

**OFFICE OF THE CITY MANAGER
DES MOINES, IOWA**

**CITY COUNCIL COMMUNICATION 96-395
SEPTEMBER 16, 1996 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PUBLIC NUISANCE ACTION ON PROPERTY AT 1437 E. WASHINGTON	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JAMES JOHNSON PERMIT AND DEVELOPMENT ADMINISTRATOR

SYNOPSIS —

This is a public hearing as a result of notices sent to the record title holders and any known parties who have a legal interest in the property at 1437 E. Washington Avenue. In this notice, the Building Official deemed the structures on this property public nuisances and gave these parties 30 days to repair or demolish these structures. This hearing is to either concur or deny the findings of the Building Official and refer to the Legal Department for legal action.

FISCAL IMPACT —

None anticipated. The proposed action is for the Legal Department to collect all costs from the owners by means of a personal judgment. Demolition of the buildings has been estimated at \$9,000. Court costs include a \$30 filing fee and \$16.50 per person to serve each of the three parties (\$49.50 total).

RECOMMENDATION —

Approval.

BACKGROUND —

This property consists of a severely deteriorated greenhouse structure, along with two deteriorated detached garage structures that appear to have been moved onto the site.

As a result of a complaint, this property was inspected by inspection personnel of the Community Development Department. As a result, it was determined that excessive trash and debris existed on the site, that the buildings were not properly secured, and that they were severely deteriorated to a degree that they constitute a public nuisance. Notices were served to the owners of this property to remove the excessive debris and also secure the building. The Neighborhood Inspection Division followed up by cleaning all known debris from around the building. The property owner, Dr. Bannister, took measures to secure the structures.

Concurrently, the property ownership records were being investigated such that a public nuisance action, as described in Section 8-6 of the Municipal Code, could be taken against this property in order to abate the severely deteriorated buildings on this site. As a result of this investigation, it was determined that the record title holders of this property are Dr. Robert B. Bannister and Janice E. Bannister. First Citizen's National Bank of Clarion, Iowa also appears to hold a legal interest in this property by means of a tax sale on February 12, 1996.

All parties were served, by means of certified mail, with a notice that said buildings must be repaired or demolished within 30 days, or the matter of abating this public nuisance would be presented to the City Council on September 16, 1996 at a public hearing. This time the Council could refer the matter to

the Legal Department to proceed with the appropriate legal action to abate this nuisance, or they could determine that further time should be allowed for the owner to repair or demolish the buildings, or they could revoke the determination of the Building Official that said buildings are public nuisances.

On August 22, 1996, the City Clerk received a written statement from Joseph W. Seidlin, attorney on behalf of Dr. Bannister, objecting to the determination of the Building Official that said buildings must be repaired or demolished within 30 days, and that Dr. Bannister requests an extension of time to remedy the situation on this property and wishes to be heard by the City Council as to this request.

To date, no permits have been obtained to demolish or repair these buildings, nor has inspection personnel observed any activity on this site.