



**Roll Call Number**

13-1311

**Agenda Item Number**

8

**Date** August 26, 2013

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT FOR PROPERTY LOCATED AT 1349 WASHINGTON AVENUE**

**WHEREAS**, the Des Moines Independent Community School District (“School District”) is the owner of real property located at 1349 Washington Avenue (“Property”); and

**WHEREAS**, on June 28, 2010 by Roll Call No. 10-1074, the City Council approved a Community Development Block Grant (“CDBG”) funds to the Des Moines Independent Community School District (“School District”) for up to \$94,908 for rehabilitation of two houses, including said Property, through the School District Home Remodeling Program; and

**WHEREAS**, the CDBG grant funds provided by the United States Department of Housing and Urban Development (“HUD”) require said Property be redeveloped for occupancy by low-to-moderate income homebuyer within a specified timeframe; and

**WHEREAS**, rehabilitation of the property has not been completed; and

**WHEREAS**, the School District has negotiated terms with the City Neighborhood Conservation Services Division of the Community Development Department (“NCS”) whereby the Property will be conveyed at no cost by the School District to the City; the City will convey the Property to a selected developer; and NCS will administer redevelopment of the Property through a development agreement; and

**WHEREAS**, on August 6, 2013, the School District Board held a public hearing approving the proposed conveyance of the Property to the City of Des Moines; and

**WHEREAS**, if approved, the proposed conveyance of the Property by the City to the selected developer will be subject to the following: (1) City approval and closing on the Property from the School District; (2) closing with the selected developer will occur immediately upon and following closing with the School District; (3) certain terms and conditions between the City and developer, including acceptance of the Property “as-is, where-is” without warranty as to condition or title and release of claims related to the Property, which will be included in a development agreement between the City and developer as approved by City Council.

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

1. That the acceptance of the real property locally known as 1349 Washington Avenue, Des Moines, is hereby authorized and approved.
2. The deed from the School District to the City of Des Moines for property located at 1349 Washington Avenue is accepted and hereby approved.



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3. Upon Council approval of both the conveyance and the development agreement, the City Clerk is hereby authorized and directed to endorse upon the real estate documents listed above the approval and acceptance of this Council and is further authorized and directed to deliver the aforementioned documents to the Real Estate Division, who shall proceed to closing in accordance with standard real estate practices.


4. The City's Community Development Director is hereby authorized and directed to execute the documents necessary to terminate the existing CDBG contract documents approved on June 28, 2010, by Roll Call No. 10-1074, including but not limited to: (a) project agreement; (b) property lien; and (3) restrictive covenant, and is further authorized and directed to deliver the aforementioned documents to the Real Estate Division for closing as described above.

5. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to complete the transactions in accordance with standard real estate practices.

(Council Communication No. 13.445)

Moved by Mahaffey to adopt.

**APPROVED AS TO FORM:**

  
Michael F. Kelley,  
Assistant City Attorney

*BSW*

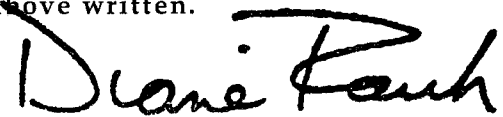
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

**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.

*T.M. ...* APPROVED

  
Diane Rauh  
City Clerk