



Roll Call Number

23-0056

Agenda Item Number

42

Date January 9, 2023

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY
TO NEIGHBORHOOD FINANCE CORPORATION (NFC)
FOR REDEVELOPMENT OF HOUSING**

WHEREAS, Iowa Code Section 446.19A permits cities to acquire tax sale certificates for abandoned property assessed as residential property or as commercial multifamily property or vacant residential lots at a tax sale without paying the taxes then due, to obtain the assignment of outstanding tax sale certificates by payment to the certificate holder the amount then due to redeem the certificate, and to further assign said certificates, all for the purpose of encouraging the acquisition and rehabilitation of abandoned dwellings and lots; and

WHEREAS, on June 3, 2019, by Roll Call No. 19-0891, the City Council approved acquisition of the tax sale certificate for the vacant and abandoned property locally known as 445 E Dunham Avenue and 802 Shaw Street, Des Moines, Iowa ("Property"), entered into a development agreement with Neighborhood Finance Corporation (NFC) and begin the process to take tax sale deed; and

WHEREAS, on November 21, 2022, by Roll Call No. 22-1807, the City Council released all City liens and special assessments, and on November 29, 2022 by Resolution items number 26-28 the Polk County Board of Supervisors released of property taxes and special assessments, to encourage housing redevelopment; and

WHEREAS, if approved, the proposed conveyance by the City to NFC will be governed by and subject to approval of an development agreement between NFC and the City of Des Moines, which agreement will be submitted to City Council for consideration concurrently with the public hearing on the sale, and will further be subject to completion by the City of the tax sale process and acquisition of the Property by tax sale deed; and

WHEREAS, deed restrictions containing single-family owner-occupancy requirements and compliance with the conditions of the development agreement will be included in the deed conveying the NFC; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

WHEREAS, on December 12, 2022, by Roll Call 22-1880, it was duly resolved by the City Council that the proposed conveyance of the Neighborhood Finance Corporation be set down for hearing on January 9, 2023, 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



Roll Call Number

23-0056

Agenda Item Number

42

Date January 9, 2023

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, that:

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 properties described below.
3. That the sale and conveyance of real property locally known locally known as 445 E Dunham Avenue, Des Moines, Iowa, legally described below, to Neighborhood Finance Corporation in exchange for \$20,050.00 is hereby approved. The legal description of the property is as follows:

All that part of Lots Twelve (12) and Eleven (11) Boyd's Place, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa, which lies West of a line beginning 4 feet East of the Northwest Corner of said Lot 11 and running thence Southwesterly to the Southwest corner of said Lot 11 except the following: A triangular tract of land being 90 feet on either side and 6.62 feet on its base, more particularly described as follows: Commencing at a point on the North line of Lot 11, Boyd's Place, which is 4 feet Easterly along said lot line from the Northwest Corner of said lot as originally platted; thence 90 feet in a Southernly direction along a straight line projected from said starting point to the Southwest corner of said Lot 11, thence West 6.62 feet thence in a Northerly direction in a straight line back to the point of the beginning.

4. That the sale and conveyance of real property locally known as 802 Shaw Street, Des Moines, Iowa, legally described below, to Neighborhood Finance Corporation in exchange for \$20,150.00 is hereby approved. The legal description of the property is as follows:

The South 115 feet of Lot 3, in Block 52, in Town of De Moine, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.



Roll Call Number

23.0056

Agenda Item Number

42

Date January 9, 2023

5. That the Agreement between the City of Des Moines and Neighborhood Finance Corporation for Acquisition and Rehabilitation/Redevelopment of City Property, including the Offer to Purchase attached thereto, be and is hereby approved.
6. The City's Neighborhood Services Director is hereby authorized and directed to sign the Agreement.
7. The Mayor is authorized and directed to sign said 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 the Offer, said Agreement, 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.
8. Upon fulfillment of the conditions set forth herein above and in the acquisition agreement and Offer to Purchase, the Real Estate Division Manager is authorized and directed to close upon the sale of the above-described property to Neighborhood Finance Corporation 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.
9. 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 Deed and copies of the other documents to the grantee.
10. Non-project related proceeds shall be used to support redevelopment/rehabilitation expenses for costs associated with future properties acquired through tax sale certificate process: Neighborhood Services Department Budget Special Revenue, Nongrant NS046000 / 521035.



Roll Call Number

23-0056

Agenda Item Number

42

Date January 9, 2023

(Council Communication No. 23-003)

Moved by Gatto to adopt,
Second by Mandelbaum

FORM APPROVED:

/s/ Lisa A. Wieland
Lisa A. Wieland, 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 signature of J. M. Franklin Cownie, Mayor.

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.
Signature of Laura Baumgartner, City Clerk