

# Forfeiting Properties to City

The City is willing to work with property owners when the situation is advantageous to the city and community members. Anyone who owns a property, residential or commercial, that they can no longer manage may submit a request to sign the property over to the city.



310 3rd Ave NW Oelwein IA 50662  
Property Address

000001821107009-082  
Property Parcel Number

Justin Westcott  
Owner's or Owners' Name(s)

22 6<sup>th</sup> Ave SE, Oelwein Iowa 50662  
Owner's or Owners' Address, City, State, ZIP

westcott\_mary0624@yahoo.com  
Owner's or Owners' Email Address

319-283-0002  
Owner's or Owners' Phone

Are you being represented by a real estate agent or lawyer?  Yes  No

## Owner's or Owners' Representative Name and Contact Information

JW  
Initials

If you do not have a Representative: I/we understand that I/we are entering into a legal contract and choose to represent my/ourselves, with all the due diligence required being done on my/our part.

I cannot afford the upkeep of the house. Due to the condemning of the property, I can't afford to rebuild or ~~destroy~~ tear down the property on my own.

Please describe why you are requesting to forfeit this property to the City.

Justin Westcott  
Printed Name

Printed Name

Justin Westcott 3/15/25  
Signature Date

Buyer Signature Date

Legal Relationship to Each Other if more than 1 party:



**NOTICE: UNSAFE  
STRUCTURE \*\*ACTION  
REQUIRED\*\*  
310 3RD AVE. NW, OELWEIN,  
IA 50662**

October 14, 2024  
Westcott, Justin T.  
310 3rd Ave NW  
Oelwein IA 50662

DATE October 14, 2024

Westcott, Justin T.  
310 3rd Ave NW  
Oelwein IA 50662

**REGARDING:**  
ADDRESS: 310 3rd Ave NW,  
Oelwein,IA,Iowa,50662  
Legal Description Below

Dear Westcott, Justin T.

This letter is an official notice that the property at 310 3rd Ave NW, Oelwein, IA, Iowa,50662 is in violation of the City of Oelwein Code, Chapters 12 and 25. On October 10th, 2024 the fire department responded to a gas leak call. Upon entry discovered severely unsanitary, dilapidated, and unsafe conditions, and therefore referred the case to the Community Development Department. Therefore, you are being served with this notice of violation and requirement of action listed below.

Address: 310 3RD AVE. NW, OELWEIN, IA 50662      Placarded on: 10/16/2024  
Legal description: LOT 3 BLK 4 MARTINS 3RD ADD

Comment(s):

***Sec. 25-8. - Unsafe structures and equipment***

**A. General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

**B. Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**C. Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**D. Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**E. Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**F. Dangerous structure or premises.** For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as



an attractive nuisance or hazard to the public.

**G. Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

1. *Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in section 25-2.G in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

**H. Notice.** Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in section 25-2.H.

**I. Placarding.** Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

1. *Placard removal.* The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

**J. Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

**K. Abatement methods.** The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

**L. Record.** The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

## **Section 25-31 General**

**Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply



with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

## **Chapter 12 - Article VIII - Rental Housing Inspection program**

The location is not registered as a rental property pursuant to the City of Oelwein and is violation of multiple building codes needing immediate attention. The water service for this location is not in the name of the owner, Justin Westcott. It is in the name of Ashley and Darle Westcott. Justin Westcott resides at 22 6th ave SE.

### **ACTION REQUIRED:**

The unsanitary conditions, dilapidated building structure, and failure to register the home as a rental unit pursuant to the City Code of Oelwein, has resulted in a revoking of Occupancy and placarding of the home as dangerous. Therefore, the building shall be immediately vacated. Tenants shall have 20 days to enter the building only to retrieve and move out belongings. Entry for retrieval of belongings shall cease by **Novemeber 5th, 2024.** Overnight stay at the home is prohibited.

Due to the degree and extent of damage caused from the unsanitary conditions, dilapidation, neglect, and lack of maintenance, along with the cost of necessary repairs relative to the value of the home, it is the recommendation of the Building Official to demolish the building. This action must be completed within sixty(60) days of this notice, no later than **Monday, December 16th, 2024.**

If repair efforts of the building code violations issues listed below are to be attempted they will need to be made by contractors properly licensed to do work in the City of Oelwein with permits applied for and City inspections performed. A plan for the required repairs must be submitted in writing to the building official within thirty(30) days of this notice, no later than **Friday, November 15th, 2024.**

**Failure to comply with any component of this directive will result in referral to the City Attorney.**

Right to Appeal: You have the right to appeal this notice and order by filing a written application for appeal with the Housing Board of Appeals for the City of Oelwein. Applications for appeal are available upon request at the Community Development Office located at 20 Second Ave SW in Oelwein.

Right to File a Lien: If you fail to correct these violations, any action taken by the City of Oelwein, the authority having jurisdiction, may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.



