

★ Roll Call Number

08-941

Agenda Item Number

BDH 1B

May 19, 2008

Date

WHEREAS, the property located at 1649 E Grand Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance that now requires emergency removal; and

WHEREAS, the known living heir, Opal Tomlinson, was notified by personal service more than thirty days ago to repair or demolish the structure and as of this date has failed to abate the nuisance; and

WHEREAS, the City Council of the City of Des Moines, Iowa, sitting as the Local Board of Health authorized the Legal Department to file an action in district court on November 19, 2007, by Roll Call No. 07-2270; and

WHEREAS, the Legal Department filed a Civil Equity action in Polk County District Court on December 18, 2007, CE 57800 and the known living heir, Opal Tomlinson, was notified by personal service but as of this date has failed to abate the nuisance; and

WHEREAS, the City of Des Moines will collect these costs as an assessment to be levied against the real estate as a property tax and the heir, Opal Tomlinson, has been so notified by certified letter;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, AND SITTING AS THE LOCAL BOARD OF HEALTH:

The structure on the real estate legally described as W 30F LT 12 & E 4F LT 13 BLK 59 STEWARTS ADDITION now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1649 E Grand Avenue has deteriorated to the point of requiring an emergency removal and may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structure; and

Moved by Vlassis to adopt.

FORM APPROVED:

*Vicky Long Hill*

Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

*T. M. Franklin*

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

*Diane Rauh*

City Clerk