



Roll Call Number

23-1108

Agenda Item Number

49

Date August 7, 2023

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY
TO Q ENTERPRISES LLC FOR \$30,000 FOR REHABILITATION 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 February 20, 2023, by Roll Call No. 23-0232, the City Council approved acquisition of the tax sale certificate for the vacant and abandoned property locally known as 29 Hartford Avenue, Des Moines, Iowa (“Property”), and began the process to take tax sale deed; and

WHEREAS, Neighborhood Services administered a request for proposals process to identify qualified rehabilitation partners to take ownership and rehab 29 Hartford Avenue in which Q Enterprises LLC was the highest scored responsible applicant; and

WHEREAS, if approved, the proposed conveyance by the City to Q Enterprises LLC will be governed by and subject to approval of a development agreement between Q Enterprises LLC 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 and compliance with the conditions of the development agreement will be included in the deed conveying the Q Enterprises LLC; 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 July 17, 2023, by Roll Call 23-0993, it was duly resolved by the City Council that the proposed conveyance of the Q Enterprises LLC be set down for hearing on August 7, 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

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.



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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 29 Hartford Avenue, Des Moines, Iowa, legally described below, to Q Enterprises LLC in exchange for \$30,000.00 and in-kind consideration in the form of development of the property by rehabilitation and/or redevelopment for housing purposes:

LOT 168, CRAWFORD PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.16 ACRES (7,000 SQUARE FEET).

4. That the Agreement between the City of Des Moines and Q Enterprises LLC for Acquisition and Rehabilitation/Redevelopment of City Property, including the Offer to Purchase attached thereto, be and is hereby approved.
5. The Mayor is authorized and directed to sign said Agreement, the 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.
6. 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 Q Enterprises LLC 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.
7. 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.

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- 8. 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, NS046000-496025.

(Council Communication No. 23-376)

Moved by Gatto to adopt, Second by Voss.

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk