



Roll Call Number

17-0035

Agenda Item Number

27

Date January 9, 2017

**SET HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT  
1520 32<sup>nd</sup> STREET TO RALLY CAP PROPERTIES, LLC  
FOR REHABILITATION OF HOUSING**

**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 and abandoned house locally known as 1520 32<sup>nd</sup> Street ("Property") by tax sale deed, authorized the Community Development Director to request release of property taxes and special assessments, authorized release of all City liens and special assessments in order to encourage housing redevelopment and directed staff to distribute a Request for Proposal (RFP) to developers to acquire and renovate the Property based on a rehabilitation plan; and

**WHEREAS**, the City intends to accept title to the Property by tax sale deed on or before January 23, 2017, in order to comply with the statutory tax sale process; and

**WHEREAS**, the City staff distributed a Request for Proposal (RFP) to redevelopers of single family housing in order to select a developer to complete the necessary development on the Property for housing use; and

**WHEREAS**, Rally Cap Properties, LLC responded to the RFP and was selected by the reviewers as the recommended developer for the purpose of said redevelopment; and

**WHEREAS**, if approved, the proposed conveyance by the City to Rally Cap Properties, LLC will be governed by and subject to approval of an acquisition agreement between Rally Cap Properties, LLC and the City of Des Moines, which agreement will be submitted to City Council for consideration concurrently with the public hearing on the sale, 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**, deed restrictions containing single-family owner-occupancy requirements and compliance with the conditions of the RFP and submitted proposal will be included in the deed conveying the Property to Rally Cap Properties, LLC; 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.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:



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1. Following and subject to completion of the tax sale process and issuance of the tax sale deed, the City of Des Moines, Iowa proposes to convey real property locally known as 1520 32<sup>nd</sup> Street, legally described below, to Rally Cap Properties, LLC in exchange for \$1.00 and in-kind consideration in the form of development of the property by rehabilitation and/or redevelopment for housing purposes:

Lots 8 and 9 in Block 3 in Merritt and Fischer's Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. A public hearing shall be held on January 23, 2017 at 5:00 p.m. in the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa. At that time the City Council will consider the above described proposal and any other(s) submitted prior to or during the public hearing.

3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

(Council Communication No. 17-004)

MOVED BY Gatto 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			

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