



Roll Call Number

15-0927

Agenda Item Number

35

Date June 8, 2015

APPROVING REQUEST TO POLK COUNTY TREASURER FOR ASSIGNMENT OF TAX SALE CERTIFICATE, APPROVAL OF CITY ACQUISITION OF PROPERTY THROUGH TAX DEED, AND AUTHORIZATION TO REQUEST RELEASE OF PROPERTY TAXES, SPECIAL ASSESSMENTS, AND ALL CITY LIENS AND SPECIAL ASSESSMENTS IN ORDER TO ENCOURAGE HOUSING REDEVELOPMENT

WHEREAS, Iowa Code Section 446.19A permits cities to acquire tax sale certificates for abandoned property assessed as residential property or as commercial multifamily property or vacant residential lots at a tax sale without paying the taxes then due, to obtain the assignment of outstanding tax sale certificates by payment to the certificate holder the amount then due to redeem the certificate, and to give notice of expiration of the redemption period upon an expedited schedule, all for the purpose of encouraging the acquisition and rehabilitation of abandoned dwellings and lots; and

WHEREAS, the real property locally known as 1607 9th Street, assessed and zoned residentially, has been found to be a public nuisance property that is vacant and in violation of the City's Building Code for a period in excess of six consecutive months in accordance with the requirements of Iowa Code Section 446.19A, and is expected to be sold at tax sale in June 2015 for nonpayment of taxes; and

WHEREAS, City Community Development Department staff is recommending that the City take assignment of the tax sale certificate and ownership of said property and find a developer interested in neighborhood revitalization at the property, and release special assessments and request the release of past due taxes if the selected developer(s) request such releases and the Community Development Department agrees with such request.

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

1. The Community Development Director is authorized and directed to execute and submit an affidavit to the Polk County Treasurer requesting that the tax sale certificates for the parcel described below be assigned to the City of Des Moines, in accordance with Iowa Code Section 446.19A:

Address: 1607 9th Street, Des Moines, Iowa
District/Parcel No.: 080/05303-000-000
Legal Description: Lot 11, Block 13, Polk County Homestead & Trust Co. Addition, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. In the event that the tax sale certificate is not first assigned by the City to a selected developer(s), the Legal Department is authorized and directed to begin the acquisition of the property in accordance with Iowa Code Section 446.19A, and the Finance Director is authorized and directed to issue checks to pay the recording costs and other costs certified by a City Department related to the acquisition listed above.

3. The Community Development Director and his designee(s) are directed to work with the interested parties and neighborhood organizations on a developer-initiated redevelopment proposal, or to distribute a Request for Proposals to locate a developer to acquire and renovate the property, based on an approved rehabilitation plan, including evidence of financing, examples of similar work completed in Des Moines area, and a binding agreement in a form satisfactory to the Legal Department for use of the property as single family owner-occupied housing.



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4. In the event that the City takes title to the property, or upon request by the selected developer and agreement by the Community Development Department, the Community Development Director is authorized and directed to request the following:

- (a) That any special assessments levied by the City and pending against the property be released.
- (b) That all other special assessments levied by Polk County, Des Moines Water Works, or other governmental entities pending against the property be released.
- (c) That any and all property taxes including accrued interest be released by the Polk County Board of Supervisors.
- (d) That any City judgments against the property be released, which releases shall be limited only to the real property, and any such personal judgment(s) shall remain in full force and effect against the judgment debtor(s) and against any other real estate and personal property owned by such judgment debtor(s). The Legal Department is hereby authorized and directed to file the necessary pleadings to implement the limited release of judgment(s) as provided herein for insubstantial judgments, and to request Council approval of substantial judgments prior to filing such releases.

MOVED BY Gatto TO ADOPT.

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 Mayor

Diane Rauh City Clerk