
AGENDA ITEM SUMMARY

Subject: 657A proceedings on property located at 515 6th Avenue

Recommendation: Approve Resolution No. 98-21

Background Summary:

The owner of 515 6th Avenue in Charles City passed away in August of 2018. The property has been unoccupied, vacant and abandoned since the prior owner's passing. No Estate has been opened for the property and there does not appear to be any third party maintaining the property. The city has had to mow this property and assess the charges on multiple occasions. Property taxes are delinquent and a tax sale certificate has been issued. There are concerns that the vacant property will continue to deteriorate.

Under Iowa Code Section 657A.10B, a city in which a building that has been abandoned for at least six consecutive months is located may petition the court to enter judgment awarding title to the abandoned property to the city. Staff believes that the property constitutes an 'abandoned building' according to the factors set forth in the Code and is requesting that Council authorize staff to file a petition in the Iowa District Court requesting that the Court determine the property to be abandoned and awarding title to the City.

We recommend approval of this resolution.

RESOLUTION NO. 98-21

RESOLUTION AUTHORIZING PROCEEDINGS PURSUANT TO IOWA CODE SECTION 657A.10B AGAINST REAL PROPERTY LOCATED AT 515 6th AVENUE, CHARLES CITY, FLOYD COUNTY, IOWA

WHEREAS, Iowa Code §657A.10B allows cities to petition the Iowa District Courts to enter judgment awarding title to cities of abandoned and dilapidated properties;

WHEREAS, based on inspections completed by the Code Enforcement Department of the City of Charles City, Iowa, the City of Charles City has determined that the structure located at 515 6th Avenue in Charles City, Floyd County, Iowa and legally described as:

Lot 9, Block 48, Third Hart-Parr Addition "C" to Charles City, Iowa, except the North 45 feet thereof and subject to easements and highways of record

is an abandoned and vacant within the meaning of Iowa Code Chapter 657A.10B; and

WHEREAS, the City of Charles City has the ability, pursuant to Chapter 657A.10B of the Iowa Code, to pursue an action in District Court requesting that the Court declare the property abandoned and awarding title to the City; and

NOW, THEREFORE, BE IT RESOLVED that the City Attorney, on behalf of the City, is hereby authorized to execute any and all documents necessary to accomplish the proceeding pursuant to Iowa Code Chapter 657A.10B in the district court for Floyd County.

Council Member moved adoption of the foregoing Resolution; Council Member seconded the motion to adopt. On roll call, the voting was as follows:

Ayes:

Nays:

Passed and approved this 19th day of July, 2021.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk