



**Roll Call Number**

15-1821

**Agenda Item Number**

53 C

**Date** October 26, 2015

**HEARING FOR CONVEYANCE OF 1710 7<sup>th</sup> STREET TO  
HILDEBRAND PROPERTIES, LLC FOR HOUSING REDEVELOPMENT  
AND APPROVING ACQUISITION AGREEMENT**

**WHEREAS**, as part of the property tax sale process, Iowa Code Section 446.31 permits municipalities to acquire Certificates of Purchase entered into the County system in the Office of the County Treasurer of the county from which the certificate was issued and assign such Certificates to a municipality by written contract for less than the full amount due all for the purpose of promoting housing; and

**WHEREAS**, the real property locally known as 1710 7<sup>th</sup> Street ("Property"), more specifically described as follows:

ALL OF LOT 6 AND ALL OF THE SOUTH HALF (1/2) OF LOT 5, BLOCK 11, POLK COUNTY HOMESTEAD & TRUST CO'S ADDITION, OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

Contains a vacant structure which is suitable for rehabilitation based on exterior inspection, assessed as residential property and declared a public nuisance by the Des Moines City Council; and

**WHEREAS**, on May 4, 2015 by Roll Call 15-0746, the City Council directed City staff to request the tax sale certificate for the Property from the Polk County Board of Supervisors pursuant to Iowa Code Section 446.31, and thereafter Polk County and the City of Des Moines entered into agreement regarding the City's acquisition of the Property for redevelopment of housing according to Iowa Code Section 446.19(a); and

**WHEREAS**, in order for the Property to have substantial amounts of special assessment liens removed therefrom by the Polk County Board of Supervisors, the City must first complete the tax sale process and acquire the Property by tax sale deed; and

**WHEREAS**, City staff distributed a Request for Proposal to redevelopers of single family housing in order to select a developer to complete the necessary redevelopment on the Property for housing usage; and

**WHEREAS**, Hildebrand Properties, L.L.C. responded to the RFP and was selected by the City staff reviewers as the recommended developer, and has offered to acquire a fee simple interest in the Property for the purpose of said redevelopment, and the City's Real Estate Division has determined that the Property has a negative value due to the costs of redevelopment, to be provided by Hildebrand Properties, LLC, as in-kind consideration, exceeding the fair market value of the Property; and

**WHEREAS**, on October 12, 2015, by Roll Call No. 15-1701, it was duly resolved by the City Council that the proposed conveyance of 1710 7<sup>th</sup> Street to Hildebrand Properties, L.L.C., for \$1 and additional in-kind consideration of redevelopment of the Property for housing purposes, be set down for hearing on October 26, 2015, at 5:00 p.m., in the City Council Chambers; and



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**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**, if approved, the proposed conveyance by the City to Hildebrand Properties, L.L.C. will be governed by and subject to approval of an acquisition agreement between Hildebrand Properties, L.L.C. and the City of Des Moines, which agreement is on file in the office in the office of the City Clerk, and will further be subject to completion by the City of the tax sale process and acquisition of the Property by tax sale deed; and

**WHEREAS**, there is no known current or future public need or benefit for the Property to be sold, and the City will not be inconvenienced by the sale of the Property, subject to the terms and conditions set forth herein; 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 for the real property described below and the public would not be inconvenienced by reason of the conveyance of the property located at 1710 7<sup>th</sup> Street, Des Moines, legally described as follows:

ALL OF LOT 6 AND ALL OF THE SOUTH HALF (1/2) OF LOT 5, BLOCK 11, POLK COUNTY HOMESTEAD & TRUST CO'S ADDITION, 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 Hildebrand Properties, L.L.C. for \$1.00 and in-kind consideration of redevelopment of the property for housing purposes, together with payment by such grantee of the estimated publication and recording costs in the amount of \$113.00 for this transaction, and with closing subject to the terms and conditions set forth herein above and included in the acquisition agreement and Offer to Purchase between the City and Hildebrand Properties, L.L.C., be and is hereby approved.
4. That the Agreement between the City of Des Moines and Hildebrand Properties, L.L.C. for Acquisition and Rehabilitation/Redevelopment of City Property, including the Offer to Purchase attached thereto, be and is hereby approved.
5. The Mayor is authorized and directed to sign said Agreement, 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 the Offer, said Agreement, and Quit Claim Deed, together with a certified copy

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of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department.

6. Upon fulfillment of the conditions set forth herein above and in the acquisition agreement and Offer to Purchase, the Real Estate Division Manager is authorized and directed to close upon the sale of the above-described property to Hildebrand Properties, L.L.C. and to forward the original 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.

7. 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 Deeds and copies of the other documents to the grantee.

8. Non- project related proceeds are used to support general operating budget expenses: Org - EG064090.

(Council Communication No. 15561)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*  
Glenna K. Frank, Assistant City Attorney

*rsn*

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

*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 Fauh* City Clerk