

# COUNCIL COMMUNICATION

	Number:	<b>26-067</b>	Meeting:	<b>February 23, 2026</b>
	Agenda Item:	<b>29</b>	Roll Call:	<b>26-0247</b>
	Submitted by:	<b>Chris Johansen, Neighborhood Services Department Director</b>		

## AGENDA HEADING:

Resolution authorizing satisfaction of judgment liens impacting 1196 9th Street, 1331 13th Street, 1245 21st Street, and 37 East Gray Street.

## SYNOPSIS:

The Neighborhood Services Department in consultation with the Legal Department has reviewed a set of public nuisance judgements. Four (4) properties have been identified in which the judgements are preventing the properties from being offered at tax sale, which makes redevelopment unlikely for multiple years. By releasing the judgements, the City can pursue the deeds from the annual Polk County tax sale.

## FISCAL IMPACT:

Amount: Waiver of the cost of the public nuisance demolition in the amount of \$239,365.08 of funds expended in prior fiscal years.

Funding Source: ND414000/527670/LT201/LT20100001

## ADDITIONAL INFORMATION:

- The structures declared public nuisances on all four (4) properties have been demolished and the nuisances are considered abated. This action would release the City's ability to collect on costs from public nuisance actions. The City of Des Moines rarely recoups the full cost of public nuisance abatements.
- The City Legal Department examined the title certificates for all four (4) properties to consider if lien foreclosure was an appropriate option. Three (3) of the identified properties have substantial title defects beyond the City's judgement lien, and all have significant delinquent taxes. Foreclosing on the judgement liens is not recommended for these specific properties due to the extensive title defects and significant delinquent tax amounts.
- The bulk of the funds being released are from one lien. The outstanding costs on the public nuisance action at 1196 9th Street are \$208,348.85. The other encumbrances to the property are estimated to be above \$500,000, and the property is assessed at \$24,400. The owner is deceased. It is unlikely the City will be paid if it forecloses on the lien or through collections.

- By satisfying the public nuisance judgement, the Polk County Treasurer can offer the delinquent taxes at the upcoming tax sale.
- When a tax deed is issued to a tax sale certificate holder, it clears many significant title defects that pre-date the issuance of the tax sale certificate so long as proper notice was given. This enables a path to clearing title and redevelopment.
- The City can use its authority under Iowa Code 446.19A to request the assignment of tax sale certificates associated with specific addresses to the City. The City participates annually in the tax sale. Once the judgements are satisfied, Neighborhood Services staff will monitor these addresses when they are offered at the annual tax sale. Should the City receive the tax sale certificates, staff will then pursue the tax deeds, identify a redevelopment strategy and/or partner, and convey the lots for infill development, as appropriate. Should the City receive the tax deed, there may be a chance to recoup some funds through the resale of the property.
- The ultimate goal is to redevelop abandoned or vacant parcels as a path to remove blight, strengthen neighborhoods, and increase the tax base. If the City does not secure the tax sale certificate or tax deed, it would mean the taxes were paid and indicate owner re-engagement.

**PREVIOUS COUNCIL ACTION(S):**

Date: May 23, 2022

Roll Call Number: [22-0799](#)

Action: Abatement of public nuisances as follows:

(G) [1331](#) 13th Street. Moved by Boesen to adopt. Second by Mandelbaum. Motion Carried 6-1.  
Absent: Gatto.

Date: November 15, 2021

Roll Call Number: [21-1731](#)

Action: Abatement of public nuisances as follows:

(A) [1196](#) 9th St. Moved by Gatto to adopt. Motion Carried 7-0.

Date: August 23, 2021

Roll Call Number: [21-1344](#)

Action: Abatement of public nuisances as follows:

(C) [1245](#) 21st Street. Moved by Gatto to adopt. Motion Carried 7-0

Date: December 18, 2017

Roll Call Number: [17-2164](#)

Action: Abatement of public nuisances at the following addresses:

(A) [37](#) E. Gray Street. Moved by Hensley to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

- The City Council must approve the City's participation in the tax sale and enter an affidavit with the Treasurer's office to approve a request for specific properties. Should these properties be offered at tax sale, they would be included within a list for City Council action. This is most likely in preparation for the annual sale each June. Should the City acquire tax deeds in the future, Council action is required to dispose of property.

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