

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

99-194

SYNOPSIS -

AGENDA:

MAY 3, 1999

Authorization for the Legal Department to seek legal action against the owner of 1346 and 1348 Buchanan Street, Mr. Donald S. Haugh, Jr., to abate this nuisance.

SUBJECT:

PUBLIC NUISANCE
AT 1346 AND 1348
BUCHANAN STREET

FISCAL IMPACT -

Estimated demolition costs are \$16,000. All costs associated with this action are intended to be collected from the owner by means of a personal judgement or assessed against the real estate as a property tax.

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

RECOMMENDATION -

Approval.

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

BACKGROUND -

The subject building is approximately a 2,000 square-foot building with a partial roof, which is severely deteriorated. The remaining portion of the building, which does not have a roof, is an addition that proceeded without a Building Permit. The owner has been notified that this building, as it presently stands, constitutes a public nuisance and that it must be repaired/completed or demolished in accordance with applicable codes and ordinances. Considering the addition proceeded without a review or permits, the City has been unable to establish a legitimate permitted use for this building. The owner, Mr. Donald S. Haugh, Jr., is required to submit plans for review and approval, prior to repair/completion of this project. He has not submitted plans or formally made application for a building permit.

The owner of the property has been served with notice, dated

April 1, 1999, to repair or demolish this structure within 30 days of the notice date. The notice stated that if he failed to comply with this notice, this matter would be presented to the City Council on May 3, 1999, at which time it would be the Community Development Department's recommendation that this matter be referred to the Legal Department to bring the appropriate legal action against the property to abate this public nuisance, which could result in an order for the building to be renovated or demolished in accordance with our City Codes.

Mr. Haugh responded to this notice with a letter contesting the determination of public nuisance, with claims that he has been denied a permit. Mr. Haugh has contacted the Permit and Development Center on occasion, the most recent date April 6, 1999, but has not produced plans or any documents that enable confirmation of compliance with applicable construction and zoning regulations.

An inspection of this property on April 26, 1999, found that no improvements have been made.