

**Donelson, Fran**

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**From:** Boka, Steve  
**Sent:** Friday, September 25, 2009 10:36 AM  
**To:** Donelson, Fran  
**Cc:** Hill, Randy  
**Subject:** FW: 1603 Stewart Road  
**Attachments:** Sale Request 1603 Stewart Rd..doc; 1603 Stewart Road.doc

I am attaching a cover memo and an updated chronology concerning the property located at 1603 Stewart Road. As you can see by the memo, I am requesting that city Council declare this property as surplus and allow my office to seek prospective buyers. I am suggesting that we (the city) seek out a buyer that will take possession of the property in its current condition with the stipulation that the buyer assume responsibility for the immediate removal of the existing home. If we are successful in locating a buyer and can recover our current expenses related to nuisance abatement and legal fees, I would propose accepting the offer to buy and proceed to transfer ownership to a new owner, thereby eliminating the additional expense associated with the demolition of the existing home. If City Council agrees with this effort to dispose of the property, I want to assure them that ONLY an offer to demolish the existing home will be considered. No plan(s) to remodel or save this home will be considered a viable offer.

If, after a reasonable time (30 days), the City does not receive an offer suitable for acceptance, it is our intention to bring a resolution back to City Council authorizing the demolition of the building. We would then seek out a buyer and attempt to recover whatever costs we could from the sale.

Please place the attached request to declare the property located at 1603 Stewart Road as surplus on the City Council agenda for their consideration during the October 1<sup>st</sup> meeting.

Steve

# Memorandum

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**To:** Steve Boka, Planning, Zoning & Building Safety Director  
**CC:** City Council  
**From:** Ken Rogers, Senior Health and Housing Inspector / Code Enforcement  
**Date:** 9/25/2009  
**Re:** 1603 Stewart Road

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I respectfully request for city council consideration that the property located at 1603 Stewart Road be claimed as surplus property.

As you are aware this property was accepted by city council resolution at the last council meeting as donated real estate. This was due to a fire that occurred at this property in December of 2008 and the deed holder / owner was not in a financial position to repair or demolish this property.

There is an attachment included with all the updated information regarding this property.

I would ask that after this property has been legally deeded and transferred to the City of Muscatine that this office is given the opportunity to place it out for bids in the condition that it currently is in.

Bids will be accepted for only a 30 day window and will require the purchaser to secure a demolition permit after receiving the property and proceed with demolition of the structure(s) within 30 days of transfer.

If there are no bids placed or accepted on this property then this office would return to City Council requesting a resolution for demolition.

Thank you,

Information / Contact reference 1603 Stewart Road Muscatine, Iowa 52761  
Owner / Deed Holder, Daniel Mata.

December 08, 2008 – Structure Fire (total loss)

January 05, 2009 – Daniel Mata, owner came into office with Tracy Garcia to interpret. This office was advised at this time again that structure was total loss. Mr. Mata had no insurance and was living on social security, had no idea what he was going to do at this time. Mr. Mata was advised, through his interpreter that we would wait and give him some time to make necessary arrangements however; we would need to be getting things moving forward soon due to the condition of the home. Mr. Mata was also advised at the same time what would be required for demolition of this structure.

April 14, 2009 – Began receiving complaints regarding the property and its condition. Checked and verified complaint. Mr. Mata was on location and spoke with him the best I could without the use of an interpreter. Advised him of the complaints and ask what his plans were. At this time, Mr. Mata indicated that he was looking for help. Again he was advised that he would have to make a decision soon due to the complaints and that the property needed to be cleaned up and structure secured.

April 27, 2009 – After receiving a number of complaints, photos were taken of the property which indicated that none of the debris had been removed from the area nor had the structure been secured. Mr. Mata was again advised, through an interpreter that was present, that he needed to at the very least pick up the property and secure the structure and that this office would continue to work him and allow as much time as possible.

May 04, 2009 - Responded to 1603 Stewart Road again to speak with Mr. Mata regarding the property condition, cleanup, and securing structure. During this visit, Alma Vega from the housing office went along to interpret. Mr. Mata was advised again of all the complaints and that he would have to make a decision very soon on the property. Mr. Mata was not willing to make a decision at this time however; stated that he would come into the office on May 08 if allowed these extra days, with a decision. This was agreed to and an appointment was made so that Alma Vega could again be present.

May 08, 2009 – Mr. Mata did keep his appointment with Alma and me however; still was not ready to make a decision. He wanted help to repair the property or tear it down and build new. Mr. Mata was advised that this was not something this office could assist with but we could possibly assist him with housing. Still unable to make a decision, Mr. Mata was

personally served with an abatement notice for the property which included the cleanup and removal of the junk and debris as well as securing the structure, none of which had been done.

- June 19, 2009 – After checking the property a number of times and finding no activity, the cleanup of the property as well as boarding the property up was contracted. Work conducted and completed, June 22 and 23
- August 06, 2009 – Resolution authorizing assessment of unpaid nuisance abatement costs. Total \$795.82
- August 10, 2009 – Complaint from Public Works reference the water service bad at this property. Complaint checked and verified, water service was leaking and bubbling up through ground on public right of way. Leak was bad as steady stream of water observed running down street to nearby storm drain. Muscatine Power and Water was requested to look into this by Steve Boka and they ended up excavating the street and disconnecting service to property.
- August 13, 2009 – Met with Mr. Mata again along with the assistance of Alma Vega, housing office as an interpreter. Mr. Mata finally came to the conclusion that there is no means for him to save the property or pay for a demolition. Mr. Mata did sign a Notice of Intent to sign property over to the City of Muscatine if accepted by city council.
- August 20, 2009 – After learning that there was a mortgage lien on the property for First National Bank of Muscatine and after visiting with their vice president and senior vice president regarding the lien and the issue reference the fire and probable demolition, a letter of intent was received from the bank indicating that if the City of Muscatine would accept the property, the bank would release their lien.
- August 28, 2009 – Received call from neighbor indicating that he was beginning to have a rodent problem that he felt was due to the condition of this property. He had also indicated that he had concerns reference someone getting hurt as he had observed kids playing nearby and attempting to get into the property.
- September 03, 2009 – City Council Resolution to accept donation of real estate at 1603 Stewart Road.
- September 09, 2009 – Release of lien received from First National Bank of Muscatine for 1603 Stewart Road.
- September 11, 2009 – Confirmation of oral report regarding lien search on property located at 1603 Stewart Road. Reported from Harvey Allbee Jr.,

City Attorney that there were no unpaid taxes for the property nor were there any other liens other than a special assessment for a nuisance abatement by the City of Muscatine.

September 17, 2009 – Warranty Deed signed by Mr. Daniel Mata regarding the property at 1603 Stewart Road.

Information compiled and submitted by Ken Rogers, Senior Health and Housing Inspector – Code Enforcement