

IN THE COURT OF APPEALS OF IOWA

No. 1-847 / 10-1076
Filed December 7, 2011

CITY OF COUNCIL BLUFFS,
Petitioner-Appellee,

vs.

RAMON A. VELEZ
and POTTAWATTAMIE COUNTY, IOWA
Respondents,

DAVID R. LUCAS,
Appellant.

Appeal from the Iowa District Court for Pottawattamie County, Kathleen A.
Kilnoski, Judge.

The respondent appeals from the district court's order awarding title to an
abandoned property to the petitioner. **AFFIRMED.**

David R. Lucas, Council Bluffs, appellant pro se.

John M. Burns of Burns Law Firm, Omaha, Nebraska, for appellee.

Considered by Sackett, C.J., and Vogel and Eisenhauer, JJ.

VOGEL, J.

David Lucas appeals from the district court's order awarding title to an abandoned property to the City of Council Bluffs pursuant to Iowa Code section 657A.10A (2009). Lucas was not a named defendant nor did he participate in the underlying proceedings, and the district court order did not reference Lucas. In his brief, Lucas admits he was not a title holder. While we question how he has standing to bring this appeal, we need not reach this issue because none of the arguments he raises on appeal are preserved. The constitutional arguments he asserts were not raised before the district court. See, e.g., *State v. Krogmann*, 804 N.W.2d 518, ___ (Iowa 2011) (explaining that where a party does not raise constitutional arguments to the district court, those arguments are not preserved for appeal) (citing *State v. Mitchell*, 757 N.W.2d 431, 435 (Iowa 2008) (stating that "[a] party challenging the constitutionality of a statute must alert the court to what specific constitutional provisions are allegedly compromised by the statute" (internal alteration and quotation marks omitted))); *Meier v. Senecaut*, 641 N.W.2d 532, 537 (Iowa 2006) ("It is a fundamental doctrine of appellate review that issues must ordinarily be both raised and decided by the district court before we will decide them on appeal."). Because none of his arguments were preserved for appeal, we affirm.

AFFIRMED.