

**RESOLUTION NO. 2021 - 04**

**RESOLUTION AUTHORIZING AMENDED REAL ESTATE PURCHASE  
AGREEMENT FOR SALE OF PROPERTY LOCALLY KNOWN AS  
216 6<sup>th</sup> AVENUE NW**

**WHEREAS**, the City of Independence, Iowa, owns an approximately 132' x 133' parcel of residential real property ("Property"), containing a dilapidated residential dwelling ("Dwelling") and a detached garage ("Garage"), locally known as 216 6<sup>th</sup> Avenue NW, identified as Auditor's Parcel No. 06.34.382.001, and legally described as follows:

LOTS 3 AND 4 IN FARGO'S SUBDIVISION IN BLOCK 24 OF BARTLE'S  
SECOND ADDITION TO INDEPENDENCE, BUCHANAN COUNTY, IOWA;  
and

**WHEREAS**, on October 12, 2020, the City Council resolved, pursuant to Resolution 2020-72, to sell the Property to Ohl Construction, Inc. in exchange for the consideration and upon the terms and conditions specified in the Real Estate Purchase Agreement attached thereto and incorporated therein; and

**WHEREAS**, the Real Estate Purchase Agreement attached to and incorporated in Resolution 2020-72 required Ohl Construction, Inc., as part of the consideration for its purchase of the Property, to demolish the Dwelling within ninety (90) days of closing and to construct a new duplex on the Property containing two (2) residential dwelling units, each containing approximately 900 square feet, within twelve (12) months of closing; and

**WHEREAS**, as of the date this Resolution is considered the sale of the Property to Ohl Construction, Inc. has not yet closed; and

**WHEREAS**, Ohl Construction, Inc. may have the opportunity to rehabilitate the historic Dwelling and return it to productive use as opposed to demolishing the Dwelling and constructing a duplex in its place; and

**WHEREAS**, the Amended Real Estate Purchase Agreement attached hereto and incorporated herein would allow Ohl Construction, Inc. the flexibility to either rehabilitate the historic Dwelling and return it to productive use, or to demolish the Dwelling and to construct a duplex in its place, upon the terms and conditions set forth therein; and

**WHEREAS**, the City Council has determined it to be in the best interest of the community to provide Ohl Construction, Inc. the opportunity to attempt to rehabilitate the historic Dwelling.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Independence, Iowa, that the Mayor and City Clerk of the City of Independence, Iowa, are hereby authorized and directed to execute the attached Amended Real Estate Purchase Agreement with Ohl Construction, Inc.; to execute a Quit Claim Deed conveying the Property to Ohl Construction, Inc.; and to take such further steps as may be necessary to facilitate conveyance of the Property as aforesaid.

**RESOLUTION NO. 2021-04** was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 11<sup>th</sup> day of January, 2021.

Record of Voting:

Ayes: Callahan, Rodriguez, Hill, Scharff, Kurtz, O'Loughlin, and Hanna

Nays:

Absent:

**RESOLUTION NO. 2021-04** declared passed and adopted by the Mayor on this 11<sup>th</sup> day of January, 2021.

Bonita Davis Mayor  
Bonita Davis, Mayor of the City of

Independence, IA

ATTEST:

Susi Lampe  
Susi Lampe, Deputy Clerk of the City of Independence, IA