



Roll Call Number

18. 1218

Agenda Item Number

4

Date July 16, 2018

**AUTHORIZING THE CITY MANAGER TO DEVELOP AND IMPLEMENT A LIMITED ADMINISTRATIVE PLAN FOR THE VOLUNTARY PROPERTY ACQUISITION OF CERTAIN ONE AND TWO FAMILY RESIDENTIAL FLOOD DAMAGED PROPERTIES ON A NOT TO EXCEED BASIS**

**WHEREAS**, the City of Des Moines experienced unprecedented rainfall and flash flooding during the month of June 2018; creating a threat to public health and safety. It is in the public interest to assist in the efforts of the affected property owners to acquire and demolish certain damaged one and two family residential structures and improvements; and

**WHEREAS**, Des Moines residents confronted significant loss of private property and public infrastructure damage as a result of the storm and severe flooding; and

**WHEREAS**, First responders and neighbors helping neighbors made heroic efforts so that others could endure this tragic event; and

**WHEREAS**, despite thousands of hours of cleanup by residents, City employees, volunteers, and suburban neighbors, it has become apparent that not all structures will remain habitable; and

**WHEREAS**, based on structural assessments by City staff and input from property owners, there are certain one and two family residential properties that have suffered substantial structural damage, are located in a floodplain or are in locations where significant infrastructure and service reduction opportunities exist to decrease or eliminate long-term, adverse impacts to public infrastructure or reduce provision of costly services and the property owners have expressed an interest in the voluntary sale of their property; and

**WHEREAS**, Council has determined that it is necessary to acquire certain one and two family residential property interests and to authorize the City Manager to create a limited administrative plan titled the 2018 Limited Voluntary Flood Damaged Property Buyout Project (hereinafter "Project"); and

**WHEREAS**, the City's Real Estate Division of the Engineering Department will acquire the necessary property interests for this Project; and

**WHEREAS**, the City may have the opportunity to garner financial support and participation from other governmental bodies related to this effort.

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

1. The City Manager is hereby authorized to create the limited Administrative Plan noted above for the voluntary buyout of certain one and two family residential properties. The Council specifically finds and declares that sufficient funds may be unavailable to acquire the properties of every person wishing to sell their property and therefore limits acquisitions to the total amount allocated herein for the Project to the amounts specified herein and to those one and two family residential properties meeting the following criteria:



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- a. The property has sustained substantial structural damage making such structure uninhabitable as determined by the City Manager, or
- b. The property is in the regulatory flood plain (as determined by the Polk County 2018 Preliminary Flood Insurance Rate Maps), or
- c. The property is located where an opportunity exists to substantially reduce or eliminate adverse impacts to public infrastructure and reduce future flood risk exposure or eliminate the provision of public services as determined by the City Manager.

2. The properties will be acquired in accordance with the guidelines of the Administrative Plan as developed by the City Manager, with costs of acquisition for an individual property not exceeding one hundred ten percent (110%) of the Polk County Assessors' assessed value as of the date of this resolution or of the value prior to damage determined by a certified residential appraiser obtained by the owner and acceptable to the City Manager. The City Manager may increase the not to exceed amount for costs of acquisition in extraordinary circumstances pursuant to the guidelines of the Administrative Plan. Total costs of the limited Administrative Plan for acquisition and demolition shall not exceed \$6,500,000.

3. If the property owners agree to convey the property to the City in accordance with the Administrative Plan, the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out these transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department as consistent with the intent of this resolution and the Administrative Plan; the Real Estate Division Manager is authorized and directed to complete these transactions in accordance with standard real estate practices and state law requirements.

4. That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.



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5. That the City Clerk is hereby authorized and directed to endorse upon the real estate documents for this Project the approval and acceptance of this Council, the Mayor is authorized and directed to sign all necessary real estate documents, and the City Clerk is further authorized and directed to deliver the documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

(Council Communication No. 18-370)

Moved by Gatto to adopt; refer to the City Manager to reach out to our partners at the Polk County Conservation Board and the Polk County Board of Supervisors regarding assistance with funding, and to increase the "not to exceed" amount to \$11,500,000.

Jeffrey D. Lester, City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
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.

Diane Rauh

City Clerk

T. M. Franklin Council Mayor