Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: (712) 890-5261
Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: (712) 890-5350

RESOLUTION NO. 23-13

A RESOLUTION GRANTING AN 18-MONTH EXTENSION OF TIME FOR AVALOS CONSTRUCTION, LLC 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.

WHEREAS, On November 23, 2020, the Council Bluffs City Council adopted Resolution No. 20-282 (see Attachment B) which disposed of 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, to Wesley D. Franks for a purchase price of $9,514.00 with a 10% down payment ($951.40); and

WHEREAS, As part of the approved Resolution No. 20-282, 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 but the deadline expired on November 23, 2022; and

WHEREAS, Wesley D. Franks is deceased as of December 21, 2022 and his estate wishes to sell the subject property to Avalos Construction, LLC; and

WHEREAS, Avalos Construction, LLC intends to build a new residential dwelling on the subject property within 18-months of City Council's approval of their extension of time request; and

WHEREAS, The Community Development Department recommends approval of the request by Avalos Construction, LLC for an 18-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:

A. The applicant shall complete construction and obtain a Certificate of Occupancy for new residential dwelling on the subject property by July 9, 2024;
B. Approval of the 18-month extension of time shall become effective upon Avalos Construction, LLC purchasing the subject property from Wesley D Franks estate; and
C. If the applicant cannot complete construction and obtain a Certificate of Occupancy for the residential dwelling by July 9, 2024, an extension of time shall be requested in writing to the Community Development Department prior to the expiration date. A three-month extension of time may be approved administratively by the Community

Development Department. Any extension of time requests exceeding a three-month period shall be reviewed and approved by City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the 18-month extension of the deadline for Avalos Construction, LLC to construct a residential dwelling on property formerly owned by the City of Council Bluffs, and 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 is hereby granted and shall become effective upon Avalos Construction, LLC purchasing the subject property.

ADOPTED
AND
APPROVED: January 9, 2023.

MATTHEW J. WALSH Mayor

ATTEST:

JODI QUAKENBUSH City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this 10th day of January, 2023, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

Council Communication

Department: Community Development
Case/Project No.: OTB-20-016
Submitted by: Christopher Gibbons, AICP, Planning Manager

Resolution 23-13
ITEM 5.E.

Council Action: 1/9/2023

Description

Resolution granting an 18-month extension of time for Avalos Construction, LLC 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. Location: Undeveloped land at the northeast corner of the intersection of S. 17th Street and 7th Avenue. OTB-20-016

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	12/30/2022
Attachment A: Letter requesting an extension of time	Letter	12/30/2022
Attachment B: Resolution No. 20-282	Other	12/30/2022
Resolution 23-13	Resolution	1/4/2023

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 18-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 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 recently succumbed to his illness on December 21, 2022. Avalos Construction, LLC wants to purchase the subject property from Mr. Franks' estate to build a new single-family dwelling upon it. Avalos Construction, LLC is aware of the City's forgivable mortgage on the property and has requested an 18-month extension of time to complete the terms of the mortgage by building a new residential dwelling on the property. 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 18-months for a new dwelling to be constructed on the property. These actions will run concurrent with Avalos Construction, LLC closing on the subject property.

Attachment A

To the City of Council Bluffs, IA:

We had purchased a property on 17 and 7th avenue. (Everetts ADD W45' LT 12' EXC N6' For alley BLOCK 25). From Wesley Franks, due to being ill, he is not able to build on the site. Avalos Construction is asking For 18' months of graces period to build a house on the site lot.

Thank you,
Avalos Construction LLC