

★ Roll Call Number

13-1784

Agenda Item Number

13

Date November 18, 2013

RESOLUTION APPROVING EXECUTION AND RECORDING OF VERIFIED CLAIM FOR COVENANT NOT TO REOCCUPY, REBUILD OR REDEVELOP PROPERTY AT 1624 OHIO STREET

WHEREAS, the City of Des Moines, Iowa (the "City") obtained a covenant not to reoccupy, rebuild, or redevelop the real property locally known as 1624 Ohio Street, Des Moines, Iowa, 50314, and legally described as follows ("Property"):

Lot 3, Block 2 in ROLLINSON'S THIRD ADDITION, now included in and forming a part of the City of Des Moines, Polk County, Iowa

by virtue of the Covenant Not to Reoccupy, Rebuild or Redevelop the Property as granted to the City by Mildred Kline (herein designated as "Seller"), and as set forth in Part III of the Offer to Purchase (1) Structure(s), (2) Covenant Not to Reoccupy, Rebuild or Redevelop the Property, and (3) Option to Buy Real Estate; and Seller's Acceptance by Investor-Owner, filed on January 21, 1994 in Book 6950, Pages 459-478 in the office of the Polk County Recorder; and

WHEREAS, said Covenant prohibits certain activities upon the Property including but not limited to occupancy of the Property for any use other than periodic maintenance thereof, rebuilding and construction of any structure or improvement upon the Property, and redevelopment of the Property for any use or purpose whatsoever, and further provides that Seller agrees to perform periodic maintenance upon the Property, and not to permit the use of the Property for storage of personal property and to remove such items upon notification by the City, and that in the event that the Seller fails to perform such actions, the City may abate same and assess the costs of abatement to the Property; and

WHEREAS, pursuant to Iowa Code Section 614.24(1), the City is required to file a verified claim in order to preserve and extend said Covenant Not to Reoccupy, Rebuild or Redevelop the Property.

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

- 1. That the execution and recording of a verified claim pursuant to Iowa Code Section 614.24, to preserve and extend the Covenant Not to Reoccupy, Rebuild or Redevelop upon the real property locally known as 1624 Ohio Street, as on file in the office of the Polk County Recorder, Book 6950, Pages 459-478, be and is hereby approved.
2. That the Mayor is authorized and directed to sign the verified claim, in the form on file in the office of the City Clerk, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature and to deliver the aforementioned document to the Real Estate Division Manager for the purpose of causing said document to be recorded.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

Moved by Coleman to adopt.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

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.

Mayor signature: T. M. Franklin

City Clerk signature: Diane Rauh