

★ Roll Call Number

15-1618

Agenda Item Number

33

Date September 28, 2015

APPROVING REQUEST TO POLK COUNTY SUPERVISORS TO ASSIGN TAX SALE CERTIFICATES OF PURCHASE TO THE CITY, AUTHORIZATION FOR EXECUTION OF POLK COUNTY AGREEMENTS, APPROVAL OF CITY ACQUISITION OF PROPERTIES THROUGH TAX DEED, AUTHORIZATION TO REQUEST RELEASE OF PROPERTY TAXES AND SPECIAL ASSESSMENTS, AND RELEASE OF 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, Polk County Public Works holds the tax sale certificates of purchase to one public nuisance house at 708 Buchanan and one vacant lot at 1321 Fremont, both assessed and zoned residentially, in accordance with the requirements of Iowa Code Section 446.19A; and

WHEREAS, Polk County Public Works has expressed an interest in working with the City to take ownership of these for redevelopment resulting in neighborhood revitalization and new tax base, and City staff has been approached by experienced nonprofit entities interested in redevelopment if the special assessments and taxes are waived and additional subsidy or in-kind equity is invested; and

WHEREAS, City Community Development Department staff is recommending that the City execute contracts with the Polk County Board of Supervisors to take assignment of the tax sale certificates and ownership of these two (2) properties, find partners for neighborhood revitalization, release the City's special assessments and request the release of past due taxes and other assessments as such sites are suitable for redevelopment and a new tax base established.

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 of purchase for the parcels described below be assigned to the City of Des Moines, in accordance with Iowa Code Section 446.31:

Address: 708 Buchanan Des Moines, Iowa
District/Parcel No.: 040/04204-000-000
Legal Description: Lot 18 Mary T Smiths Subdivision, now included in and forming a part of the City of Des Moines, Polk County, Iowa

Address: 1321 Fremont, Des Moines, Iowa
District/Parcel No.: 040/04744-000-000
Legal Description: Lot 23 Block 30 Stewarts Addition, now included in and forming a part of the City of Des Moines, Polk County, Iowa.



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2. The Legal Department is authorized and directed to begin the acquisition of the properties 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 acquisitions 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 each property, based on an approved redevelopment 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 as single family housing.
4. Upon the City, or developer as applicable, taking title to the properties:
 - (a) The special assessments levied by the City and pending against the properties shall be deemed released, and the City Engineer or the City Engineer's designee is hereby authorized and directed to notify the County of the release of such special assessments.
 - (b) The Community Development Director or the Director's designee is hereby authorized and directed to seek the release of all other special assessments levied by Polk County, Des Moines Water Works, or other governmental entities pending against the property.
 - (c) The Community Development Director is to request any and all property taxes including accrued interest be released by the Polk County Board of Supervisors.
 - (d) Any City judgment releases shall be limited only to the properties, 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.
5. The Community Development Department Director is authorized and directed to enter into agreements required by Polk County for the assignment of the certificates of purchase (tax sale certificates) related to the above-referenced properties, following approval as to form thereof by the Legal Department.

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(City Council Communication No. 15518)

MOVED BY Hensley 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			

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