



Roll Call Number

17-0818

Agenda Item Number

76

Date May 8, 2017

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT
3011 5TH AVENUE TO GREATER DES MOINES HABITAT FOR HUMANITY, INC.
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 June 13, 2016, by Roll Call No. 16-0962, the City Council approved acquisition of the vacant and abandoned lot locally known as 3011 5th Avenue ("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 build houses for use as single-family owner-occupied housing; and

WHEREAS, the City has completed the tax sale process and acquired the Property by tax sale deed issued by Polk County; and

WHEREAS, the City staff has worked with Greater Des Moines Habitat for Humanity, Inc. ("Habitat") on a developer-initiated proposal to build single-family affordable housing on the Property that is compatible with the neighborhood; and

WHEREAS, Habitat 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 \$6,000 for the purchase of such Property, more specifically described below, which conveyance will be subject to 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, Habitat will also 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 Habitat; 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



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WHEREAS, on April 17, 2017, by Roll Call 17-0671, it was duly resolved by the City Council that the proposed conveyance of the Property to Habitat be set down for hearing on May 8, 2017, at 5:00 p.m., in the City Council Chambers; and

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 3011 5th Avenue Street and legally described as follows:

Lot 132, Block 6, Lake Park, an Official Plat, 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 ("Habitat") for \$6,000.00 and the in-kind consideration in the form of redevelopment of the Property in accordance with the terms and conditions of the acquisition agreement, the Offer to Purchase, and the developer-initiated proposal submitted by Habitat, be and is hereby approved.
4. That the Agreement between the City of Des Moines and Habitat 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 Habitat and to forward the original Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of



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publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

- 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 Deed and copies of the other documents to the grantee.
- 8. Non- project related proceeds shall be used to support redevelopment/rehabilitation expenses for costs associated with future properties acquired through tax sale certificate process: Org – CD046000.

(Council Communication No. 17-391)

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	✓			
GRAY	✓			
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