

## Meeting Agendas/Info

**CITY COUNCIL  
COMMUNICATION:**

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

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

**01-111**

**SYNOPSIS -**

**AGENDA:**

MARCH 12, 2001

This owner-occupied single family dwelling has plumbing and building systems that have failed or deteriorated to a degree that, in the opinion of the Building Official, is threatening to the health, safety, and welfare of the public and the building occupants. As such, it constitutes a public nuisance.

**SUBJECT:**

PUBLIC NUISANCE  
AT 4017 CAMBRIDGE  
STREET

**FISCAL IMPACT -**

Estimated demolition costs are \$6,500. All costs associated with this action are intended to be collected from the owner by means of a personal judgement or assessed against the property.

**TYPE:**

**RESOLUTION**  
ORDINANCE  
RECEIVE/FILE

**RECOMMENDATION -**

**Approval.**

**SUBMITTED BY:**

JAMES GRANT  
COMMUNITY  
DEVELOPMENT  
DIRECTOR

**BACKGROUND -**

This property has sewer and fresh water plumbing systems that are damaged and leaking, and have the potential to cause a cross connection between the two systems that could contaminate the fresh water system of the city. Raw sewage has leaked onto the first floor and basement levels. The main floor level bathroom has been partially disassembled and is non-functional. Other defects exist, including a non-functioning water heater, leaking roof, partially collapsed ceiling, and an aged and questionable furnace. The building contains animal and human wastes, vermin and insect infestation, and garbage and debris.

An emergency order that required the owner to correct the problems within 30 days was unsuccessful.

The titleholder of the property, Ms. Mary E. Commander, has been

served with notices dated November 17, 2000 and January 23, 2001. These notices required the titleholder to vacate and repair, or demolish this structure within 30 days. The property has been vacated, and the titleholder is now residing with her son in Plattsmouth, NE. A City contractor has secured the property. To date, there have been no permits issued to correct the defects, and the property remains in violation.

A letter dated February 22 from the titleholder, Mary Commander, was recently received by the Permit and Development Center. This letter asked for leniency, but proposes no concrete commitment to repair the structure other than a general indication that work on the property can begin sometime following the end of April. While this letter is very compelling, it is staff recommendation that this public nuisance action be approved at this time. By doing so, it will enable the City to bring a legal action to cause its demolition or repair in the event the titleholder fails to bring the building into compliance. If the titleholder intends to renovate this structure, it is staff recommendation that the City negotiate a legal settlement through the courts, thus placing the City in a position to abate this public nuisance should the owners' general commitments fail to develop.

Attached to the roll call is a property condition report prepared by this office, copies of notices and return receipts, a site plan, and photographs of the subject property.