

RESOLUTION NO. 17-60

**RESOLUTION DIRECTING CONVEYANCE OF OLIVE COURT PROPERTIES  
TO IOWA VALLEY HABITAT FOR HUMANITY.**

**WHEREAS**, the City of University Heights, Iowa, entered into that certain Conditional Zoning Agreement (“the CZA”) with University Lake Partners II, LLC (“Developer”) September 12, 2017, concerning rezoning of property known locally as 901, 905, and 909 Melrose Avenue for development as a hotel; and

**WHEREAS**, the CZA requires the Developer to convey two properties on Olive Court to one or more organizations or entities specified by the City; and

**WHEREAS**, the Developer has acquired the Olive Court properties – 23 Olive Court and 24 Olive Court – and is prepared to convey them as directed by the City, subject to the rights and interests of existing tenants; and

**WHEREAS**, the City Council of the City of University Heights has considered different options regarding the entity to whom the Developer might convey these properties, including the City itself, and has concluded that Iowa Valley Habitat for Humanity represents the City’s best option for partnering on these properties to promote and further the City Council’s goals of neighborhood rehabilitation, redevelopment, and stabilization; and

**WHEREAS**, the City Council desires to continue a dialogue with Iowa Valley Habitat for Humanity as it continues to pursue its goals of neighborhood rehabilitation, redevelopment, and stabilization, but the present collaboration pertains only to 23 Olive Court and 24 Olive Court; and

**WHEREAS**, the Council anticipates and expects its goals of neighborhood rehabilitation, redevelopment, and stabilization will be assisted by revenue from the hotel and motel tax approved as a ballot measure by voters November 7, 2017, that designated a portion of such revenue to be used for neighborhood housing and infrastructure revitalization, including road repairs, neighborhood stabilization, and parkland or greenspace acquisition, maintenance, and operation; and

**WHEREAS**, the City Council now desires to specify that 23 Olive Court and 24 Olive Court should be conveyed to Iowa Valley Habitat for Humanity under such terms and conditions as set forth in the CZA, Resolution No. 17-59 (imposing additional development requirements, regulations, and restrictions for these properties), and in this Resolution No. 17-60,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF UNIVERSITY HEIGHTS, IOWA, as follows:**

1. The City Attorney is directed to prepare such documentation in recordable form setting forth the development requirements,

regulations, and restrictions for these properties as established in the Conditional Zoning Agreement and in Resolution No. 17-59, and University Lake Partners II, LLC or such other person or entity identified by the City Attorney shall execute such document, which shall then be recorded at the expense of University Lake Partners II, LLC;

2. University Lake Partners II, LLC shall convey good merchantable title by warranty deed to improved real property known locally as 23 Olive Court and 24 Olive Court to Iowa Valley Habitat for Humanity;
3. University Lake Partners II, LLC shall cause the abstracts of title to these properties to be continued and delivered to counsel specified by Iowa Valley Habitat for Humanity to examine the abstracts;
4. The conveyance shall occur within seven (7) days of notification to University Lake Partners II, LLC by the City Attorney for the City of University Heights to proceed with the conveyance by delivering warranty deeds and associated documents of conveyance (groundwater hazard statements and declarations of value) to the City Attorney's office (Leff Law Firm, L.L.P., 222 South Linn Street, Iowa City);
5. The City Attorney is authorized and directed to deliver the deeds to Iowa Valley Habitat for Humanity in exchange for certified funds payable to "City of University Heights, Iowa" in the amount of one hundred thousand dollars (\$100,000.00), plus any and all other fees and expenses the City Attorney determines may be charged to the City as a part of the transaction;
6. Upon receipt of these funds, the City Attorney shall immediately (no later than 24 hours after receipt) deliver them to the University Heights City Treasurer, who will account for them separately from the City's general fund;
7. The City Council intends that the funds received shall be used for neighborhood rehabilitation, redevelopment, and stabilization in such ways, at such times, and in such manner as the City Council later determines;
8. Iowa Valley Habitat for Humanity agrees to make a combined two hundred fifty thousand dollars (\$250,000.00) in improvements to the houses on the two Olive Court properties as a part of its rehabilitation efforts before it may or will sell or reconvey these properties, with such expenditures demonstrated to the City by appropriate spreadsheets, ledgers, and supporting source documents (invoices, bills, etc.);

9. Iowa Valley Habitat for Humanity agrees to discuss further consideration/revenue-sharing for these conveyances after such time as it has performed rehabilitation work on the properties and is preparing to sell them;
10. The City's collaboration with Iowa Valley Habitat for Humanity is limited by this Resolution No. 17-60 only to 23 Olive Court and 24 Olive Court, but the City and Iowa Valley Habitat for Humanity may engage further discussions concerning possible future cooperative efforts, which would become effective only upon further action of the City Council;
11. Upon delivery of abstracts of title to and warranty deeds and supporting documents concerning 23 Olive Court and 24 Olive Court as provided in this Resolution No. 16-60, University Lake Partners II, LLC's obligations under Conditional Zoning Agreement para. 7(d) shall be fulfilled;
12. University Lake Partners II, LLC and Iowa Valley Habitat for Humanity shall indicate their respective agreement to the terms set forth in this Resolution No. 17-60 no later than January 31, 2018, or this Resolution No. 17-60 shall be void and of no effect.

Upon motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the vote was as follows:

	AYE	NAY	ABSENT	ABSTAIN
Haverkamp	_____	_____	_____	_____
Lane	_____	_____	_____	_____
Maher	_____	_____	_____	_____
Quezada	_____	_____	_____	_____
Zimmermann	_____	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 28<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
 Louise From, Mayor  
 City of University Heights

ATTEST:

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Christine M. Anderson, City Clerk

Agreed to effective the 28<sup>th</sup> day of December, 2017:

University Lake Partners II, LLC

Iowa Valley Habitat for Humanity

\_\_\_\_\_  
By: Greg Stiltner,                      date  
Member and Manager

\_\_\_\_\_  
By: Heath Brewer,                      date  
Executive Director

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