



Roll Call Number

23-0107

Agenda Item Number

19

Date January 23, 2023

RESOLUTION AUTHORIZING RELEASE OF SPECIAL ASSESSMENTS AND PARTIAL RELEASES OF JUDGMENT LIENS FOR CERTAIN PROPERTIES ACQUIRED THROUGH THE TAX SALE CERTIFICATE PROCESS

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. 19-0892, the City Council approved acquisition of the tax sale certificate for the vacant and abandoned property locally known as 801 Shaw Street, 409 E Granger Avenue, and 2811 Payne Avenue, 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 December 29, 2022 the City of Des Moines requested and was issued the tax sale deeds for the Property by the Polk County Treasurer; and

WHEREAS, the special assessments against the Property have been identified by NFC as an encumbrance to redevelopment for housing; and

WHEREAS, the City had filed lawsuits and obtained judgments against the owners of the above properties in relation to nuisance abatement and enforcement costs, court costs and sanctions, which liens encumber the real property; and

WHEREAS, City staff has reviewed these judgment liens and determined that it is in the City's best interest to release the judgment liens against the property in order to encourage re-development of the sites.

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

- 1. All special assessments levied by the City and pending against the Property shall be deemed released. This shall include assessments listed below and any other City of Des Moines special assessments incurred by the property and tracked by the Polk County Treasurer's Office prior to the date of this roll call.



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**801 Shaw Street, Des Moines, Iowa**

Special Assessment Code	Unpaid	Certified Date	Certificate
1200020080701 - CITY OF DES MOINES - SA 4/28/2008	\$196	04/28/2008	1201645100
1200520100801 - CITY OF DES MOINES - SA	\$90.7	08/26/2010	1203535300
1201720100801 - CITY OF DES MOINES - SA	\$420	08/26/2010	1204503900
1202120100801 - CITY OF DES MOINES - SA	\$114.43	08/26/2010	1205451300
	<u>\$821.13</u>		

**409 E Granger Ave, Des Moines, Iowa**

Special Assessment Code	Unpaid	Certified Date	Certificate
1200020141001 - DM 00-201410 12-22-2014	\$624.02	12/22/2014	1202202500
1200020131201 - DM 00-201312 12-31-2013	\$1,112.94	12/31/2013	1202154100
1200020140101 - DM 00-201401 2-3-2014	\$376.02	02/03/2014	1202161100
1200020150201 - DM 00-201502 3-2-2015	\$2,945.18	03/02/2015	1202213800
1200020140301 - DM 00-201403 4-29-2014	\$1,860.46	04/29/2014	1202168800
1200520130701 - DM 05-201307 8-1-2013	\$61.26	08/01/2013	1204767900
1201720130701 - DM 17-201307 8-1-2013	\$138.80	08/01/2013	1205709200
1202120130701 - DM 21-201307 8-1-2013	\$110.12	08/01/2013	1206626900
1200520131001 - DM 05-201310 11-1-2013	\$50.86	11/01/2013	1204840300
1201720131001 - DM 17-201310 11-1-2013	\$109.80	11/01/2013	1205786100
1202120131001 - DM 21-201310 11-1-2013	\$89.50	11/01/2013	1206700700
1200520140301 - DM 05-201403 4-1-2014	\$73.10	04/01/2014	1204953700
1201720140301 - DM 17-201403 4-1-2014	\$171.00	04/01/2014	1205901400
1202120140301 - DM 21-201403 4-1-2014	\$142.12	04/01/2014	1206817600
1200520140701 - DM 05-201407 8-1-2014	\$58.48	08/01/2014	1205078800
1201720140701 - DM 17-201407 8-1-2014	\$130.40	08/01/2014	1206026200
1202120140701 - DM 21-201407 8-1-2014	\$108.92	08/01/2014	1206939300
1200520150101 - DM 05-201501 2-2-2015	\$80.16	02/02/2015	1205231400
1201720150101 - DM 17-201501 2-2-2015	\$189.80	02/02/2015	1206184500
1202120150101 - DM 21-201501 2-2-2015	<u>\$162.84</u>	02/02/2015	1207094500
	<u>\$8,595.78</u>		

