

★ Roll Call Number

09-038

Agenda Item Number

BDH 1-F

Date January 5, 2009

WHEREAS, the property located at 1335 E 40th Street, was inspected by representatives of the City of Des Moines who determined that the main structure and accessory structure in their present conditions constitute not only a menace to health and safety but are also a public nuisance; and

WHEREAS, the Titleholder Kimberly R. Clark and Kimberly R. Clark Trustee for Skyler R. Burning, Minor Child and the Mortgage Holder Bank of the West were notified by personal service more than thirty days ago to repair or demolish the structures and as of this date have failed to abate the nuisance.

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

The structures on the real estate legally described as S 1/2 LOT 71 & ALL LOT 80 BROADACRE now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1335 E 40th Street have previously been declared a public nuisance;

The City Legal Department is hereby authorized to file an action in district court to obtain a decree ordering the abatement of the public nuisance, and should the owner fail to abate the nuisance, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structures.

Moved by Vlassis to adopt.

FORM APPROVED:

Vicky Long Hill
Vicky Long Hill, Assistant City Attorney

*Council Member Hensley declares a conflict of interest and abstains from voting.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	*			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			

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.

T. M. Franklin
Mayor

Diane Rauh
City Clerk