

CITY OF DES MOINES, IOWA
Office of Legal
Community Development Department

TO: Mayor and Council Members
Larry Hulse, Director
Community Development

DATE: February 4, 2010

FROM: Cheryl Tillinghast
Legal Assistant

SUBJECT: Board of Health
February 8, 2010

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - (A) **926 Rose Avenue, main structure and accessory structure, Titleholders: Donald L. Folwell (deceased), Lester D. Folwell (deceased), and Sheryl Folwell, Heir and Executrix to the Estate of Lester D. Folwell**
 - 9/23/09 The structure was inspected and found to be a public nuisance.
 - 10/06/09 Service of the Public Nuisance Notice was accepted by Attorney Michael Laughlin who is representing Sheryl Folwell, Heir and Executrix to the Estate of Lester D. Folwell
 - 02/05/10 The property was re-inspected and found to remain a public nuisance.
 - (B) **1070 26th Street, main structure, Titleholders: Jack H. Stuart (Trust) and Mary E. Stuart**
 - 11/25/09 The structure was inspected and found to be a public nuisance. Interior pictures were taken at this time.
 - 12/22/09 The Public Nuisance Notice was served on the Titleholder Mary E. Stuart
 - 2/04/10 The property was re-inspected and found to remain a public nuisance
 - (C) **1075 26th Street, main structure, Titleholder: Robert J. Trausch**
 - 10/15/09 The structure was inspected and found to be a public nuisance. Interior pictures were taken at this time.
 - 12/07/09 The Public Nuisance Notice was served on the Titleholder Robert J. Trausch
 - 2/04/10 The property was re-inspected and found to remain a public nuisance
2. The release of the fire escrow account held for the structure located at 1043 M L King Jr. Parkway. Date of loss: 4/4/09
 - 08/07/09 The Permit and Development Center received a letter from Farm Bureau Mutual Insurance Company dated August 7, 2009, notifying the City that they were holding a demolition cost reserve to reimburse the City for costs incurred in the removal of a fire-damaged structure. In the same

communication they also asked that the funds be released because the property had been demolished by the owner. The letter had been misdirected in August and the City Clerk's office was not notified until 1/08/10.

09/16/09

Structure has been demolished by owner in compliance with applicable codes and all permits have been finalized; therefore, demolition cost reserve funds should be released in the amount of \$9,742.00 payable to the insured and \$258.00 payable to the City of Des Moines for costs due the City of Des Moines in connection with this public nuisance property.

cc: Bruce Bergman
Vicky Long Hill
Ben Bishop
Steve Gunson