

RESOLUTION NO. \_\_\_\_\_-2023

Consideration Of A Corrective Resolution Regarding Directing The Sale Of The City's Interest 34 5<sup>th</sup> Ave Se, 418 7<sup>th</sup> Ave Se, And 219 Lincoln Dr. Ne, Oelwein, Fayette County, Iowa

**WHEREAS**, the City is desirous of selling the real estate described herein.

**WHEREAS**, the City Council published notice of the date, time and place of a public hearing related to the sale of its interest in the above-described real estate, and had a hearing thereon;

**WHEREAS**, the City Council passed Resolution No. 5398- 2023 on the 13<sup>th</sup> day of March, 2023 which approved the terms of the sale of the above-described real estate including the following sections which reference a right of reversion to be held by the City following sale consistent with a Reversion Agreement:

Section 2. That the City as Seller and Kies Real Estate, LLC as Buyer will enter into a separate agreement regarding "Reversion" of the property to the City, to be recorded by and at the expense of the Buyer along with the Quit Claim Deed as described within Section 1, the Reversion Agreement being attached hereto as Exhibit B, and by this reference incorporated within this Resolution as if set forth fully verbatim herein;

Section 3. The City Administrator shall be authorized to execute the QCD and Reversion Agreement on behalf of the City Council. The Deed and Reversion Agreement shall be delivered to Buyer after the passage of thirty (30) days following the date of this Resolution, unless an appeal on this action has been made to District Court. Action on this Resolution shall be final upon the purchaser of the Deed giving evidence to the Clerk that the Deed has been recorded, and such facts to be noted on the official record of this Resolution.

**WHEREAS**, that Sections 2 and 3 of Resolution No. 5398-2023, as outlined above, were included in such resolution **in error** and the City Council did not intend the sale of the above-described real estate to be contingent on an appended Reversion Agreement, nor did it intend to reserve any rights in reversion in the above-described real estate upon the sale of same to Kies Real Estate, LLC.

**WHEREAS**, the City Council submits this corrective resolution to assert that the terms of the resolution approving the sale of the above-described real estate shall be amended.

**BE IT RESOLVED** by the Council of the city of Oelwein, Iowa, as follows:

Section 1. On behalf of the City, the Mayor shall contract to sell and shall convey by Quit Claim Deed the following described real estate:

LOT 28 AND THE NORTH 11 FEET OF LOT 29, BLOCK 2, OELWEIN'S FOURTH ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA;

LOT 14, BLOCK 16, GRANDVIEW ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA; and  
LOTS 154 AND 155, BLOCK 16, WINGS ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA

To: Kies Real Estate, LLC

For the sum of \$1,000 per property, with a grand total of \$3,000, pursuant to the terms of the Offer to Buy attached hereto as Exhibit A, and by this reference incorporated within this Resolution as if set forth fully verbatim herein, with said property owner being solely responsible for the recording of the documents necessary to effectuate said transfer.

Section 2. The City Administrator shall be authorized to execute the QCD on behalf of the City Council. The Deed shall be delivered to Buyer after the passage of thirty (30) days following the date of this Resolution, unless an appeal on this action has been made to District Court. Action on this Resolution shall be final upon the purchaser of the Deed giving evidence to the Clerk that the Deed has been recorded, and such facts to be noted on the official record of this Resolution.

Section 3. This resolution shall be in effect upon its passage and approval as provided by law.

Passed and adopted by the City Council of the City of Oelwein, Iowa, this 22 day of May, 2023.

\_\_\_\_\_  
Brett DeVore, Mayor

Attest:

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Resolution as read be adopted, and upon roll call there were:

AYES      NAYS      ABSENT      ABSTAIN

\_\_\_\_\_  
Dylan Mulfinger, City Administrator

Stewart  
Weber  
Lenz  
Garrigus  
Seeders  
Payne

Recorded May 23, 2023.

\_\_\_\_\_  
City Administrator

Exhibit A  
Purchase Agreements