

RESOLUTION NUMBER \_\_\_\_\_

A RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO  
PROCEED WITH SPECIFIED WORK ON THE PREMISES LOCATED  
AT 405 Van Horne. IN THE CITY OF MUSCATINE, IOWA

WHEREAS, The Building Official has caused all (known) interested parties to be advised that the building located at 405 Van Horne Street is subject to be abated under a notice to "ABATE A NUISANCE" from the Building Official of the City of Muscatine, Iowa, a copy of which notice is attached hereto, and incorporated by reference; and

WHEREAS, an oral report by the Building Official was submitted to this Council on March 17, 2011, and an updated report submitted to the City Council, a copy of which is attached hereto and made a part hereof, indicating that the said owner (s) (has) (have) failed, neglected, or refused to comply with said Notice; and

WHEREAS, it would be in the best interest of the health and well being of the citizens of Muscatine, Iowa, if this Council were to order the Building Official to "Abate a Nuisance" by demolition as set out in said Notice,

NOW, THEREFORE, be it resolved by the City Council of the City of Muscatine, Iowa, as follows:

1. The Building Official is ordered to proceed with the demolition of this structure and the clean-up necessary to Abate a Nuisance as specified in said Notice.
2. The Building Official may contract for the performance of said work, the cost of which shall not exceed \$11,973.89, and shall upon completion of said work, transmit a statement of cost to this Council which shall in turn certify the same to the County for placement on the tax roles in the manner prescribed by State Code.

PASSED, APPROVED AND ADOPTED THIS 17<sup>th</sup> DAY OF March, 2011.

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Richard O'Brien, Mayor

ATTEST:

(SEAL)

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Gregg Mandsager, City Clerk

Demolition Request / Information re:  
405 Van Horne Street  
Parcel # 0835306020

Deed Holder when Posted for No Occupancy;  
Abel C. Flores  
Blanca L. Flores  
405 Van Horne Street

Current Deed Holder;  
Same as Above

**July 12, 2002** After responding to complaints regarding junk, junk vehicles, weeds and overall condition of property the appropriate notices were sent out via certified mail.

**July 16, 2002** City Electrical Inspector, Dan Beenen sent letter to property owner reference non conforming / unsafe electrical wiring.

**July 27, 2002** Certified letter returned from post office and marked as "unclaimed".

**August 05, 2002** All notices Posted on front door and photographed.

**August 16, 2002** Junk Vehicle(s) towed/impounded, yard clean up contracted.

**August 16, 2002** House appeared to be abandoned and in obvious visual dilapidated condition. No Occupancy notice posted on door.  
No further contact from Deed Holder or anyone else regarding the property or notices.

Early spring of 2003, Mr. Flores, deed holder, called and advised that he had been staying in Texas and was back currently. Advised he was aware of the condition of the property and that he was going to begin work on it immediately.

**April 16, 2003** Permit issued to Nelson Electric for new electrical service. Permit has no indication that anything was ever completed or inspected by the electrical inspector.

After this permit issuance, again there was no further contact by anyone to this office for quite some-time. The city's nuisance abatement contractor continued to maintain property while all billings were assessed back to taxes. This also included securing the property on several occasions as windows were continually being broken out.

Early summer of 2008, Ramiro Vasquez of North Construction had contacted me and advised that he was hired by Mr. Flores to possibly remodel this property. Mr. Vasquez

was advised of the history with this property and that I had also observed in the paper that the property was in foreclosure. Mr. Vasquez stated that he had a phone number for Mr. Flores in Portes, Texas if I wanted to speak with him.

I then contacted Mr. Flores and advised him of the on going problems with his property and that I had read the foreclosure notice in the paper. Mr. Flores advised at this time that he originally went to Texas on a temporary basis which obviously ended up being more long term. He was ready to return now and knew that the property needed a lot of work. He stated that he was unaware of the foreclosure and he had not received anything.

He then stated that he was planning on returning to Iowa this year and begin work on the property as he thought that he would be residing here again.

**July 22, 2008** A building permit was issued by this office for some remodel work that was not real specific. The estimated value of the project was \$8,000.00 which was being completed by Mr. Flores himself according to the permit.

At this time the property was un-posted to allow Mr. Flores easier access to making these repairs and all nuisance abatement work ceased.

**October 2009** Complaints again began coming into this office reference the condition of this property, structure and grounds. Upon checking the complaints, it was found that clearly no work on this structure had ever started or taken place.

**October 16, 2009** Property was again Posted for No Occupancy due to its condition. The building permit that had been issued in July 2008 was now expired and property was again placed on the nuisance abatement contractor list for maintenance. October 19, 2009 another building abatement notice was sent via certified mail to Mr. Flores. There was an address listed on his earlier building permit that was still current. The certified mail receipt indicates that it was delivered and signed for on October 27, 2009.

Mr. Flores did contact this office within a short time of receiving his notice and advised that he had changed his mind about moving back to Iowa and that he had also received some paperwork regarding a foreclosure. Mr. Flores advised that he was going to have nothing further to do with this property.

Several days later an attorney's office in Waterloo called asking questions about the property and advised that they had been in contact with Mr. Flores and they did in-fact advise him that the property was being foreclosed. They were asking if the city was taking any demolition action at this point and if so, requested a bit more time to finalize their foreclosure at which time they would be selling the property. This extra time was granted, even though not specific, and the property continued to be maintained by the city's nuisance contractor.

This was the last time any contact had been made regarding the property and maintenance continued by the city contractor. Very few complaints came into this office reference this property.

Approximately the past six to twelve months there have been more complaints filed with this office due to the deteriorating condition of the property and more windows being broken out.

**February 09, 2011** Notice to Abate posted on property and photographed. Notice included the right to appeal the determination that the property constituted a nuisance and a request of hearing before the City Council. A copy was also sent to; Franklin Credit Management Corp.

6 Harrison Street

New York, NY. 10013 which is the only lien holder listed by Muscatine County Recorder's Office. This notice was returned as Undeliverable / Unable to Forward.

There has been No Contact by anyone to date regarding this property or the Notice to Abate.

**March 10, 2011** Notice was posted on the door of the property and photographed indicating that a request for demolition was being brought up to City Council on Thursday March 17, 2011.

Following is a list of assessments thus far for the maintenance of this property by the city's contractor;

**2002 = \$112.50**

**2003 = \$ 0**

**2004 = \$185.25**

**2005 = \$361.61**

**2006 = \$452.82**

**2007 = \$256.82**

**2008 = \$ 0**

**2009 = \$ 0**

**2010 = \$973.30**

**2011 = \$431.15 ( this is only to March 02, 2011 )**

The three years, 2003 - 2008 – 2009 which indicate 0 dollars is unknown as to why however; this was the time period that an electrical and building permit had been issued even though no work had ever been accomplished.

Some of this money has been received as the property does show a Tax Certificate holder however; Right of Redemption has not yet been met and the certificate holder has no legal rights to the property.

Information compiled and submitted by: Ken Rogers Senior Health and Housing Inspector / Code Enforcement



