



Roll Call Number

17-1114

Agenda Item Number

56

Date June 26, 2017

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY
LOCATED AT 911 25th STREET LOCATED TO
MARK AND NANCY McCAUNE**

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 execution of a contract with Polk County for acquisition of the vacant and abandoned lot locally known as 911 25th 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 or work with neighborhood organizations and interested parties on developer-initiated proposals to acquire and construct single-family houses; and

WHEREAS, on August 8, 2016, the City Council and Polk County Board of Supervisors entered into an agreement for the "Assignment of Certificate of Purchase at Tax Sale" to perfect the deed for the Property for the stated purpose of promoting housing; and

WHEREAS, on April 3, 2017, by Roll Call No. 17-0590, the City Council voted to deny distributing a Request for Proposal to develop the lot as a single family house and instructed the City Manager to report back to City Council in 60 days regarding the ownership of the Property, which report is provided by the Community Development Department in Council Communication No. 17-469; and

WHEREAS, on April 17, by Roll Call 17-0662, the City Council directed the Legal Department to complete the tax sale process and request that the Polk County Treasurer issue, to the City, the tax sale deed for the property; and

WHEREAS, adjacent property owners Mark and Nancy McCaune have submitted an Offer to Purchase by which the McCaunes would purchase the Property for the fair market value of \$15,000 plus payment of all owed delinquent taxes and special assessments; and

WHEREAS, on June 12, 2017, by Roll Call 17-0972, it was duly resolved by the City Council that the proposed conveyance of the Property to Mark and Nancy McCaune be set down for hearing on June 26, 2017, at 5:00 p.m., in the City Council Chambers, Richard A. Clark



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Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa; 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 911 25th Street and legally described as follows:

Lot 20 IRA P. WETMORE'S ADDITION, 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 Mark and Nancy McCaune for \$15,000.00 plus payment of all owed delinquent taxes and special assessments be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase 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 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.
5. Upon fulfillment of the conditions set forth herein above and in the Offer to Purchase, the Real Estate Division Manager is authorized and directed to close upon the sale of the above-described property to Mark and Nancy McCaune 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.
6. 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.

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7. Any remaining 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. 17-501)

MOVED BY Hensley TO ADOPT; refer to the City Engineer to schedule a meeting with the McCaunes to discuss the next steps and payment of property taxes.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1

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