



Roll Call Number

18-0147

Agenda Item Number

38

Date January 22, 2018

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY
LOCATED AT 1637 HUNTLAND DRIVE TO REALTY CONCEPTS, LLC
FOR REDEVELOPMENT 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 March 9, 2015, by Roll Call No. 15-0463, the City Council determined that the real property at 1637 Huntland Drive was a public nuisance and authorized the City Legal Department to proceed with court action seeking authority to abate the public nuisance; and

WHEREAS, on May 8, 2017, by Roll Call No. 17-0756, the City Council approved acquisition of the vacant and abandoned house locally known as 1637 Huntland Drive ("Property") by tax sale deed, authorized the Finance Director to issue a check of \$12,889.60 to pay the negotiated amount of outstanding tax sale certificates, directed the Legal Department to begin the process to take tax sale deed and 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 Community Development Department staff to distribute a Request for Proposal (RFP) to developers for acquisition and renovation of the Property based on a rehabilitation plan; and

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

WHEREAS, on November 16, 2017, 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, Realty Concepts, LLC, represented by Adam Metzker (President), responded to the RFP and was selected by the City staff reviewers as the recommended developer for the purpose of said redevelopment; and

WHEREAS, if approved, the proposed conveyance by the City to Realty Concepts, LLC will be governed by and subject to approval of an acquisition agreement between Realty Concepts, LLC and the City of Des Moines, in form on file in the office of the City Clerk; and



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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 Realty Concepts, 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; and

WHEREAS, on January 8, 2018, by Roll Call 18-0048, it was duly resolved by the City Council that the proposed conveyance of the Property to Realty Concepts, LLC be set down for hearing on January 22, 2018, 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 1637 Huntland Drive and legally described as follows:

All of Lots 64 and 65 in WEST UNIVERSITY PLACE, an Official Plat, all now included in the City of Des Moines, Polk County, Iowa, 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.

3. That the sale and conveyance of such property to Realty Concepts, LLC for \$14,690.18 and in-kind consideration in the form of development of the Property by rehabilitation and/or redevelopment for housing purposes in accordance with the terms and conditions of the acquisition



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agreement, Offer to Purchase, and the proposal submitted by Realty Concepts, LLC, be and is hereby approved.

4. That the Agreement between the City of Des Moines and Realty Concepts, LLC 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 Realty Concepts, LLC 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.

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: Community Development Department Budget Special Revenue, Nongrant CD046000 / 482450.

(Council Communication No. 18-038)

MOVED BY Gary TO ADOPT and receive and file documents.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GREY, MANDELBAUM, WESTERGAARD, and TOTAL.

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.

Mayor signature: T. M. Franklin

City Clerk signature: Diane Rauh