

Resolution No. _____-2024

RESOLUTION FIXING THE AMOUNT TO BE ASSESSED FOR NUISANCE ABATEMENT, APPROVING THE SPECIAL ASSESSMENT SCHEDULE, AND DIRECTING THE CLERK TO PUBLISH, MAIL, AND FILE THE ASSESSMENT SCHEDULE ALL IN ACCORDANCE WITH CHAPTER 384 OF THE IOWA CODE.

WHEREAS, pursuant to its powers and duties as set out in Chapter 364, Code of Iowa and Chapters 15 and 22 of the City Code, the City has incurred expenses for the abatement of a public nuisance, including actual costs of abatement, and

WHEREAS, Gary Wright, owner of 982 1st Ave SW, Oelwein was ordered by the City and by subsequent Iowa District Court Order dated March 5, 2024 in Fayette County District Court Case Numbers OECICV056772 and OECICV056773 to abate the nuisance conditions at 982 1st Ave SW, Oelwein, Iowa the Court authorizing the City to abate the nuisance upon the Owner's failure to abate with costs of abatement to be assessed against the owner, and

WHEREAS, Gary Wright failed to abate as ordered by the Court and the City subsequently took steps to abate as authorized by the Court, and

WHEREAS, the City Council of Oelwein is allowed to assess the costs of abatement against the property to be collected in the same manner as a property tax.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OELWEIN, IOWA, as follows:

Section 1. The Council hereby fixes the amount to be assessed against the property located at 982 1st Ave. SW, Oelwein, Iowa, owned by Gary Wright, at \$3,700.40, representing the actual expenses of nuisance abatement at said property.

Section 2. The Council hereby approves the Special Assessment Schedule attached hereto, finding that the total amount specially assessed may be paid by the owner in not to exceed ten (10) equal installments, with unpaid sums to accrue interest at the rate of seven percent (7%).

Section 3. The Clerk is directed to certify the final schedule, as attached hereto, to the County Treasurer and to publish notice of the schedule once each week for two consecutive weeks as provided in Section 362.3 Iowa Code, with the first publication to be filed no more than fifteen days from the date of filing the final schedule with the Treasurer.

Section 4. The Clerk is further directed to mail the property owner a copy of the notice of the schedule. The notice shall also include a statement in substance that assessments may be paid in full or in part without interest within thirty days after the date of the first notice of the final assessment schedule, and thereafter all unpaid special assessments bear interest at

the rate of seven percent (7.0%) per annum commencing March 1, 2025 as provided in Iowa Code §384.65. Installments are payable on July 1 of each year commencing with 2025, and each installment will be delinquent from October 1 following its due date, however when the last day of September is a Saturday or Sunday, that amount shall be delinquent from the second business day of October. Delinquent installments will draw the same delinquent interest as ordinary taxes. Property owners may elect to pay any installment semi-annually in advance. Assessments are payable at the office of the Fayette County Treasurer, 114 N Vine St, West Union, Iowa 52175. The last day to pay assessments without interest is March 1, 2025.

SECTION 5: This Resolution shall be effective upon its passage and approval as provided by law.

PASSED AND APPROVED this 25th day of November, 2024.

Brett DeVore, Mayor

ATTEST:

Dylan Mulfinger, City Administrator

It was moved by _____ and seconded by _____ that the Resolution as read be adopted, and upon roll call the following votes were cast:

	Aye	Nay	Absent	Abstain
Ricchio				
Weber				
Lenz				
Garrigus				
Seeders				
Payne				