



Agenda Item:

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COUNCIL COMMUNICATION
City Manager's Office

GENERAL INFORMATION

Agenda Date: 03/07/05
120

Communication No.: 05-

| Agenda No.: | Item | Type: | Resolution | Roll | Call |
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Submitted by: Larry Hulse, Community Development Director

SUBJECT—

Authorizing Legal action to obtain title to abandoned public nuisance property at 1543-9th Street.

SYNOPSIS—

The structure located at 1543 9th Street has been declared a public nuisance and has been abandoned by the owner. The City of Des Moines has the opportunity to seek a court order transferring title to the real estate to allow for the renovation of the structures by an interested not-for-profit third party agency.

FISCAL IMPACT—

The City will incur the cost to file and serve the lawsuit.

RECOMMENDATION—

Approval.

BACKGROUND—

The structures were declared to be a public nuisance on May 16, 2002. The owner 2221 Carpenter, LLC, Registered Agent, John Davis and the contract buyer, Cash Consultants, LC, Registered Agent, John Davis were notified to abate the nuisance. They failed to renovate or remove the structures and on May 21, 2003 the City of Des Moines filed a petition in the Polk

County District Court. On October 29, 2003 the court entered an order directing the owner to abate the nuisance. The property remains a public nuisance and the owner has taken no steps to abate the nuisance.

The neighborhood association has contacted City staff regarding saving the structures. The City attempted to assist a private party in securing title to the property through a tax certificate. The owner of the property paid off the taxes.

In 2004 the Iowa legislature enacted 657A.10A which allows cities to petition the District Court to enter judgment awarding title to abandoned residential properties. If the Court determines that the property has been abandoned, the Court may award title to the City free and clear of any claims, liens or encumbrances.

Once the City obtains title to the property it is treated as any other city property and can be held or sold pursuant to the requirements of 364.7.

Staff is seeking to take title to the real estate in order to transfer it to a private individual for renovation.