



Roll Call Number

14-1861

Agenda Item Number

40

Date December 8, 2014

RESOLUTION AUTHORIZING PARTIAL RELEASE OF JUDGMENT LIENS (1802 Jefferson Avenue)

WHEREAS, the City of Des Moines filed lawsuits (Case Nos. EQCE 51260 and EQCE 51761) and obtained judgments in 2005 and 2006 against Blue Locust, Inc. in the respective amount of \$11,159.27 and \$916.00, in relation to nuisance abatement and enforcement costs and court costs, which liens encumber the real property formerly owned by Blue Locust, Inc. and located at 1802 Jefferson Avenue in the King-Irving Neighborhood in Des Moines ("Property"); and

WHEREAS, on July 28, 2011, Greater Des Moines Habitat for Humanity ("Habitat") purchased the Property and proceeded to build a new house on the site for sale to a low-income home buyer; and

WHEREAS, on August 11, 2014, Habitat sold the Property by Warranty Deed to a qualified low-income home buyer who had completed the Habitat Home Ownership Program; and

WHEREAS, the City has been requested by Habitat, on behalf of Habitat and the new property owner, to release the above-listed judgment liens against the Property; and

WHEREAS, the City's Community Development staff have reviewed the requested judgment lien release and have determined that, as the Property was built on a vacant lot in the King Irving Neighborhood and sold to a low-income homeowner who had completed the Habitat Home Ownership Program, it would be in the City's best interest to release the above-listed judgment liens against the Property.

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 1802 Jefferson Avenue, Des Moines, 50314 in the following Polk County District Court cases:
a. City of Des Moines v. Blue Lotus, Inc. EQCE 51260
b. City of Des Moines v. Blue Lotus, Inc., EQCE 51761

for the sole purpose of benefitting the sale of 1802 Jefferson Avenue, Des Moines, from Greater Des Moines Habitat for Humanity to a qualified low-income homebuyer who has completed the Habitat Home Ownership Program.

2. The Mayor and City Clerk are authorized and directed to sign and attest to, respectively, the partial releases of judgment liens as described above.

3. The City hereby retains any judgment lien that it may have against Blue Lotus, Inc. and all other defendants personally and against any other real or personal property affected by the judgment liens, in Polk County District Court Case No. EQCE 51260, City of Des Moines v. Blue Lotus, Inc., and in Polk County District Court Case No. EQCE 51761, City of Des Moines v. Blue Lotus, Inc.

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(Council Communication No. 14-572)

MOVED by Gatto to approve.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

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

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.

MOTION CARRIED

APPROVED

T. M. Franklin Council Mayor

Diane Rauh

City Clerk