

**December 15, 2014**

**To: Mayor Bemrich and City Council**  
**From: David Fierke, City Manager**  
**Subject: Extension of Terms of SWD**  
**Donald J. Hefley, Jr.**  
**1819 7<sup>th</sup> Avenue North**



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**ACTION: For Vote Monday, December 22, 2014**

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**Brief History**

In February of 2013 the City sold the property at 1819 7<sup>th</sup> Avenue North to Donald J. Hefley, Jr. through re-developmental proposal. Terms of the special warranty deed required that the property be re-developed and brought into conformance with all currently adopted City Codes within one year of transfer. To date, the redevelopment of this property has not yet been completed.

**Analysis of Issue**

The Special Warranty Deed states the property can revert back to the City if the terms are not met within the required timeframe. Mr. Hefley has demolished the fire-damaged house that was on the property and constructed a new house in its place. The exterior of the new house has been completed at this time. Mr. Hefley has requested an extension to the term until March 15, 2015 to allow him time to complete the interior work.

**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 an extension to the terms of the Special Warranty Deed.

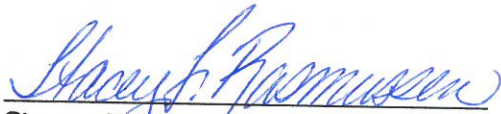
**Alternatives**

The only alternative would be to not allow an extension and have the property revert back to the City, which is not recommended.

**Implementation and Accountability**

If approved, the Neighborhood Wellness Coordinator will oversee the project to ensure completion by the extended date.

Signed



Stacey F. Rasmussen,  
Neighborhood Wellness Coordinator

Approved



David R. Fierke, City Manager

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING AN EXTENSION TO THE TERMS OF  
A SPECIAL WARRANTY DEED**

WHEREAS, the following property was sold in February of 2013 by re-developmental proposal to Donald J. Hefley, Jr.:

- Lot No. 4, in Block 3, in Park Addition Extended to Fort Dodge, Webster County, Iowa. (1819 7th Avenue North);

WHEREAS, terms of the Special Warranty Deed required that the property be re-developed and brought into conformance with all currently adopted City Codes; and,

WHEREAS, to date the work has not been completed; and,

WHEREAS, the developer has requested an extension in order to complete the work.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA, that an extension until March 15, 2015 be granted to the developer on the terms of the above-referenced property.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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 \_\_\_\_\_, 2014 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.