

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: September 28, 2015
	Agenda Item No. 58C Roll Call No. <u>15-1652</u> Communication No. <u>15-517</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Communication regarding fire escrow account and request for approval to file legal action regarding the accessory structure located at 2411 Woodland Avenue.

SYNOPSIS:

On January 28, 2015 the structure located at 2411 Woodland was inspected and found to have significant fire damage so as to create a hazard to health, safety or welfare of any occupants and the general public.

On April 1, 2015 the public nuisance notice was served on the titleholder, Russell G. Scharnberg.

On May 14, 2015 the City of Des Moines received notice that American Modern Select Insurance Company is holding a fire escrow account in the amount of \$10,000.00 to cover demolition costs pursuant to Iowa Code Section 515.138. Legal action must be commenced within 180 days of the receipt of notice of the fire escrow account in order for the City of Des Moines to retain an interest in the fire escrow account to use for demolition costs.

As of the last inspection, September 4, 2015 the structure was found to remain a public nuisance.

In the event the structure is not renovated or removed by December 1, 2015 the Community Development Department seeks approve to commence legal action seeking authorization to cause the removal of the structure.

FISCAL IMPACT:

Amount: Estimated \$45,000.00 in the event the City should complete the demolition.

Funding Source: Funding through Neighborhood Inspection Zoning Division, CD041042

ADDITIONAL INFORMATION:

Previously requests for approval to file legal action regarding public nuisance structures were referred to the City Council sitting as the Board of Health. They now appear on the regular council agenda.

PREVIOUS COUNCIL ACTION(S):

Date: August 24, 2105

Roll Call Number: [15-1448](#) and [15-1449](#)

Action: [Amending](#) Municipal Code Chapter 60-310 and 60-377 relating to referral of residential public nuisance structures and certification of costs. ([Council Communication No. 15-457](#)) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

- (A) [Final](#) consideration of ordinance above (waiver requested by Community Development Director), requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,399](#). Motion Carried 7-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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