David Kral

Building Official/Zoning Administrator

**Violations are listed below**

Title	Status	Reason
<b>Interior: Checklist</b>		
Stairs/Railings/Guards - Section 25-35/Interior Structure, Section 25-37/Handrails and Guards	Fail	-Basement stairs do not have proper guards and the treads are beginning to fail, shall be replaced, permit and inspection required
Floors & Floor Coverings - Section 25-35/Interior Structure	Fail	-Flooring throughout home is in disarray due to unsanitary conditions caused by animal waste. All flooring shall be ripped out and replaced. Home shall be placarded for unsanitary conditions.
Walls & Ceilings - Section 25-35/Interior Structure	Fail	-Multiple areas of hard-drywall ceilings and drop-tile ceilings throughout home are failing and shall be repaired/replaced. Permit and inspection required -Multiple areas of drywall and trim throughout home are failing and shall be repaired/replaced. Drywall that has been improperly installed in areas shall be removed and properly installed. Permit and inspection required
Windows, Screens & Doors/Interior - Section 25-35/Interior Structure	Fail	-No interior door shall have an exterior padlock installed. Doors shall have functional door hardware installed and properly function: easily open and close and latch shut. Keyed locks, chain locks, hasp, or locks with special knowledge are not allowed on interior door hardware. -All failing windows addressed in exterior section of report.
Light Fixtures, Outlets & Switches - Section 25-65/Electrical Equipment	Fail	-All light fixtures, receptacle outlets, and light switches shall be properly installed and in proper working order, shall be repaired and replaced as needed. Permit and inspection required. Licensed electrician required. -GFCI outlets required in kitchen, laundry, and bathroom space, shall be installed
Door, Latches & Locks/Exterior - Section 25-34/Exterior Structure	Fail	-Exterior entry doors in disrepair shall be replaced
Smoke/CO2 Detector - Section 25-08/Unsafe Structure, Section 25-74/Fire Protection	Fail	-Smoke detectors shall be installed on each floor of the home as well as in each bedroom of home

<b>Title</b>	<b>Status</b>	<b>Reason</b>
Water Heater - Section 25-55/Water System, Section 25-63/Mechanical Equipment	Fail	-Drain valve on water heater has constant leak and shall be repaired
Furnace - Section 25-63/Mechanical Equipment	Fail	-Furnace shows signs flame escape and/or heater exchanger being cracked and is long past is recommended lifetime. Furnace shall be replaced
Electrical/Wiring - Section 25-64/Electrical Facilities	Fail	-Multiple open splices throughout basement and home shall be put into junction box. Permit and inspection required. Work performed by licensed electrician
Floor Joists - Section 25-36/Component Serviceability	Fail	-Multiple floor joist show signs of deterioration and shall be repaired. A section of multiple floor joists were notched to an unacceptable degree for the duct work. All shall be repaired as needed. Permit and inspection required
Foundation Walls - Section 25-36/Component Serviceability	Fail	-Foundation walls show signs of failure throughout. Mortar joints have washed out throughout entire foundation. Report from engineer or basement specialist to determine extent of repair required. Permit and inspection required for repair.
Component Serviceability - Section 25-36	Fail	-Multiple columns failing or improperly installed. Shall all be replaced, permit and inspection required -Red brick main support wall for overlap of floor joists in basement is failing, shall be repaired and replaced, permit and inspection required
Plumbing - Section 25-54/Plumbing Systems and Fixtures, Section 25-55/Water System	Fail	-Gas pressure test failed for re-activation of gas service. Shall be repaired to restore gas utility. Permit and inspection required.
Other/Interior	Fail	-Garbage and rubbish throughout home shall be removed
<b>Exterior: Checklist</b>		
Protective Treatment - Section 25-34 / Exterior Structure	Fail	-Siding has reached end of life and is failing, falling apart, or missing in multiple areas. Siding has failed for such an extent of time that areas of structural wall sheathing underneath have failed and holes exist into the wall structure. Existing siding shall be removed, an inspection of wall sheathing underneath shall be performed to assess the extent of necessary replacement and repair,



Title	Status	Reason
		potential of needed wall structure repair, as well as replacement of siding protection. Permit and inspection required
Structural Members - Section 25-36 / Component Serviceability	Fail	-Structural wall on front, east facing, wall has been exposed to weather and cripple wall underneath the north east window is failing as well as the window sill. Wall shall be dismantled to assess the extent of damage and rebuilt. Permit and inspection required
Foundation Walls - Section 25-36 / Component Serviceability	Fail	-Multiple areas of the stack stone foundation have eroded leading to the start of failure of the foundation, primarily at all corners of the home. Foundation shall be repaired. Permit and inspection required.
Exterior Walls - Section 25-34 / Exterior Structure	Fail	-Multiple areas of the exterior wall are failing due to dilapidation and neglect. Primarily area of north east window. All exterior wall areas shall be repaired
Electrical Service - Section 25-64 / Electrical Facilities	Fail	-Electrical service conduit is improperly strapped and shall be repaired. Permit and inspection required, licensed electrician required.
Light Fixtures, Outlets & Switches - Section 25-65 / Electrical Equipment	Fail	-All missing and broken light fixtures shall be replaced. Permit and inspection required
Openable Windows, Building Security - Section 25-34 / Exterior Structure	Fail	-Multiple broken missing windows shall be replaced. All windows shall be repaired to function properly: easily open and close, hold open when opened, be properly weather protected and sealed, and lock where required. Permit and inspection required.
Rubbish & Garbage - Section 25-38	Fail	-Garbage throughout exterior shall be properly disposed of





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DANGER

































































