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Scott County Iowa
Rita A. Vargas Recorder

File **2014-00021517**

Application for Condemnation

Recorder's Cover Sheet

Preparer Information: Brian Heyer, Assistant City Attorney
Davenport Legal Department
226 W 4th Street, Davenport, IA 52801
(563) 326-7735

Taxpayer Information: City of Davenport
Attn: Mike Atchley
226 W 4th Street, Davenport, IA 52801

Return Document To: Brian Heyer, Assistant City Attorney
Davenport Legal Department
226 W 4th Street, Davenport, IA 52801
(563) 326-7735

Grantors: N/A

Grantees: N/A

Parcel Identification Number: G0053-04

Legal Description: Lot 3 except the West 40 feet thereof, and all of Lot 4, both in Block 35 in the Original Town (now city) of Davenport, Scott County, Iowa

Document or instrument number of associated documents previously recorded:
none

DEPT. OF PUBLIC SAFETY
SHERIFF
SCOTT COUNTY IOWA
2014 AUG 15 AM 10:39

IN THE SHERIFF'S OFFICE OF SCOTT COUNTY, IOWA

IN THE MATTER OF THE)	APPLICATION FOR	RECEIVED
CONDEMNATION OF)	CONDEMNATION:	
CERTAIN RIGHTS IN LAND FOR)		
THE PUBLIC PURPOSE OF)		
REHABING A RESIDENTIAL)		
BUILDING FOUND TO BE A)		
PUBLIC NUISANCE -- §364.12A)		
)		
by the)	510 W 6 th STREET	
)	RESIDENTIAL BUILDING	
)	PUBLIC NUISANCE	
CITY OF DAVENPORT, IOWA)	REHABILITATION	
Applicant.)	PROJECT	

TO: THE HONORABLE MARLITA A. GREVE, CHIEF JUDGE,
SEVENTH JUDICIAL DISTRICT OF IOWA

YOU ARE HEREBY NOTIFIED that the Applicant, the City of Davenport, a municipal corporation, desires to take, acquire and condemn a fee simple interest in the property hereafter described, together with any and all leasehold interests, easement interests and other legal or equitable interests therein, and together with all structures and appurtenances located upon the property sought to be condemned. The City of Davenport desires the rights specified in the property sought to be condemned for the public purpose of disposing of the property under Iowa Code §364.7 by conveying the property to a private individual for rehabilitation or for demolition pursuant to the authority granted to it in Iowa Code §364.12A.

1. PROPERTY TO BE ACQUIRED; PUBLIC USE FOR THE TAKING.

The property from which the city seeks to condemn a fee simple interest for the rehabilitation or demolition of a residential nuisance is:

Scott County Parcel No. G0053-04 more commonly known as
510 West Sixth Street, Davenport, Iowa.

Said parcel sought through condemnation is the further described on the attached Scott County parcel records, marked as Exhibit "A" and by this reference made a part hereof. This project involves the acquisition of land pursuant to Iowa Code §364.12A for the public purpose of disposing of the property under §364.7 by conveying the property to a private individual for rehabilitation or demolition.

THE INTEREST(S) TO BE ACQUIRED FROM PARCEL G0053-04 IS LEGALLY DESCRIBED AS FOLLOWS:

This parcel is owned by Gordon L. Muller.

Acquisition in fee simple –

Lot 3, except the West 40 feet thereof, and all of Lot 4, both in Block 35 in the Original Town (now city) of Davenport, Scott County, Iowa.

2. NAMES OF RECORD OWNERS AND HOLDERS OF LIENS AND ENCUMBRANCERS OF THE PROPERTY.

Titleholders:

Gordon L. Muller, a single person

Lienholders, Encumbrancers, and Leaseholders:

None of record.

3. LANDS NECESSARY TO ACHIEVE THE PUBLIC PURPOSE AND LANDS PROPOSED TO BE ACQUIRED FOR THE PROJECT.

The acquisition of the subject property is required to abate a public nuisance residential building and property pursuant to Iowa Code §364.12A. The provided legal description constitutes the necessary minimum amount of land to achieve the public purpose and no portion of any parcel is being acquired as an uneconomic remnant.

4. GOOD FAITH EFFORTS MADE BY CITY TO NEGOTIATE THE PURCHASE OF THE PROPERTY.

The City of Davenport represents and warrants that it has undertaken the following activities in attempting to negotiate the purchase of the identified property from the property owner:

(a) The city hired Melissa Rupp, SRA, of Integrity Appraisals, LLC, to develop an opinion of fee simple market value for the purpose of acquiring the subject property. On March 10, 2014, Melissa Rupp provided said appraisal to the city.

(b) On April 9, 2014, Corporation Counsel Tom Warner and Planning Specialist Ryan Rusnak hand-delivered to Gordon Muller a copy of the value finding appraisal indicating the fair market value of the

property as well as an offer to purchase the property at the appraised value.

(c) On May 14, 2014, the City of Davenport City Council adopted a resolution, under Roll Call No. 2014-167, authorizing the use of condemnation of private property for acquisition of the property at 510 W 6th Street, Davenport, Iowa.

(d) The City's efforts to purchase the properties identified at fair market value pursuant to appraisal were unsuccessful.

NOW THEREFORE, pursuant to a regularly adopted resolution by the City Council of the City of Davenport, Iowa, you are hereby requested to appoint a Compensation Commission to appraise damages caused by this appropriation; said Compensation Commission to consist of six commissioners who shall be residents of Scott County, Iowa. You are further requested to give written notice to the City of Davenport, Iowa, as soon as the commissioners are appointed.

Dated this 23rd day of June 2014.

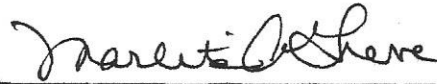
City of Davenport



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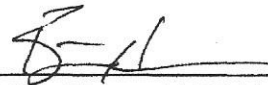
Fax (563) 328-6767
beh@ci.davenport.ia.us

APPROVED ON THIS 23rd day of June 2014.



Marlita A. Greve
Chief Judge
7th Judicial District of Iowa

In accordance with Iowa Code §6B.3(7), I, the undersigned, certify under penalty of perjury and pursuant to the laws of the State of Iowa that this Original Application for Condemnation has been approved by the Chief Judge of the 7th Judicial District of Iowa.



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Filed in my office at Davenport, Scott County, Iowa, on this 15th
day of ~~June~~ 2014.

August



Dennis Conard
Sheriff, Scott County