



**Roll Call Number**

17-0051

**Agenda Item Number**

41

**Date** January 9, 2017

**APPROVING CREATION OF AFFORDABILITY COVENANTS AND ASSIGNMENTS  
OF CITY HOME AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
AGREEMENTS AND ANCILLARY FILINGS WITH LEGACY PARK, LLLP TO  
ALLOW FOR ADDITIONAL REHABILITATION**

**WHEREAS**, Anawim Housing has formed Legacy Park, LLLP to receive an allocation of 4% Low Income Housing Tax Credits to acquire and rehabilitate 137 units of rental housing that Anawim currently owns or manages; and

**WHEREAS**, on June 28, 2010, by Roll Call 10-1075, the City of Des Moines approved rehabilitation funding to St. Paul Transformation Center for 20 units of rental housing located at 1354 8<sup>th</sup> Street, 812 Forest Avenue, and 1353 9<sup>th</sup> Street; and

**WHEREAS**, the contract documents for said project included an Agreement, forgivable mortgage/lien and restrictive covenant for each property for the purpose of providing affordable housing, which contract documents are to be forgiven at the end of a ten-year period of affordability; and

**WHEREAS**, St. Paul Transformation Center is conveying the above-listed properties to Anawim Housing, which will then convey the properties to Legacy Park, LLLP, subject to the assumption of all mortgages and assignment of City Agreements, forgivable mortgage/liens and restrictive covenants which include all required rent restrictions, income verification, marketing obligations and tenant protections; and

**WHEREAS**, in 1995, 1996 and 1997, the City of Des Moines annually provided \$25,000 of HOME funding to Mid-City Duplexes, LP for the construction of scattered-site rental housing located in the King-Irving, Cheatom Park and River Bend Neighborhoods; and

**WHEREAS**, the contract documents with Mid-City Duplexes, LP included Agreements, repayable mortgages, forgivable liens and restrictive covenants for affordable housing, which mortgages have been repaid and liens forgiven over the required time period but which restrictive covenants remain applicable; and

**WHEREAS**, Mid-City Duplexes, LP will convey the housing units to Anawim Housing, which will in turn convey the properties to Legacy Park, LLLP, subject to the assumption of the restrictive covenants in order to maintain the affordability requirements until the end of the period of affordability.

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

1. The proposed assignment and assumption of the City's Restrictive Covenants and related agreement(s) and lien(s) between the City and St Paul Transformation Center to Legacy



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Park, LLLP., as described and for the purposes stated above, is hereby approved, subject to approval as to form of the assignment and assumption agreement by the City's Legal Department.

- 2. The proposed assumption and refileing, if needed, of the City's Restrictive Covenants between the City and Mid-City Duplexes, LP to Legacy Park, LLLP., as described and for the purposes stated above, is hereby approved, subject to approval as to form of the applicable documents by the City's Legal Department.
- 3. The Community Development Director or his designee is hereby authorized and directed coordinate and finalize negotiations with Anawim Housing and Legacy Park, LLLP and to sign all applicable document(s) on behalf of the City of Des Moines as described herein.

(City Council Communication No. 17-003)

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank Assistant City Attorney

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 Council Mayor

Diane Rauh

City Clerk