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DWIGHT N. REILAND, RECORDER
WRIGHT COUNTY IOWA

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Prepared by Dani L. Eisentrager, PO Box 346, Eagle Grove, IA 50533 515-603-6400

AFFIDAVIT REGARDING PUBLIC SEWERS

STATE OF IOWA, WRIGHT COUNTY, ss:

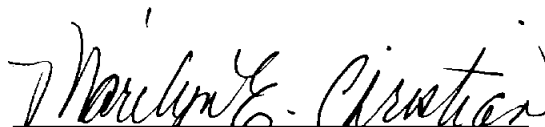
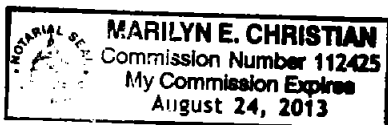
I, Dani L. Eisentrager, being first duly sworn on oath, depose and state as follows:

1. I am the attorney for the City of Eagle Grove, Wright County, Iowa.
2. Attached is the Ordinance Amending Chapter 97 of the Code of Ordinances of the City of Eagle Grove, Iowa. Ordinance No. 2011-01 was passed by the City Council on January 3, 2011.



Dani L Eisentrager (AT0008960)
109 S. Commercial P.O. Box 346
Eagle Grove, Iowa 50533
Phone: (515) 603-6400 Fax: (515) 603-6401
E-mail: eisentragerlaw@wmtel.net

Subscribed and sworn to before me this 24th day of April 2012.



Notary Public in and for Iowa

ORDINANCE NO. 2011-01

**AN ORDINANCE AMENDING CHAPTER 97
OF THE CODE OF ORDINANCES OF THE
CITY OF EAGLE GROVE, IOWA**

BE IT ORDAINED by the Council of Eagle Grove, Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend Chapter 97 of the Code of Ordinances in order to provide for the health, welfare, and safety of the citizens of Eagle Grove, Iowa.

SECTION 2. Chapter 97 USE OF PUBLIC SEWERS is amended to add Section 97.02.4 as follows:

4. Demolition of Building. If the buyer intends to demolish or raze the building or residence so that no sewer connection is necessary, the buyer shall provide the City with a Binding Acknowledgement of intent to demolish and provide a date certain when the demolition will be complete. Demolition shall be completed within 120 days of the date of closing, unless weather or other temporary physical conditions delay such demolition. Upon completion of the demolition the buyer shall provide an Affidavit of Demolition to City Hall and the City Administrator shall prepare the Compliance Permit Regarding Water Discharge identifying the real property and stating that no building exists on the property and no sewer connection is required. The owner shall file the Permit with the Wright County Recorder. Failure to timely complete the demolition shall result in penalties as outlined in Section 97.02., Subsections 1. B through F.

SECTION 3. Chapter 97 USE OF PUBLIC SEWERS is amended to add Section 97.02.5 as follows:

5. Exempt Property. For the purposes of this subsection, "sale" means the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased, if the property includes at least one but not more than four dwelling units. However, "sale" does not include any of the following:

(1) A sale or transfer made pursuant to a court order, including but not limited to a transfer under Iowa Code Chapter 633 or 633A, the execution of a judgment, the foreclosure of a real estate mortgage pursuant to Iowa Code Chapter 654, the forfeiture of a real estate contract under Iowa Code Chapter 656, a transfer by a trustee in bankruptcy, a transfer by eminent domain, or a transfer resulting from a decree for specific performance.

(2) A transfer to a mortgagee by a mortgagor or successor in interest who is in default, or a transfer by a mortgagee who has acquired real property at a sale conducted pursuant to Chapter 654, a transfer back to a mortgagor exercising a

right of first refusal pursuant to Iowa Code Section 654.16A, a non-judicial voluntary foreclosure procedure under Iowa Code Section 654.18 or Iowa Code Chapter 655A, or a deed in lieu of foreclosure under Iowa Code Section 654.19.

(3) A transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) A transfer between joint tenants or tenants in common.

(5) A transfer made to a spouse, or to a person in the lineal line of consanguinity of a person making the transfer.

(6) A transfer between spouses resulting from a decree of dissolution of marriage, a decree of legal separation, or a property settlement agreement which is incidental to the decree, including a decree ordered pursuant to Iowa Code Chapter 598.


(7) A transfer for which consideration is five hundred dollars or less.

(8) A deed between a family corporation, partnership, limited partnership, limited liability partnership, or limited liability company as defined in Iowa Code Section 428A.2, subsection 15, and its stockholders partners, or members for the purpose of transferring real property in an incorporation or corporate dissolution or in the organization or dissolution of a partnership, limited partnership, limited liability partnership, or limited liability company under the laws of this state, where the deed is given for no actual consideration other than for shares or for debt securities of the family corporation, partnership, limited partnership, limited liability partnership, or limited liability company.

SECTION 4. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity as a whole of any section, provision, or part not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval, or any publication required by law.

Passed by the City Council on the 3rd day of January 2011.


Ray Kellogg, Mayor


Mike Boyd, City Administrator

ATTEST: 
Mike Boyd, City Administrator