

COUNCIL ACTION FORM

SUBJECT: REVISION TO PURCHASE AGREEMENT WITH HABITAT FOR HUMANITY OF CENTRAL IOWA FOR THE PROPERTY AT 608 DURRELL CIRCLE.

BACKGROUND:

At the City Council meeting on December 4, 2007, the City Council, as part of the City's 2007-08 Community Development Block Grant (CDBG) Neighborhood Sustainability Program, adopted a resolution proposing the sale of the City-owned property at 608 Durrell Circle to Habitat for Humanity of Central Iowa (HHCI). The proposed sale was scheduled to occur on or before November 30, 2008, if all conditions of the purchase agreement for the rehabilitation and sale of the property were satisfied.

Habitat for Humanity of Central Iowa has identified and approved a family to purchase the property at 608 Durrell. However, the recent resignation of their construction manager, during the middle of their building season, has caused scheduling delays for some of their projects. A new construction manager was hired and began working on October 13, 2008, however has been working on a part-time basis and will not become full-time until after the first of the year. Due to this transition time some additional time will be needed to complete the rehabilitation of the Durrell property, in order to insure that all tasks can be completed in a timely manner, Habitat is requesting the following time extension for the rehabilitation and closing as outlined below

- Rehabilitation to be completed on or before January 12, 2009;
- Closing to a qualified homebuyer to be completed on or before January 31, 2009;

The time extension of this agreement still requires Habitat to be responsible for the care and maintenance of the property until the final closing.

Attached for Council review and approval is a time extension Amendment. Both documents have been prepared and/or reviewed by the City Legal Department.

ALTERNATIVES:

1. The City Council can approve a resolution approving a time extension Amendment to complete the rehabilitation of the property located at 608 Durrell Circle so that the property can be sold to Habitat for Humanity of Central Iowa for affordable housing.
2. The City Council can deny approval of the proposed resolution.

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council approve Alternative #1. This alternative approves a resolution approving the Amendment, which will extend the completion date for the proposed contract for sale of City-owned property located at 608 Durrell Circle to Habitat for Humanity of Central Iowa for affordable housing.

AMENDMENT TO AGREEMENT BETWEEN THE CITY OF AMES
AND HABITAT FOR HUMANITY OF CENTRAL IOWA, INC., FOR PURCHASE AND
REHABILITATION OF PROPERTY AT 608 DURRELL CIRCLE, AMES, IOWA

THE AGREEMENT Between the City of Ames, Iowa and Habitat for Humanity of Central Iowa, Inc., for Purchase and Rehabilitation of Property at 608 Durrell Circle, Ames, Iowa, dated the 4th day of December, 2007, is amended at Section II.D. as follows:

II. HABITAT'S OBLIGATIONS

D. Completion Date and Terms.

Habitat shall be permitted to commence rehabilitation as soon as it has paid the down payment to the City. Habitat shall complete the rehabilitation of the property on or before January 12, 2009. Habitat shall promptly sell the property to qualified home buyers on or before January 31, 2009.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment on this _____ day of _____, 2008.

CITY OF AMES, IOWA

By: _____
Ann H. Campbell, Mayor

Attest by: _____
Diane R. Voss, City Clerk

STATE OF IOWA, STORY COUNTY ss:

On this _____ day of _____, 2008, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. _____ adopted by the City Council on the _____ day of _____, 200_, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public in and for the State of Iowa

**HABITAT FOR HUMANITY OF
CENTRAL IOWA, INC.**

By: _____
Shane W. Zimmerman, Board President

By: _____
Sandi Risdal, Executive Director

STATE OF IOWA, STORY COUNTY ss:

On this _____ day of _____, 2008, before me, a Notary Public in and for the State of Iowa, personally appeared Shane W. Zimmerman and Sandi Risdal, to me personally known, who being by me duly sworn, did say that they are the Board President and Executive Director, respectively of said corporation, that the seal affixed to said instrument is the seal of said corporation, or no seal has been procured by the said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors and the said Shane W. Zimmerman and Sandi Risdal acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

Notary Public in and for the State of Iowa

APPROVED AS TO FORM
BY Judy K. Parks
JUDY K. PARKS
ASSISTANT CITY ATTORNEY