



# MEMO

## Legal Department

**To:** Mayor Campbell and Members of the City Council

**From:** Victoria A. Feilmeyer, Assistant City Attorney

**Date:** September 5, 2017

**Subject:** Sale of 306 Wellons Drive

Council approved the sale of 306 Wellons Drive to Habitat for Humanity of Central Iowa, Inc., at its meeting on August 29, 2017.

Under the terms of the recorded purchase agreement, the City of Ames has restricted Habitat's ability to transfer the property to an individual determined to be eligible by the City Housing Division Staff. The initial home buyer from Habitat must meet the City's CDBG program qualifications.

Habitat's title examiner has requested that the City place of record its approval of the initial eligible home buyers approved by the City Housing Staff, namely, Akuei Chiman and Tereza Manion. The recordation of City approval of the Habitat transfer to these individuals will prevent future objections related to whether Habitat was authorized to transfer the property to these individuals under the terms of the recorded purchase agreement.

We request that Council approval the attached Consent to Transfer of Property and authorize the execution and recordation of the document.

S P A C E   A B O V E   R E S E R V E D   F O R   O F F I C I A L   U S E

Return to:: City Clerk, 515 Clark Avenue, Ames IA 50010

Document prepared by: Victoria Feilmeyer. City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 – 515-239-5146

### Consent to Transfer of Property

WHEREAS, The, City of Ames, an Iowa Municipal Corporation, entered into a certain “*Agreement between the City of Ames and Habitat for Humanity of Central Iowa, Inc.*,” for rehabilitation of property at 306 Wellons Drive, Ames, Iowa,” filed August 29, 2016, as Instrument No. 16-08392, as amended by a document filed May 30, 2017, as Instrument No. 17-05075.

WHEREAS, the property locally known as 306 Wellons Drive, Ames, Iowa, is legally known as: Lot Fourteen (14), Cochrane’s First Addition to Ames, Story County, Iowa.

WHEREAS, said Agreement contained, at paragraph III(C)stating that “Habitat shall not sell, assign or transfer any legal or equitable interest in the Property at any time prior to June 30, 2027, without written concurrence of the City.”

WHEREAS, said Agreement also contained, at paragraph II(C) references to a “selected initial home buyer” determined to be eligible by the City Housing Division Staff, and both the City and Habitat intended for the property to be conveyed by Habitat to the “selected initial home buyer” determined to be eligible by the City.

NOW THEREFORE, the City of Ames expressly approves of the transfer of the property by Habitat to Akuei Chiman and Tereza Manion, who have been determined by the City Housing Staff to be eligible homebuyers. This consent shall not be a waiver of any of the City’s rights under said Agreement, and all Amendments thereto, and any and all restrictions on transferability and assignment shall remain in full force.

Dated \_\_\_\_\_, 2017.

CITY OF AMES, IOWA

By: \_\_\_\_\_  
Ann H. Campbell, Mayor

Attest: \_\_\_\_\_  
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on \_\_\_\_\_, 2017, by Ann H. Campbell and Diane R. Voss, as Mayor and City Clerk, respectively, of the City of Ames, Iowa.

\_\_\_\_\_  
NOTARY PUBLIC