Council Communication

Department: Community Development Case #OTB-20-016 Applicant: Avalos Construction, LLC 1622 Avenue F Council Bluffs, IA 51501 Property Owner: Wesley D. Franks 106 Brentwood Heights Council Bluffs, IA 51503		City Council: 1/09/2023

Subject/Title

Request: Request by Avalos Construction, LLC for an additional 12-month extension of time to construct a residential dwelling on property formerly owned by the City of Council Bluffs, being legally described as the West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Undeveloped land at the northeast corner of the intersection of S. 17th Street and 7th Avenue.

Background/Discussion

The Community Development Department has received a second request from Avalos Construction, LLC, for an extension of time to construct a residential dwelling on property formerly owned by the City of Council Bluffs, as legally described above (see Attachment A).

On November 23, 2020, the Council Bluffs City Council adopted Resolution No. 20-282 (see Attachment B), which disposed of surplus City-owned property, legally described as West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition, to Mr. Wesley D. Franks. The purchase price was $9,514.00 and the applicant submitted a 10% down payment ($951.40) with their offer. As part of the approved resolution, City Council agreed to forgive the remaining balance for the property ($8,562.60) if a residential dwelling was constructed and issued a Certificate of Occupancy within two years from the date of approval. The property was deeded to Mr. Franks on December 15, 2020 and he had until November 23, 2022 to construct a home in order to have the remaining balance on the property forgiven by the City.

Mr. Franks was hospitalized with COVID-19 throughout 2022 and succumbed to his illness on December 21, 2022. Avalos Construction, LLC then entered into a purchase agreement with Mr. Franks' estate for the property and was granted an 18-month extension of time to build a home with a forgivable mortgage from City Council on January 9, 2023 via Resolution No. 23-13 (see attached C). The expiration date for the 18-month extension of time was July 9, 2024. Avalos Construction, LLC was unable to obtain a deed for the property until May 2024 due to it being in probate. Avalos Construction, LLC is now the deed holder for the property and is requesting an additional 12-month extension of time to build a new single-family residential dwelling upon it. If the extension request is approved by Council, the City's Legal Department will reassign the mortgage to Avalos Construction, LLC and amend mortgage terms to allow an additional 12-months for a new dwelling to be constructed on the property.

Recommendation

The Community Development Department recommends approval of the request by Avalos Construction, LLC for an additional 12-month extension of time to construct a residential dwelling on property legally described as the West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. The applicant shall complete construction and obtain a Certificate of Occupancy for new residential dwelling on the subject property by July 9, 2025; and
2. No additional extensions of time shall be granted.

Attachments

Attachment A: Letter requesting an extension of time
Attachment B: Resolution No. 20-282
Attachment C: Resolution No. 23-13

Prepared by: Christopher N. Gibbons, Planning Manager, Community Development Department