

**CITY COUNCIL  
COMMUNICATION:**

**ITEM \_\_\_\_\_**

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

**99-100**

**SYNOPSIS -**

**AGENDA:**

MARCH 15, 1999

**SUBJECT:**

PUBLIC NUISANCE  
AT 1801 DES  
MOINES STREET  
A.K.A. 1824  
HUBBELL AVE.

The property at 1801 Des Moines Street (1824 Hubbell Avenue) is a commercial property that has had intermittent construction without completion. The garage type structure had, until recently, been elevated and supported on temporary timbers, and is partially secured by fences. It does not have the required fire separation from adjacent uses, basic sanitation facilities, and does not demonstrate conformance to codes and regulations applicable to its proposed use (car repair and sales lot). The overall property suffers from neglect and periodic abandonment, and presents an unattractive nuisance to the degree that, in the opinion of the Building Official, constitutes a public nuisance. We recommend this matter be referred to the Legal Department for abatement and collection of costs.

**TYPE:**

**RESOLUTION**  
ORDINANCE  
RECEIVE/FILE

**FISCAL IMPACT -**

Estimated demolition costs are approximately \$2500. All costs associated with this action are intended to be collected from the property owner by means of a personal judgement.

**SUBMITTED BY:**

JAMES GRANT  
COMMUNITY  
DEVELOPMENT  
DIRECTOR

**RECOMMENDATION -**

**Approval.**

**BACKGROUND -**

The owner of this property, Terill M. and Janice L. Baner; the Contract Purchaser, Leo and Shirley Reha; and the tax certificate holders, (Tax 19, Attn: John Zajicek) have been served with notice dated January 28, 1999, to repair or demolish this building. Receipt of notice was confirmed by means of certified mail dated February 1 and February 2, 1999. The City Clerk received a response from Mr. Reha February 4,

1999, contesting this determination.

On February 1 and 2, all interested parties were served with a notice to repair or demolish this structure within 14 days from the receipt of the notice. If those parties failed to comply with this notice, the matter would be presented to the City Council on March 15, 1999, at which time it would be the Community Development Department's recommendation to refer the matter to the Legal Department in order to bring the appropriate legal action against said property to abate this public nuisance.

An inspection of this property on March 9, 1999, found that progress had been made with respect to anchorage of the building to the foundation, but that the structure has not been permanently enclosed, or brought into conformance with applicable standards.

Attached to the roll call is a copy of the January 28, 1999, notice, and a current Property Condition Report prepared by the Permit and Development Center.