

Date..... October 26, 2015.....

**HEARING FOR CONVEYANCE OF
MULTIPLE CITY-OWNED PROPERTIES IN THE BIRDLAND PROJECT AREA TO
HOME OPPORTUNITIES MADE EASY, INC. (HOME, INC.) FOR \$34,000
AND APPROVING ACQUISITION AGREEMENT**

WHEREAS, on September 20, 1993, by Roll Call No. 93-3747, the City Council approved an emergency voluntary acquisition program to purchase residential properties severely damaged by the floods of 19993; and

WHEREAS, on October 25, 1993, by Roll Call No. 93-4031, the City Council established a voluntary acquisition program for flood-damaged owner-occupied residences, including an optional relocation benefits plan, by approving the program description titles Voluntary Acquisition Program of Residences (known as VAPOR); and

WHEREAS, on July 28, 2008 by Roll Call No. 08-1376, the City Council authorized to develop, execute, and administer an agreement with Neighborhood Finance Corporation to fund a voluntary flood acquisition program; approval to proceed with acquisition of eligible flood damaged properties in the Birdland Area; and authorization to allocate funds for the Home Restoration Program to be administered by the Polk County Housing Trust Fund to rehabilitate flood damaged properties in the Birdland Area (amended and extended on September 8, 2008 by Roll Call No. 08-1625); and

WHEREAS, the aforementioned voluntary buyouts left a number of vacant City-owned lots scattered throughout the Birdland Area; and

WHEREAS, on January 12, 2015, by Roll Call No. 15-0043, the City Council approved the Birdland Area Redevelopment Plan as an element of, and amendment to, the Des Moines' 2020 Community Character Land Use Plan, and authorized staff to initiate a request for proposal (RFP) process to dispose of select City-owned lot in the Birdland Project Area; and

WHEREAS, in accordance with said Council direction, the City Neighborhood Conservation Services Division of the Community Development Department ("NCS") distributed a Request for Proposal ("RFP") to developers certified with the City's Neighborhood Stabilization Program for the sale and redevelopment of the properties listed below; and

WHEREAS, Home Opportunities Made Easy, Inc. ("HOME, Inc.") responded to the RFP and was selected by the City staff reviewers as a recommended developer, and has offered to the City of Des Moines the purchase price of \$34,000, for fee simple interest in the properties listed below for the purpose of redevelopment, which said price reflects the fair market land value of the properties as determined by the City's Real Estate Division; and

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WHEREAS, on October 12, 2015, by Roll Call No. 15-1695, it was duly resolved by the City Council that the proposed conveyance of multiple City-owned properties to HOME, Inc. for \$34,000 be set down for hearing on October 26, 2015, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal was published as provided by law in the Des Moines Register, setting forth the time and place for hearing on the proposal; and

WHEREAS, if approved, the proposed conveyance by the City to HOME, Inc. will be subject to approval of an acquisition agreement between HOME, Inc. and the City of Des Moines; and

WHEREAS, there is no known current or future public need or benefit for the Properties to be sold, and the City will not be inconvenienced by the sale of the Properties subject to the terms and conditions set forth herein; and

WHEREAS, in accordance with City Council direction, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the real properties as described below are hereby overruled and the hearing is closed.

2. There is no public need for the real properties described below and the public would not be inconvenienced by reason of the conveyance of the properties locally known as 203 Holcomb Avenue, 205 Holcomb Avenue, 211 Holcomb Avenue, 217 Holcomb Avenue, 219 Holcomb Avenue, 210 Watson Avenue and 219 Watson Avenue, Des Moines, legally described as follows:

203 Holcomb Avenue: Lots 1 and 2, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

205 Holcomb Avenue: Lots 3 and 4, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

211 Holcomb Avenue: Lots 5 and 6, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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217 Holcomb Avenue: Lots 7 and 8, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

219 Holcomb Avenue: Lots 9 and 10, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

210 Watson Avenue: Lots 57, 58 and 59, Block 4, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

219 Watson Avenue: Lots 10 and 11, Block 5, OLD ORCHARD BEACH, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such properties to HOME, Inc. for \$34,000, together with payment by such grantee of the estimated publication and recording costs in the amount of \$113.00 for this transaction, and with closing subject to the terms and conditions set forth herein above and included in the Offer to Purchase and acquisition agreement between the City and HOME, Inc., be and is hereby approved.

4. That the Agreement between the City of Des Moines and Home Opportunities Made Easy, Inc. (HOME, Inc.) for Acquisition of City Owned Lots in the Birdland Area for Construction of New Housing, including the Offer to Purchase attached thereto, be and is hereby approved.

5. The Mayor is authorized and directed to sign said Agreement, the Offer, and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature and to forward the original of said Agreement, the Offer, and Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department.

5. Upon fulfillment of the conditions set forth herein above and in the Offer to Purchase, the Real Estate Division Manager is authorized and directed to close upon the sale of the above-described properties to HOME, Inc. and to forward the original Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

★ **Roll Call Number**

Agenda Item Number
49

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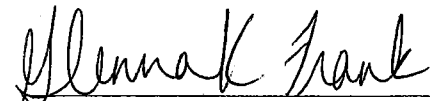
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deeds and copies of the other documents to the grantee.

7. Non- project related proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 15-560)

Moved by _____ to adopt.

APPROVED AS TO FORM:


Glenna K. Frank, Assistant City Attorney

RM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED		APPROVED		
_____ 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.

_____ City Clerk