

RESOLUTION PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE OF CITY OWNED LAND TO ELENO L. AND MARCIA A. HERNANDEZ

WHEREAS, the City of Marshalltown, Iowa, is the owner of real property (“Property”) situated in the City of Marshalltown, Marshall County, Iowa, locally known as 107 East Lincoln Street, Marshalltown, Iowa, and legally described as follows:

THE WEST 45 FEET OF LOT 10, BLOCK 1, WEBSTER’S SECOND ADDITION TO THE TOWN OF NORTH MARSHALL, MARSHALL COUNTY, IOWA; and

WHEREAS, the City acquired title to the Property, which had been abandoned, by court order pursuant to the provisions of Iowa Code §657A.10B; and

WHEREAS, at the time the City acquired title to the Property there was situated a fire-damaged residential dwelling (“Dwelling”) and an undamaged detached garage (“Garage”); and

WHEREAS, the City has demolished the Dwelling at public expense, but is unable to demolish the Garage, which straddles a property line, without subjecting the City to potential damages as a result of the neighboring property owners’ arguable interests in the Garage; and

WHEREAS, the cost to demolish the Garage, together with prospective damages and/or resulting legal fees and expenses would likely exceed the residual value of the Property; and the continued presence of the Garage on the Property hampers its marketability for sale and redevelopment; and

WHEREAS, the Property is sufficiently deep to convey the south forty (40) feet of the Property, upon which the Garage is situated, to the neighboring property owners without rendering the Property non-conforming; and

WHEREAS, the sale and conveyance of the south forty (40) feet of the Property to the neighboring property owners will enable the City to minimize its expenditure of public funds on the Property, avoid potential liability, and maximize its return on the eventual sale of the Property; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALLTOWN IOWA, that conveyance and transfer of title to the south forty (40) feet of the Property to adjacent property owners, Eleno L. and Marcia A. Hernandez, in consideration of the sum of \$1.00 and other good and valuable consideration is hereby authorized and approved; and

BE IT FURTHER RESOLVED, the Mayor and City Clerk of the City of Marshalltown, Iowa, are hereby authorized and directed to execute a Quit Claim Deed and to take such further steps as may be necessary to facilitate the above-referenced transfer and conveyance.

Passed this _____ day of April 2023 and signed this _____ day of April 2023.

CITY OF MARSHALLTOWN, IOWA

Joel T.S. Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk