

Whereupon, Council member Vandewater moved that the following resolution be adopted:

RESOLUTION NO. 2024-37

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT TO REHABILITATE 724 NW 3rd

WHEREAS, the City Council for the City of Eagle Grove feel that is in the best interest of the City of Eagle Grove to promote the rehabilitation of certain residential property, and;

WHEREAS, the City of Eagle Grove has received an agreement, affixed hereto, for the rehabilitation of a residential property in the City of Eagle Grove, more commonly known as 724 NW 3rd Street, and;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAGLE GROVE, IOWA that the Mayor and City Administrator are authorized to execute this agreement for the rehabilitation of 724 NW 3rd Street.

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

Ayes: Vandewater, Pamperin, Axtell, Limerick, Lorenzen, Weiland,

Nays: _____, _____, _____, _____, _____, _____,

Whereupon, the Mayor declared said Resolution duly passed and adopted this 1st day of April, 2024.

Michael Boyd
Michael Boyd, Mayor

ATTEST:

Bryce Davis
Bryce Davis, City Administrator/Clerk

Prepared by/Return to: Bryce R Davis, PO Box 165, Eagle Grove, IA 50533
Phone: (515) 448-4343

AGREEMENT TO REHABILITATE

THIS AGREEMENT TO REHABILITATE entered into by and between the CITY OF EAGLE GROVE, IOWA, Iowa, a municipal corporation, 121 North Commercial Avenue, Eagle Grove, Iowa, hereinafter referred to as "City" and Carmelo Nieves Marquez, hereinafter referred to as "Developer".

RECITALS

1. City holds legal title and/or legal interest to real estate located within the municipal limits of the City and more commonly known as 724 NW 3rd Street, Eagle Grove, Iowa.
2. The legal description for this property is:

A tract in Outlot 2 of the Auditor's Plat of the Southwest Quarter of the Northwest Quarter of Section 27, Township 91 North, Range 26, West of the 5th P.M., Wright County, Iowa, described as follows: Beginning at the point of intersection of the West line of Outlot 2 and the South line of 3rd Street North, (formerly Johnson Street in the Town of Eagle Grove, Iowa) which point is 340.3 feet North of the Southwest corner of said quarter, thence East along said South line for 50 feet, thence South for 129.62 feet, thence West for 50 feet to a point on the West line of said Outlot 2, thence North along said West line for 128.8 feet to the point of beginning. Parcel Number: 0927158001
3. This property was deeded to the City by a Certificate of Change of Title filed December 27, 2023, in Book 2023, Page 2541.
4. City has determined that the structure located upon the above-referenced real estate is uninhabitable and has deteriorated to a point that it constitutes a threat to public health and safety. Proper notices were served on the prior owner with no rehabilitation completed.
5. City is willing to enter into this agreement under the strict terms and conditions set forth for the rehabilitation of the property pursuant to the conditions and timelines set forth herein.

THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, City and Developer agree as follows:

1. Developer warrants that they will undergo the rehabilitation of 724 NW 3rd Street, Eagle Grove, Iowa and complete all required and necessary repairs to make the property habitable by April 1, 2025.

2. Developer warrants and agrees that they are ready, willing and able to complete the necessary repairs and improvements or will contract with the proper person to do so.
3. Developer warrants and agrees that all materials and supplies will be provided by them in order to complete the necessary rehabilitation.
4. Developer agrees to indemnify and hold City harmless from and against any and all claims, demands, actions, and causes of action which may arise out of this agreement.
5. Nothing in this Agreement will prevent the City from instituting legal action at the City's sole discretion under the City's Code of Ordinances and the Code of Iowa if the Developer does not comply with the agreement.
6. The repairs that are necessary pursuant to this agreement are all items required under City of Eagle Grove Ordinance 155 to make the property habitable. The City, or its agents, will inspect this property on a regular basis by making contact with Developer who will not unreasonably deny access to the property. The Developer specifically agrees that he will work to have the roof, windows, doors, and siding and exterior items completed by August 1, 2024. The remaining required items under the Ordinance to make the property habitable will be completed by April 1, 2025.
7. This Agreement constitutes the full understanding between the City and Developer and may only be amended by an instrument in writing executed by the parties hereto.
8. This Agreement is being delivered and is intended to be performed in the State of Iowa and shall be construed and enforced according to the laws of the State of Iowa.
9. If all items set forth in this agreement are not completed by April 1, 2025, without good cause, then the Developer will execute a Quit Claim deed to the City. Developer agrees no liens or judgments will be placed on this property prior to August 1, 2025. No additional consideration will be given.
10. Developer is prevented from any conveyance of this property during the pendency of this agreement without the express written consent of the City. The only conveyance that would be allowed would be an early conveyance to City pursuant to paragraph 9.
11. No extensions or time will be allowed or considered by the City without good cause.

Signatures on following page

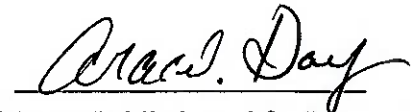
Developer:



Carmelo Nieves Marquez


STATE OF IOWA, WRIGHT COUNTY, SS:

This Agreement was acknowledged before me April 2nd, 2024 by Carmelo Nieves Marquez.



Notary Public in and for Iowa

City of Eagle Grove:

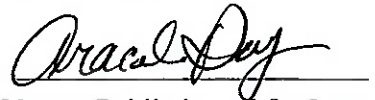
By: 
Michael Boyd, Mayor

By: 
Bryce Davis, City Clerk



STATE OF IOWA, WRIGHT COUNTY, SS:

This agreement was acknowledged before me on April 1, 2024, by Michael Boyd, Mayor and Bryce Davis, City Clerk for the City of Eagle Grove, Iowa.



Notary Public in and for Iowa

