

★ **Roll Call Number**

13-1434

**Agenda Item Number**

45

**Date** September 9, 2013

**HEARING FOR CONVEYANCE OF PROPERTY LOCATED AT 1349 WASHINGTON AVENUE TO NFC PROPERTIES, LLC FOR \$18,000 AND APPROVING DEVELOPMENT AGREEMENT**

**WHEREAS**, on June 28, 2010, by Roll Call No. 10-1074, the City Council approved a Community Development Block Grant (“CDBG”) 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 negotiated terms with the City Neighborhood Conservation Services Division of the Community Development Department (“NCS”) to convey the Property at no cost to the City so that the City may convey said Property to a selected developer and administer redevelopment through a Development Agreement; and

**WHEREAS**, City staff distributed a Request for Proposal (“RFP”) to developers certified with the City’s Neighborhood Stabilization Program for redevelopment of the Property, with NFC Properties, LLC (“NFC”) being the only respondent; and

**WHEREAS**, pursuant to the RFP, NFC has offered to the City \$18,000 for the purchase of the real Property, subject to restrictive covenants to ensure compliance with CDBG requirements; and

**WHEREAS**, on August 26, 2013, by Roll Call No. 13-1311, the City Council approved the acceptance of the Property from School District and by Roll Call No. 13-1312, it was duly resolved by the City Council that the proposed conveyance of real property at 1349 Washington Avenue to NFC Properties, LLC for \$18,000 be set down for hearing on September 9, 2013, 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**, 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:



**Roll Call Number**

13-1434

**Agenda Item Number**

45

**Date** September 9, 2013

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

2. There is no public need for the real property described below and the public would not be inconvenienced by reason of the conveyance of the property locally known as 1349 Washington Avenue, Des Moines, more specifically described as follows:

Lot 12 Ingle-Wold, 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 real estate to NFC Properties, LLC for \$18,000, together with payment by such grantee of the estimated publication and recording costs in the amount of \$113.00, be and is hereby approved.

3. The Development Agreement on file in the Office of the City Clerk is hereby approved.

4. The Mayor is authorized and directed to sign the Quit Claim Deed and Development Agreement, and the City Clerk is authorized and directed to attest to the Mayor's signature and to forward, together with a certified copy of this resolution and affidavit of publication of the notice of this hearing, to the Real Estate Division for closing in accordance with standard real estate practices.

7. The proceeds from the sale of this property shall be deposited into the following account: 2010-DMPS-Home Remodeling Project, CDB03510, 527700.

(Council Communication No. 13.449)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

[Signature]

Michael F. Kelley,  
Assistant City Attorney rw

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

T. M. Franklin 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