**2811 Payne Road, Des Moines, Iowa**

Special Assessment Code	Unpaid	Certified Date	Certificate
1200020150201 - DM 00-201502 3-2-2015	\$12,494.86	03/02/2015	1202216100
1200020150202 - DM 00-20150202 3-2-2015	\$773.14	03/02/2015	1202216900
1200520150601 - DM 05-201506 7-6-2015	\$76.70	07/06/2015	1205347600
1201720150601 - DM 17-201506 7-6-2015	\$34.33	07/06/2015	1206304800
1202120150601 - DM 21-201506 7-6-2015	\$32.03	07/06/2015	1207212500
1200520150701 - DM 05-201507 8-3-2015	\$45.19	08/03/2015	1205390000
1201720150701 - DM 17-201507 8-3-2015	\$95.71	08/03/2015	1206349700
1202120150701 - DM 21-201507 8-3-2015	\$84.32	08/03/2015	1207255300
1200520151205 - DM 05-20151205 1-4-2016	\$64.37	01/04/2016	1205498100
1201720151205 - DM 17-20151205 1-4-2016	\$147.74	01/04/2016	1206458600
1202120151205 - DM 21-20151205 1-4-2016	\$133.77	01/04/2016	1207363300
1200520160404 - DM 05-20160404 4-29-2016	\$53.48	04/29/2016	1205588200



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1201720160404	- DM 17-20160404 4-29-2016	\$120.40	04/29/2016	1206550000
1202120160404	- DM 21-20160404 4-29-2016	\$111.00	04/29/2016	1207455300
1200520160806	- DM 05-20160806 9-1-2016	\$49.48	09/01/2016	1205664600
1201720160806	- DM 17-20160806 9-1-2016	\$110.40	09/01/2016	1206626100
1202120160806	- DM 21-20160806 9-1-2016	\$102.00	09/01/2016	1207532900
1200520161203	- DM 05-20161203 1-3-2017	\$49.70	01/03/2017	1205733900
1201720161203	- DM 17-20161203 1-3-2017	\$111.00	01/03/2017	1206698400
1202120161203	- DM 21-20161203 1-3-2017	\$106.26	01/03/2017	1207606300
1200520170404	- DM 05-20170404 5-1-2017	\$40.86	05/01/2017	1205808200
1201720170404	- DM 17-20170404 5-1-2017	\$86.80	05/01/2017	1206774000
1202120170404	- DM 21-20170404 5-1-2017	\$83.24	05/01/2017	1207679600
1200520170704	- DM 05-20170704 8-1-2017	\$45.26	08/01/2017	1205863100
1201720170704	- DM 17-20170704 8-1-2017	\$98.80	08/01/2017	1206827800
1202120170704	- DM 21-20170704 8-1-2017	\$95.74	08/01/2017	1207733900
1200520171102	- DM 05-20171102 11-22-2017	\$45.48	11/22/2017	1205931700
1201720171102	- DM 17-20171102 11-22-2017	\$100.40	11/22/2017	1206899300
1202120171102	- DM 21-20171102 11-22-2017	\$98.46	11/22/2017	1207804100
1200520180301	- DM 05-201803 4-2-2018	\$45.70	04/02/2018	1206003500
1201720180301	- DM 17-201803 4-2-2018	\$101.00	04/02/2018	1206969200
1202120180301	- DM 21-201803 4-2-2018	\$102.28	04/02/2018	1207877500
1200520180902	- DM 05-20180902 10-1-2018	\$48.32	10/01/2018	1206098300
1201720180902	- DM 17-20180902 10-1-2018	\$130.20	10/01/2018	1207064800
1202120180902	- DM 21-20180902 10-1-2018	<u>\$130.62</u>	10/01/2018	1207975500
		\$16,049.04		

The City Engineer or the City Engineer's designee is hereby authorized and directed to notify the County of the release of such special assessments; and

- The City approves of the release of the departmental bill listed below and directs the legal department to release it and any other departmental bills that have been invoiced but are unassessed from work prior to the date of this roll call.

LGL2015-00201                      \$313.38

- The Neighborhood Services Director's designee shall seek to release all other assessments levied by Polk County, Des Moines Water Works, or other governmental entities pending against the Property.
- The City approves partial release of its judgment liens, solely as to any liens that the City may have against the real estate locally known by the following addresses in the following Polk County District Court cases:
  - 409 East Granger Ave, Des Moines, Iowa: City Des Moines v. Lane Anderson and LDF Development



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CICI006489 Costs of \$1,537.66 and \$22,093.52 plus interest

for the sole purpose of encouraging development on properties which the City took tax sale deed to and conveyed to nonprofit organizations.

- 5. The Mayor and City Clerk are authorized and directed to sign and attest, respectively, any necessary partial releases, after approval as to form by the City Legal Department
- 6. The City hereby retains any judgment lien that it may have against Lane Anderson and LDF Development and all other defendants personally and against any other real or personal property affect by the judgement liens in
  - Polk County District Court Cases No. CICI006489 City Des Moines v. Lane Anderson and LDF Development.

(Council Communication No. 23-034)

Moved by Gatto to adopt, Second by Boesen

FORM APPROVED:

/s/ Gary D. Goudeock Jr. Gary D. Goudeock Jr., Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

J. M. Frankin 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.

Laura Baumgartner City Clerk