

COMMUNITY DEVELOPMENT

MEMORANDUM

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Mayor and City Council Members
From: Andrew Fangman, Assistant Community Development Director
Cc: Gregg Mandsager, City Administrator
Date: June 6, 2019
Re: Resolution to Accept Quit Claim Deed to 104 Clinton Street

A fire on February 25, 2019 damaged beyond repair, the home located at 104 Clinton Street. What remains of the structure now needs to be demolished as it is a hazard to public safety.

Staff has worked with the property owner, Brian Wentz, to explore his options for dealing with the property. There was no insurance or mortgage on this property. The demolition costs are likely double what this parcel, vacant and cleared, the market value of this parcel. The costs of clearing this parcel also exceed what the property owner is able to pay out of their own pocket. For this reason, the property owner has offered to deed this property over to the City.



104 Clinton Street

It is in the best interest of the community for the City to accept the deed to this parcel and proceed with the demolition of the fire damaged home. This is the best course of action available to the City. Beyond do nothing, which is undesirable, is the danger that the fire damaged home poses to health, safety, and welfare of the surrounding neighborhood, is for the City to demolish the structure as a nuisance abatement action. In all likelihood the costs of this demolition would wind up being assessed to the property. As the cost of demolition will nearly certainly significantly exceed the value of the resulting vacant parcel, it is very likely that this assessment will not be paid, and that this parcel will also not sell at the resulting tax sale. In these situations, the County typically deeds the property over to the City after the assessment and other property taxes not being paid for a number of years. Accepting the offer of the deed to the property now, rather than in a few years, will allow the City to immediately begin looking for ways to return the property to a beneficial use, ideally by finding someone who wishes to construct a new home on the parcel.

BACKUP INFORMATION:

1. Resolution accepting warranty deed
2. Warranty deed

Prepared by Andrew Fangman, 215 Sycamore St, Muscatine, IA, 52761 (563) 262-4141

RESOLUTION NO. 2019-0169

**A RESOLUTION ACCEPTING THE WARRANTY DEED FROM GRANTOR
TO THE CITY OF MUSCATINE, IOWA**

WHEREAS, where Brian Wentz has prepared a warranty deed to the City of Muscatine, Iowa the following described real estate in Muscatine Iowa;

Lot 7, Block 1 of Abraham Smalley's Second Addition to South Muscatine, an Addition to the City of Muscatine, Muscatine County, Iowa.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, Iowa that the quit claim deed attached hereto and identified as "Exhibit A" is hereby by accepted by the City of Muscatine and the Mayor and City Clerk are hereby authorized and directed to sign this Resolution and thereafter deliver a copy thereof to the Muscatine County Recorder to be recorded in the permanent real estate records of Muscatine County, Iowa.

PASSED, APPROVED AND ADOPTED this 6th day of June 2019.

**BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA**

Diana L. Broderson, Mayor

Attest:

Gregg Mandsager, City Clerk

Prepared by: Andrew Fangman, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141
Return and Tax Statement to City of Muscatine, 215 Sycamore Street, Muscatine, IA 52761;
563.262.4141

QUIT CLAIM DEED

For the consideration of Ten (\$10.00) Dollar(s) and other valuable consideration, Brian Wentz does hereby Quit Claim to The City of Muscatine all his right, title, interest, estate, claim and demand in the following described real estate in Muscatine County, Iowa:

Lot 7, Block 1 of Abraham Smalley's Second Addition to South Muscatine, an Addition to the City of Muscatine, Muscatine County, Iowa;

Exempt from transfer tax per Iowa Code Section 428A.2(21).

The undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

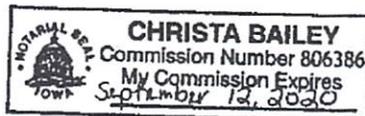
Dated on April 15, 2019



Brian Wentz (Grantor)

State of Iowa, County of Muscatine

This record was acknowledged before me on April 15, 2019, by Brian Wentz





Signature of Notary Public

**AFFIDAVIT OF SURVIVING SPOUSE
FOR CHANGE OF TITLE TO REAL ESTATE**

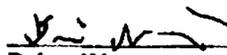
STATE OF IOWA, COUNTY OF MUSCATINE. ss:

I, Brian Wentz, being first duly sworn on oath, depose and state as follows:

1. I am the surviving spouse of Amy Wentz, who died on February 25, 2019.
2. The following described real estate was owned only by Amy Wentz and this Affiant, as joint tenants with full rights of survivorship at the time of Amy Wentz's death:

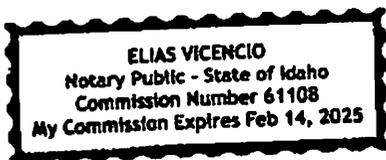
Lot 7 in Block 1, of A. Smalley's 2nd Addition to South Muscatine, an Addition to the City of Muscatine, Iowa, Muscatine County, Iowa.

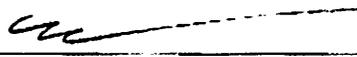
3. Title was conveyed to the surviving spouse and the decedent by Warranty Deed—Joint Tenancy filed on September 18, 2017 with reference number of Instrument Number: 2017-04846.
4. I hereby request that the auditor enter this information on the transfer books pursuant to Section 558.66 of the Iowa Code.
5. Form 706, United States Estate Tax return, was not required to be filed as a result of the death of the Decedent.
6. An Iowa inheritance tax return is not required to be filed pursuant to Iowa Code Section 450.22 subsection 3.



Brian Wentz

Signed and sworn to (or affirmed) before me on May 7, 2019, by
Brian Wentz.





Signature of Notary Public
State of Idaho
County of Ada