

★ Roll Call Number

23-0036

Agenda Item Number

29

Date January 9, 2023

**RESOLUTION AUTHORIZING PARTIAL RELEASE OF JUDGMENT LIEN
(2229 ELIZABETH AVENUE)**

WHEREAS, the City of Des Moines filed a lawsuit (Case No. EQCE086066) and obtained a judgment in 2020 against Jenó E. Rigley in the amount of \$36,131.24, in relation to nuisance abatement and enforcement costs and court costs, which lien encumbers the real property formerly owned by Jenó E. Rigley and located at 2229 Elizabeth Avenue in the Accent Neighborhood in Des Moines (“Property”); and

WHEREAS, on November 2, 2022, Greater Des Moines Habitat for Humanity (“Habitat”) acquired the Property from former owner C1-9, LLC, who acquired the property from tax sale foreclosure. Habitat intends to build a new house on the Property to sell to a qualified low-income home buyer; and

WHEREAS, the City has been requested by Habitat to release the above-listed judgment lien against the Property; and

WHEREAS, the City’s Neighborhood Services Department staff have reviewed the requested judgment lien release and have determined that it would be in the City’s best interest to release the above-listed judgment lien against the Property to allow for redevelopment by Habitat.

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

1. The City approves partial release of its judgment lien, solely as to any liens that the City may have against the real property locally known as 2229 Elizabeth Avenue, Des Moines, Iowa 50314 in the Polk County District Court case City of Des Moines v. Jenó E. Rigley, EQCE086066, for the sole purpose of benefitting the redevelopment of the Property and the transfer of 2229 Elizabeth Avenue from Greater Des Moines Habitat for Humanity to a low-income home buyer who has completed the Habitat Home Ownership Program.
2. The Legal Department is authorized and directed to sign and attest to, respectively, the partial release of judgment lien as described above.
3. The City hereby retains any judgment lien that it may have against Jenó E. Rigley and all other defendants personally and against any other real or personal property affected by the judgment lien, in Polk County District Court Case No. EQCE086066, City of Des Moines v. Jenó E. Rigley.

(Council Communication No. 23-002)



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Moved by Boesen to adopt.

Second by Gatto

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr., Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL. Includes MOTION CARRIED and APPROVED checkboxes.

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk