



**Roll Call Number**

17-0756

**Agenda Item Number**

22

**Date** May 8, 2017

**AUTHORIZING REQUEST TO PURCHASE 2015 TAX SALE CERTIFICATE FROM THE CURRENT CERTIFICATE HOLDER AND TO REQUEST THE POLK COUNTY TREASURER TO ASSIGN THE 2017 TAX SALE CERTIFICATE TO THE CITY OF DES MOINES FOR PROPERTY LOCATED AT 1637 HUNTLAND DRIVE**

**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 March 9, 2015, by Roll Call No. 15-0463 the City Council determined that the property at 1637 Huntland Drive ("Property") was a public nuisance and authorized the City Legal Department to proceed with court action seeking authority to abate the public nuisance; and

**WHEREAS**, the current holder of the 2015 tax sale certificate for the Property, BB Equity, LLC, is willing to forego the interest now due on the tax sale certificate and assign said certificate to the City of Des Moines in exchange for repayment of its investment of \$12,889.60

**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 certificate for the Property due in 2017 in accordance with Iowa Code Section 446.19A, in order for the certificates to be redeemed and the Property acquired by the City of Des Moines or for the certificates to be further assigned by agreement 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 2017 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:



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Address: 1637 Huntland Drive  
 District/Parcel No.: 0100/013063-000-000  
 Legal Description: All of Lots 64 and 65 in WEST UNIVERSITY PLACE, an Official Plat, except that part of said Lots described as follows: Commencing at the Northwest corner of said Lot 65; thence in an Easterly direction along the North line of said Lots 64 and 65 a distance of 110.23 feet to the Northeast corner of said Lot 64 thence in a Southerly direction along the Easterly side of said Lot 64 a distance of 50 feet thence in a Westerly direction and parallel to the North line of said Lots 64 and 65 a distance of 103.1 feet to the East line of Sani Drive, thence along the East line of Sani Drive a distance of 51.2 feet to the place of beginning now included in and forming a part of the City of Des Moines, Polk County, Iowa, Drive.

2. The Legal Department is authorized and directed 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 negotiated amount of outstanding tax sale certificates for \$12,889.60 to B.B. Equity, LLC, plus any recording and other costs certified by a City Department related to the acquisitions listed above.
3. The Community Development Director and his designee(s) are directed to work with interested parties and neighborhood organizations to find a private developer or non-profit housing organization 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.
4. 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 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.
5. 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.

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(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.

6. 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. 17-396 )

MOVED BY Hensley 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.

T. M. Franklin Council Mayor

Diane Fauh City Clerk