



Roll Call Number

20-1781

Agenda Item Number

37

Date November 09, 2020

RESOLUTION APPROVING SECOND AMENDMENT OF AGREEMENT BETWEEN CITY OF DES MOINES AND ASTILBE MORNING, LLC FOR PROPERTY LOCATED AT 1124 13TH STREET AND 1311 LAUREL STREET

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 February 5, 2018, by Roll Call No. 18-204, the City Council approved request to Polk County Board of Supervisors to assign tax sale certificates of purchase to the City, authorization for execution of Polk County Agreements, approval of City acquisition of properties through tax deed, authorization to request release of property taxes and special assessments, and release of all City liens and special assessments in order to encourage housing redevelopment at real property locally known as 1124 13th Street and 1311 Laurel Street (collectively "property"); and

WHEREAS, on January 14, 2019, by Roll Call 19-0076, the City Council approved sale and conveyance of said property to Indigo Dawn, LLC, which sale was for redevelopment of housing subject to the terms and conditions included in the Acquisition Agreement and Offer to Purchase between the parties; and

WHEREAS, on December 5, 2019, Indigo Dawn, LLC assigned its interest and obligations in the Acquisition Agreement to Astilbe Morning, LLC, ("Developer"), following approval of assignment by the City Community Development Director as authorized by the Acquisition Agreement; and

WHEREAS, on December 16, 2019, by Roll Call 19-2027, the City Council approved the First Amendment to Acquisition Agreement between the City of Des Moines and Astilbe Morning, LLC, to allow extension of the Agreement until December 30, 2020; and

WHEREAS, the Developer has kept up with regular maintenance related to snow removal and landscaping, cleaned out of junk and debris, explored design options and regularly communicated with City Staff to provide updates in the rehab process; and

WHEREAS, Astilbe Morning, LLC has requested a second amendment of the Acquisition Agreement extending the agreement to December 31, 2021 to allow completion of said redevelopment; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Second Amendment to Acquisition Agreement between the City of Des Moines and Astilbe Morning, LLC, to allow extension of the Agreement until December 31, 2021, is hereby approved; the Mayor is authorized and directed to sign the Amendment on behalf of the City; and the City Clerk is authorized and directed to attest his signature.



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(Council Communication No. 20-481)

MOVED BY Boesen TO ADOPT.

APPROVED AS TO FORM:

Judy K Parks-Kruse
Judy K Parks-Kruse, Assistant City Attorney

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

Signature of P. M. Frank Cownie, Mayor

CERTIFICATE

I, P. KAY CMELIK, 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 of P. Kay Cmelik, City Clerk

City Clerk