



**Roll Call Number**

16-0579

**Agenda Item Number**

36

**Date** April 11, 2016

**AUTHORIZING REQUEST TO POLK COUNTY TREASURER FOR TAX SALE CERTIFICATES AND ACQUISITION OF PROPERTY THROUGH TAX SALE PROCESS EITHER BY CITY OF DES MOINES OR BY ASSIGNMENT OF TAX SALE CERTIFICATE TO HOUSING DEVELOPER (2019 30<sup>TH</sup> STREET)**

**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 further assign said certificates, 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 the development lots for residential use; and

**WHEREAS**, on February 25, 2013, by Roll Call No. 13-0367, the City Council, acting as the Board of Health, determined that the property at 2019 30<sup>th</sup> Street was a public nuisance and authorized the City Legal Department to proceed with court action seeking authority to abate the public nuisance; and

**WHEREAS**, City Community Development Department staff is recommending that the City make a request to the Polk County Treasurer and take assignment of the tax sale certificates in accordance with Iowa Code Section 446.19A, in order for the certificates to be redeemed by the City of Des Moines, or for the certificates to be further assigned to a developer, for rehabilitation of single-family housing for sale to an owner-occupant.

**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 2014 tax sale certificate for the property, as further described below, be assigned to the City of Des Moines in accordance with Iowa Code 446.19A:

Address:	2019 30 <sup>th</sup> Street Des Moines, Iowa, 50310-5544
District/Parcel No.:	080/01418-000-000
Legal Description:	Lot 2 Davisson Oaks Plat 3, now included in and forming a part of the City of Des Moines, Polk County, Iowa

2. The Community Development Director and his designee(s) are directed to work with interested parties and neighborhood organizations to find a for-profit or not-for-profit housing organization or developer interested in redeeming the property through the Iowa Code Section 446.19A process per an agreement with the City of Des Moines, as approved by the City Legal Department, to rehabilitate the property for owner-occupant housing. In the alternative, the Legal Department is authorized 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 outstanding tax sale certificates, recording costs and other costs certified by a City Department related to the acquisitions listed above.

3. If the City acquires the property, the Community Development Director and his designee(s) are directed to work with 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

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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 of the property as single family housing.

4. Upon the City or developer, as applicable, taking title to the property:
  - (a) The special assessments levied by the City and pending against the Property 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 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.
  
5. The Community Development Department Director is authorized and directed to enter into agreement required by Polk County for the assignment of the tax sale certificate related to the above-referenced Property, following approval as to form thereof by the Legal Department.

(City Council Communication No. 16- 203)

FORM APPROVED:

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

MOVED BY Coleman TO ADOPT.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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 Fauh City Clerk