



Roll Call Number

24-0679

Agenda Item Number

43 A

Date May 6, 2024

ABATEMENT OF PUBLIC NUISANCE AT 3411 HUBBELL AVE.

WHEREAS, the property located at 3411 Hubbell Ave., Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, Mandarin Oasis Hotel LLC, and the Mortgage Holder, Ron Wish LLC, were notified more than thirty days ago to repair or demolish the main structure and as of this date have failed to abate the nuisance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure on the real estate legally described as

Lots 16, 17, 18, 19, 20, and 21 and the Southwest 120 feet of Lot 11 which abuts said Lots 16 through 21, also all of Lots 10, 22, 23, 24, and 25 except the East 300 feet of said Lot 10 (as measured on the South line of said lot) and except the East 300 feet of Lots 22, 23, 24, and 25, and all that part of Lot 49 lying within 171.2 feet of the South boundary line of Avenue Frederick M. Hubbell, and that part of Lot 48 beginning at the Northeast corner of said Lot 48 and running thence 30 feet Southwest on the South boundary line of Avenue Frederick M. Hubbell, thence at right angles Southeast to East line of said Lot 48, thence North and Northwest along East boundary line of said Lot 48 to the point of beginning, all of said foregoing lots, and portions of lots being in MARKET GARDENS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; subject to easement for highway purposes recorded in Book 2880 on Page 457;

AND

Lot 26, except the East 300 feet, in MARKET GARDENS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa;

AND

Except that part of Lot 49 as described in Warranty Deed recorded in Book 9890 Page 364 in MARKET GARDENS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa;

AND

Including that part of Lot 49 as described in Quit Claim Deed recorded in Book 10069 Page 487 in MARKET GARDENS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, AND Except that part of Lots 16, 17, 18, 19, 20, 21, 22, 48, and 49 as described in Warranty Deed recorded in Book 16820 Page 913 in MARKET GARDENS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa,

and locally known as 3411 Hubbell Ave., has previously been declared a public nuisance;



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The City Legal Department, through Special Counsel Ahlers & Cooney, P.C., is hereby authorized to file an action in district court to obtain a decree ordering the abatement of the public nuisance and should the owner(s) fail to abate the nuisance, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structure.

Moved by Coleman to adopt.

Seconded by Gatto

FORM APPROVED:

Kristine Stone

Kristine Stone, Special Counsel Ahlers & Cooney, P.C.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
MANDELBAUM	✓			
SIMONSON	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

Connie Boeser Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Laura Baumgartner City Clerk