



**Roll Call Number**

16-2195

**Agenda Item Number**

55

**Date** December 19, 2016

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 3018 YORK STREET TO GREATER DES MOINES HABITAT FOR HUMANITY, INC. FOR HOUSING REDEVELOPMENT AND APPROVING ACQUISITION AGREEMENT**

**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, all for the purpose of encouraging the acquisition and rehabilitation of abandoned dwellings and lots; and

**WHEREAS**, on September 28, 2015, by Roll Call No. 15-1619, the City Council approved acquisition of the vacant lot locally known as 3018 York Street ("Property") by tax sale deed, authorized the Community Development Director to request release of property taxes and special assessments, and authorized release of all City liens and special assessments in order to encourage housing redevelopment; and

**WHEREAS**, the City intends to accept title to the Property by tax sale deed on or before December 19, 2016, in order to comply with the statutory tax sale process; and

**WHEREAS**, Greater Des Moines Habitat for Humanity, Inc., wishes to develop the Property in accordance with City of Des Moines' requirements, and has offered to the City of Des Moines the purchase price of \$4,500.00 for the purchase of such Property, more specifically described below, which conveyance will be subject to a Declaration of Restrictive Covenants setting forth the City's development requirements, and which price reflects both the fair market value of the Property as currently estimated by the City's Real Estate Division as well as the City's current investment in the Property; and

**WHEREAS**, Greater Des Moines Habitat for Humanity, Inc. also will be required to obtain an approved site plan by the City for redevelopment of the Property, and required to enter into a development agreement with the City should the City's Community Development Department provide funds for said future redevelopment project, which requirements will be included in the deed conveying the Property to Greater Des Moines Habitat for Humanity, Inc.; and

**WHEREAS**, there is no known current or future public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

**WHEREAS**, on December 5, 2016, by Roll Call No. 16-2065, it was duly resolved by the City Council that the proposed conveyance of real property at 3018 York Street to Greater Des Moines Habitat for Humanity, Inc. for \$4,500.00 be set down for hearing on December 19, 2016, 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**, 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, that:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the real property 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 locally known as 3018 York Street, Des Moines, legally described as follows:

Lot 9, Block 8, Kryshers 2<sup>nd</sup> Addition Plat 1, an 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 Greater Des Moines Habitat for Humanity, Inc. for \$4,500.00, 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 Greater Des Moines Habitat for Humanity, Inc., be and is hereby approved.

4. That the Agreement between the City of Des Moines and Greater Des Moines Habitat for Humanity, Inc. 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 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 Greater Des Moines Habitat for Humanity, Inc. 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.

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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. 110699)

MOVED BY Westergaard TO ADOPT.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank  
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GATTO          | ✓    |      |      |        |
| GREY           | ✓    |      |      |        |
| 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.

T. M. Franklin-Cownie Mayor

Diane Rauh City Clerk