

Whereupon, Council member Axtell moved that the following Resolution be adopted:

Resolution 2024-22

RESOLUTION SETTING INTENT TO DEMOLISH STRUCTURE LOCATED ON THE PROPERTY
COMMONLY KNOWN AS 1004 N. ARTHUR

WHEREAS, the City Council received clear title to the property commonly known as 1004 N. Arthur in the City of Eagle Grove, Iowa; and,

WHEREAS, pursuant to Chapter 145, the primary structure is considered to be a dangerous building and the Council wishes to authorize the removal of the dangerous building; and,


NOW THEREFORE BE IT RESOLVED, BY THE City Council for the City of Eagle Grove, that the City Clerk is authorized to take necessary steps to plan for the demolition of the structure located on the property commonly known as 1004 N. Arthur, said demolition to include the removal of all structures, foundations, concrete, etc. on said lot but for the sidewalks, if any, located in the Right-of-Way, and that any and all fill necessary to fill any voids in the lot created by the removal of the structure as provided and that the lot be leveled so as to not be left in a dangerous condition.

The motion was seconded by Council member Lorenzen and after due consideration thereof, the roll was called and the following Council members voted:

Ayes: Vandewater, Pamperin, Axtell, Lorenzen, Limenick

Nays:

Whereupon, the Mayor declared said Resolution duly passed and adopted this 20th day of February, 2024.

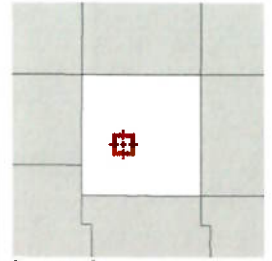

Michael Boyd, Mayor

ATTEST:

Bryce Davis
Bryce Davis, City Clerk






Overview



Legend

Parcels

-  Parcel
-  BLL
-  Wind Turbine
-  Condo
-  Corporate Limits
-  Townships

Parcel ID	0922385003	Alternate ID	n/a	Owner Address	Foster, Lloyd & Janice, Jtrs
Sec/Twp/Rng	0-0-0	Class	R		1004 N Arthur
Property Address	1004 N ARTHUR	Acreage	n/a		Eagle Grove, IA 50533
	EAGLE GROVE				
District	EAGLE GROVE CORPORATION				
Brief Tax Description	LOT 9 BLOCK 25				
	WRI 3				
	<i>(Note: Not to be used on legal documents)</i>				

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IN THE IOWA DISTRICT COURT FOR WRIGHT COUNTY

THE CITY OF EAGLE GROVE, IOWA,)	Number EQCV025216
Petitioner,)	
)	
-vs.-)	
)	
THE UNKNOWN HEIRS, GRANTEES,)	
REPRESENTATIVES, SUCCESSORS,)	
AND ASSIGNS OF LLOYD FOSTER)	ORDER FOR DEFAULT
AND JANICE FOSTER,)	JUDGMENT
TMS MORTGAGE INC. d/b/a)	
THE MONEY STORE, ACC 201, LLC,)	
WRIGHT COUNTY, IOWA,)	
IOWA DEPARTMENT OF REVENUE,)	
PARTIES IN POSSESSION,)	
)	
Respondents.)	

THIS MATTER came before the Court on the 6th day of February, 2024, upon the Petitioner’s Application for Entry of Default, Award of Title, and Entry of Judgment. The Petitioner, the City of Eagle Grove, Iowa, appeared by counsel, Brett D. Legvold. After reviewing the record and being duly advised in the premises, the Court FINDS:

1. Respondents, the unknown heirs, grantees, representatives, successors, and assigns of Lloyd Foster and Janice Foster, were served on December 28, 2023.
2. Respondent TMS Mortgage, Inc. d/b/a The Money Store was served on December 8, 2023.
3. Respondent ACC 201, LLC was served on October 10, 2023.
4. Respondent Wright County, Iowa was served on October 10, 2023.
5. Respondent Iowa Department of Revenue was served on October 17, 2023, and filed an Answer stating that it does not object to the relief requested by Petitioner in its Petition.

6. The Internal Revenue Service was dismissed as a respondent via an Order entered on December 14, 2023, after filing a Disclaimer on December 7, 2023, disclaiming any interest in the real estate that is the subject matter of this action.
7. Respondents have either consented to the relief requested in the Petition or have not timely filed an answer or appearance.
8. In accordance with Iowa R. Civ. P. 1.972, a written notification for default was given after default occurred and at least 10 days prior to the filing of this Application.
9. This matter concerns a Petition filed on October 5, 2023, under Iowa Code § 657A.10B.
10. 1004 North Arthur Street, Eagle Grove, Iowa 50533 is legally described as:

Lot 9, Block 25, Wright's 3rd Addition to Eagle Grove Junction, Wright County, Iowa.
11. Under Iowa Code § 657A.10B(5), "if the city establishes to the court's satisfaction that all parties with an interest in the property have received proper notice and either consented to the entry of an order awarding title to the property to the city or did not make a good-faith effort to comply with the order of the local housing or building code official within sixty days after the filing of the Petition, the court shall enter judgment against the respondents granting the city title to the property."
12. Under Iowa Code § 657A.10B(6), "[i]f the court determines that the property has been abandoned or that subsection 5 applies, the court shall enter judgment and order awarding title to the city. The title awarded to the city shall be free and clear of any claims, liens, or encumbrances held by the respondents."

13. The elements of Iowa Code § 657A.10B(5) have been satisfied so as to authorize an entry of judgment against the Respondents granting title to the property to Petitioner free and clear of any claims, liens, or encumbrances held by the Respondents.

IT IS THEREFORE ORDERED, ADJUGED AND DECREED that: (1) title to the above-described property is awarded to the City of Eagle Grove, Iowa, free and clear of any claims, liens, or encumbrances held by the Respondents; (2) any personal property left on the above-described property is deemed abandoned, and Petitioner is authorized to dispose of it in its discretion; and (3) the Clerk shall issue a Certificate of Change of Title to the Wright County Recorder to adjust the County records. Court costs shall be taxed to the Petitioner.



State of Iowa Courts

Case Number
EQCV025216

Case Title
CITY OF EAGLE GROVE VS. UNKNOWN HEIRS OF LLOYD
FOSTER, ET AL
ORDER FOR JUDGMENT

Type:

So Ordered

A handwritten signature in black ink that reads "Gregg R Rosenblatt". The signature is written in a cursive style and is positioned above a horizontal line.

Gregg R. Rosenblatt, District Court Judge,
Second Judicial District of Iowa