. (HOME, INC.)

WHEREAS, on June 28, 2010, by Roll Call No. 10-1104, the City Council, acting as the Board of Health, acted to declare the property locally known as 1161 22nd Street ("Property") to be a public nuisance, and to direct the Legal Department to pursue a Court order for abatement of the fire-damaged structure assessed as a commercial multifamily housing thereon; and

WHEREAS, on June 13, 2011, by Roll Call 11-1000, the City Council authorized a request to the County Treasurer's Office as allowed by Iowa Code Section 446.19A to remove the 2011 tax sale certificate for the Property from the Tax Sale Certificate Auction and assign said Certificate to the City for future development of housing; and

WHEREAS, on September 22, 2014, by Roll Call No. 14-1451, the City Council approved acquisition of the Property by tax sale deed, authorized the Community Development Director to request release of property taxes and special assessments, and authorized release of all City liens and special assessments in order to encourage housing redevelopment; and

WHEREAS, the City has requested title to the Property by tax sale deed in compliance with the statutory tax sale process; and

WHEREAS, City staff have negotiated an Offer to Purchase with non-profit organization Home Opportunities Made Easy, Incorporated (HOME, Inc.), as on file in the office of the City Clerk, whereby HOME, Inc. will acquire the Property in exchange for in-kind consideration including property maintenance, acquisition of the Property "as-is" regarding both condition and title, and rehabilitation and/or redevelopment of the existing structure(s) on the Property for housing purposes, which in-kind consideration exceeds the negative value of the Property as determined by the City's Real Estate Division; and

WHEREAS, both HOME, Inc. and City staff will work with the Drake Neighborhood Association to determine the best development solution for the Property; and

WHEREAS, HOME, Inc. also will be required to obtain an approved site plan by the City for redevelopment of the Property, and required to enter into a development agreement with the City should the City's Community Development Department provide funds for said future redevelopment project, which requirements will be included in the deed conveying the Property to HOME, Inc.; and

WHEREAS, there is no known current or future public need for the property proposed to be sold and the City will not be inconvenienced by the sale of said property; and



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WHEREAS, on October 6, 2014, by Roll Call No. 14-1560, it was duly resolved by the City Council that the proposed conveyance of real property at 1161 22nd Street to HOME, Inc. be set down for hearing on October 20, 2014, at 5:00 p.m., in the City Council Chambers; and

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 or benefit for the real property described below and the public would not be inconvenienced by reason of the conveyance of the property locally known as 1161 22nd Street, Des Moines, legally described as follows:

 Lot 24, Cottage Grove Replat, 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 property to HOME, Inc. for the in-kind consideration of property maintenance, acquisition of the Property "as-is" regarding both condition and title, and rehabilitation and/or redevelopment of the existing structure(s) on the Property for housing purposes, with closing subject to the terms and conditions set forth herein above and included in the Offer to Purchase between the City and HOME, Inc., be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer and Quit Claim Deed 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 Deed, 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 receipt by the City of the tax sale deed for the Property and 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 property to HOME, Inc. and to forward the original of the Offer and Quit Claim Deed, 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 Deed and copies of the other documents to the grantee.

(Council Communication No. 4496)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

MOTION CARRIED APPROVED
Y. 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