

April 6, 2015

To: Mayor Bemrich and City Council
From: David Fierke, City Manager
**Subject: Compliance with Terms of
Special Warranty Deed – 1819 7th Avenue
North**



ACTION: For vote Monday, April 13, 2015

Brief History

In April of 2013, the City disposed of the property at 1819 7th Avenue North to Donald J. Hefley, Jr., through re-developmental proposal. A special warranty deed was issued, requiring the developer to bring the property into conformance with all City Codes, which has been completed. In December of 2014, the Council awarded an extension to the terms of the special warranty deed until March 15, 2015 to allow time for the completion of the interior work.

Analysis of Issue

The new home is now completed and a release of the terms of the Special Warranty Deed has been requested by the developer, Donald J. Hefley, Jr. This release is needed in order to provide clear title to the developer.

Budget Impact

There is no budget impact.

Strategic Plan Impact

Policy D.6.6: Incentives may be provided for infill development and the rehabilitation of existing housing already provided with urban services to acknowledge the lower service and infrastructure costs to the taxpayer. However, development requiring the expansion of services and infrastructure may be required to assist in the cost of such service expansions.

Existing Plan Impact

Consistent with Envision 2030 Plan.

Subcommittee or Commission Review / Recommendation

None

Staff Conclusions / Recommendations

Staff recommends the approval of the release of the terms of the special warranty deed.

Alternatives

The only alternative would be to not approve the release, which would then not allow the developer to obtain clear title to the property.

Implementation and Accountability

If approved, this resolution will be filed with the Webster County Recorder.

Signed



Stacey F. Rasmussen
Neighborhood Wellness Coordinator

Approved



David Fierke
City Manager

RESOLUTION NO. _____

**RESOLUTION ACKNOWLEDGING COMPLIANCE OF TERMS
OF A SPECIAL WARRANTY DEED**

WHEREAS, the City Council of the City of Fort Dodge, Iowa did authorize the conveyance by Special Warranty Deed the property legally described below, to Donald J. Hefley, Jr., "Developer":

- Lot No. 4, in Block 3, in Park Addition Extended to Fort Dodge, Webster County, Iowa.;

and,

WHEREAS, the Developer has fully complied with all terms, provisions, covenants, conditions and restrictions contained in the Special Warranty Deed for the above-referenced property.

NOW, THEREFORE, let it be resolved, that the City Council of the City of Fort Dodge acknowledges said compliance and waives any right to have the property revert back to the City of Fort Dodge.

PASSED AND APPROVED this _____ day of _____, 2015.

AYES: _____

NAYS: _____

OTHER: _____

City of Fort Dodge, Iowa

By: _____

Matt Bemrich, Mayor

ATTEST:

Jeff Nemmers, City Clerk

STATE OF IOWA, WEBSTER COUNTY, ss:

On this _____ day of _____, 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared Matt Bemrich and Jeff Nemmers to me personally known, who being by me duly sworn, did say that they are the _____ Mayor and City Clerk respectively, of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its City Council; and that the said Mayor and City Clerk as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Notary Public