



Roll Call Number

18-0104

Agenda Item Number

39

Date April 23, 2018

**RESOLUTION AUTHORIZING PARTIAL RELEASES OF JUDGMENT LIENS FOR CERTAIN PROPERTIES ACQUIRED THROUGH THE TAX SALE CERTIFICATE PROCESS**

**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 September 28, 2015, by Roll Call Nos. 15-1618 and 15-1619, the City Council approved execution of contracts with Polk County for acquisition of the vacant and abandoned properties locally known as 1321 Fremont Street and 3018 York Street 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 June 13, 2016, by Roll Call No. 16-0962, the City Council approved acquisition of the tax sale certificates for the vacant and abandoned properties locally known as 1445 6<sup>th</sup> Avenue and 3011 5<sup>th</sup> Avenue 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 work with interested parties and neighborhood organizations to distribute a Request for Proposal (RFP) to developers to redevelop the property for housing; and

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0899, the City Council held a public hearing and approved the conveyance of 1321 Fremont to Community Housing Initiatives (CHI) for \$6,000 for development of a new single-family house; and

**WHEREAS**, on December 19, 2016, by Roll Call No. 16-2195, the City Council held a public hearing and approved the conveyance of 3018 York Street to Habitat for Humanity for \$4,500 for development of a new single-family house, which house has now been sold to a low-income homeowner; and

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0898, the City Council held a public hearing and approved the conveyance of 1445 6<sup>th</sup> Avenue for \$12,000 financed with a mortgage held by the City of Des Moines to own and maintain until such time as a future development opportunity is feasible; and

**WHEREAS**, on May 8, 2017, by Roll Call No. 17-0818, held a public hearing and approved the conveyance of 3011 5<sup>th</sup> Avenue to Habitat for Humanity for \$6000 for development of a new single-family house; and

**WHEREAS**, prior to the above-reference Council actions, the City had obtained judgments against the previous owners of said properties in relation to nuisance abatement and enforcement costs, court costs and sanctions, which liens encumber the real properties; and



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WHEREAS, City staff has reviewed these judgment liens and determined that it is in the City's best interest to release the judgment liens against the above-referenced properties due to the redevelopment of the sites, and that such liens require City Council approval to release.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- Partial release of the following judgment liens, held by the City against the real property listed below, is hereby approved for the purpose of supporting the redevelopment of such properties as acquired and conveyed by the City:
  - 1321 Fremont: City Des Moines v. Franklin Failor  
Polk County District Court CE 57805 Costs of \$15,499.60
  - 3018 York St: City of Des Moines v. Beverly J. Adamson  
Polk County District Court CE 58914 Costs of \$21,473.46
  - 1445 6<sup>th</sup> Ave: City of Des Moines v. Jose Diaz  
Polk County District Court CE 54805 Costs of \$20,817.57
  - 3011 5<sup>th</sup> Ave: City of Des Moines v. John Bohall  
Polk County District Court CE 60543 Costs of \$14,985.17
- The City's Legal Department is authorized and directed to file partial releases of said judgment liens with the Polk County District Court.
- The City hereby retains any personal judgment liens, if any, that it may have against the defendant(s) in the above-referenced cases.

(Council Communication No. 18-191)

MOVED BY Gatto TO ADOPT.

APPROVED AS TO FORM: [Signature]  
Lawrence R. McDowell  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GREY	✓			
MÁNDELBAUM	✓			
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.

[Signature] Mayor

[Signature] City Clerk