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 _____ day of _____, 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