*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. 24-215**

**A RESOLUTION GRANTING A 12-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 died in December 21, 2022 and Avalos Construction LLC was granted an 18-month extension of time to construct a residential dwelling and be issued a Certificate of Occupancy on the subject property by July 9, 2023; and

**WHEREAS,** the subject property was in probate court and Avalos Construction, LLC was unable to obtain a deed for the property until March 15, 2024; and

**WHEREAS,** Avalos Construction, LLC intends to build a new residential dwelling on the subject property within 12-months of City Council's approval of their second 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, 2025; and
B. No additional extensions of time shall be granted

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

That the 12-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.

ADOPTED
AND
APPROVED: August 12, 2024.

_____
MATTHEW J. WALSH Mayor

ATTEST: _____
JODI QUAKENBUSH City Clerk

STATE OF IOWA )
COUNTY OF )ss
POTTAWATTAMIE)

On this _____ day of _____, 2024, 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