



Roll Call Number

19-0892

Agenda Item Number

33B



Date June 3, 2019

APPROVING REQUEST TO POLK COUNTY TREASURER, AND APPROVING AGREEMENT WITH NFC PROPERTIES, LLC FOR ASSIGNMENT OF TAX SALE CERTIFICATES FOR VARIOUS PROPERTIES, AUTHORIZATION TO REQUEST RELEASE OF PROPERTY TAXES AND SPECIAL ASSESSMENTS, AND RELEASE OF ALL CITY LIENS AND SPECIAL ASSESSMENTS TO ENCOURAGE HOUSING REDEVELOPMENT

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, in accordance with Iowa Code Section 446.18, cities may also bid on tax sale certificates as public bidders in the annual Polk County Tax Sale Auction; and

WHEREAS, Polk County Public Works holds the tax sale certificates to several properties listed below that will be included in the 2016 Polk County Tax Sale Auction, which properties are all assessed and zoned residentially, previously determined by City Council to be public nuisance properties, and found by City staff to be vacant and in violation of the City's Building Code for a period in excess of six consecutive months or vacant lots in accordance with the requirements of Iowa Code Section 446.19A; and

WHEREAS, Polk County Public Works has expressed an interest in working with the City to take ownership of these properties for rehabilitation or redevelopment resulting in neighborhood revitalization and new tax base, and City staff have been approached by neighborhood associations or nonprofit entities interested in rehabilitation or redevelopment if the special assessments and taxes are waived and additional subsidy or in-kind equity is invested; and

WHEREAS, City Community Development Department staff is recommending that the City make a request to the Polk County Treasurer and take assignment of the tax sale certificates in accordance with Iowa Code Section 446.19A, in order for the certificates to be further assigned by agreement to NFC Properties, LLC for rehabilitation or redevelopment of the properties for housing purposes; and

WHEREAS, NFC Properties, LLC, represented by Stephanie Preusch, Executive Director, has offered to redevelop the parcels described as follows for housing if the City will acquire and assign the tax sale certificate for the parcel to NFC Properties, LLC:

Des Moines Property Addresses:

801 Shaw Street, 802 Shaw Street, 409 Granger Avenue, 445 Dunham Avenue, 2323 SE 6th Street, 2737 Hickman Road, 2500 Saylor Road, 1012 SE 10th Street, 2811 Payne Road.

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

1. The assignment of the tax sale certificates and the Agreements now on file in the office of the City Clerk, by and between the City and NFC Properties, LLC, whereby the City agrees to assign the tax sale certificates for

★ Roll Call Number
19-0892

Agenda Item Number
33B

Date June 3, 2019

the parcels described above to the non-profit organization in consideration of the organization's undertakings to rehabilitate or redevelop the parcels for owner-occupied housing, are hereby approved.

2. The Mayor is hereby authorized and directed to sign the Agreement on behalf of the City of Des Moines, and the City Clerk is authorized and directed to sign the Acceptance of Restrictive Covenant for each property when provided by NFC Properties, LLC.
3. Upon full execution of the Agreement, the City Manager or his designee are authorized and directed to execute and submit an affidavit to the Polk County Treasurer requesting that the tax sale certificates for all properties described above be assigned to the City of Des Moines in accordance with Iowa Code Sections 446.19A and 446.18, and the City Manager or his designee are hereby further authorized and directed to execute the Assignments of such tax sale certificate(s) to NFC Properties, LLC on behalf of the City of Des Moines as provided in said Agreements.

(City Council Communication No. 19-253)

MOVED BY Coleman TO ADOPT.

FORM APPROVED:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAU,M	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

J. M. Franklin Cownie 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