

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

A RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO  
 PROCEED WITH SPECIFIED WORK ON THE PREMISES LOCATED  
 AT 6208 41<sup>st</sup> Street S. IN THE CITY OF MUSCATINE, IOWA

WHEREAS, The Building Official has caused all (known) interested parties to be advised that the building located at 6208 41<sup>st</sup> Street S. 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 August 18, 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 \$14,770.00, 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 18th DAY OF August, 2011.

\_\_\_\_\_  
 Richard O'Brien, Mayor

ATTEST:

(SEAL)

\_\_\_\_\_  
 Gregg Mandsager, City Clerk

## INFORMATION and CONTACT REFERENCE

### 6208 41<sup>st</sup> STREET SOUTH, MUSCATINE

**May 06, 2009** Property Posted for No Occupancy due to numerous complaints regarding unkept exterior conditions. Appropriate notices posted on property for nuisances as well as being sent to deed holder. Property apparently in foreclosure proceedings. Placed on full time mowing / maintenance list for city contractor.

A number of complaints have been lodged against this property over the course of its posting and it was checked each time. There were times that the city's contractor was notified to take care of nuisance / complaint or it was an issue that could not be readily dealt with. The city's contractor has been maintaining property since it was posted and all bills for service have been assessed back to the property taxes.

**January 03, 2011** A complaint was received through the Police Department reference the house being un-secured with open doors. The Police Department had checked it and found nothing suspicious. Upon checking the property myself, I was able to take some photos and check over the interior condition further. Photos are available in file. Interior of property was found to be in very dilapidated condition. Mold growth was found throughout the property, ceilings were falling in in several rooms, electrical wires were exposed and hanging and there was a large amount of junk and garbage inside. I noted that the electric meter had been removed by R.E.C. After photos were taken, the city's contractor was notified to respond and board and secure property.

**June 17, 2011** Building abatement notice sent via certified mail to deed holder(s), Steve Houdek and Dawn Houdek with a copy being sent to Wells Fargo 3201 N. 4<sup>th</sup> Ave. Sioux Falls, S.D. 57104, as the mortgage holder per Muscatine County Recorder.

**June 23, 2011** Date on mail receipt indicates that letter was accepted and signed for on June 23, 2011 however I received a phone call from Mr. Houdek, (607-0712) on June 22, 2011. Mr. Houdek was inquiring as to what this notice meant. After explaining to him the situation he advised that the property was foreclosed on and that he did not understand why it was still in his name. Mr. Houdek was advised that this was not uncommon with some mortgage companies but that he should seek legal advice if he felt this information was incorrect.

**June 27, 2011** Received another phone call from Mr. Houdek who had advised me that the property was apparently his free and clear. He indicated that Wells Fargo did not want anything to do with it and that he could have it. Mr. Houdek was advised that this really made little difference to the City of Muscatine, we merely wanted the property abated and did not care who did it. Again Mr. Houdek was advised to seek legal advice prior to proceeding with any work or otherwise to this property.

**June 30, 2011** Spoke with Steven Kundel, atty. who advised that he was representing Dave and Dianna Wilson. Mr. and Mrs. Wilson was apparently interested in purchasing this property from Mr. Houdek and remodeling it. Mr. Kundel was requesting further information regarding the property. I advised Mr. Kundel of the situation with the property and what little bit of information I had regarding it. He was also advised further of the foreclosure status and that Mr. Houdek had stated to me that Wells Fargo had given him back the property free and clear. This was as much a surprise to Mr. Kundel as it had been to me however Mr. Kundel asked that he be allowed some extra time to research this and possibly receive further information from Wells Fargo. Mr. Kundel was advised that it would most likely be late in July or into August before I mowed forward with the demolition

request and he felt this would allow him plenty of time to further research. Mr. Kundel advised that he would contact me if any further was found through Wells Fargo. I also advised Mr. Kundel that I would forward him a copy of the letter that Mr. Houdek would receive when a resolution was placed on City Council agenda in an effort to also keep him informed.

**August 08, 2011** Letter sent to Mr. and Mrs. Houdek reference Council Meeting Agenda, date and time. Copy also sent to Wells Fargo as well as Atty. Steven Kundel.

To Date: Property Maintenance Expenses,

2009 - \$ 907.05

2010 - \$ 1083.28

2011 - \$ 759.21 and pending

