

★ Roll Call Number  
09-356

Agenda Item Number  
**BDH-IF**

Date February 23, 2009

WHEREAS, the property located at 2305 E 37<sup>th</sup> Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the flood-damaged structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders Carmen R. Abonce a/k/a Carmen Trujillo and Pablo Abonce and the Mortgage Holder Deutsche Bank, National Trust Company, as Trustee, in Trust for the Registered Holders of Ameriquest Mortgage Securities Inc., Asset Backed Pass-Through Certificates, Series 2006-R1 were notified by personal service more than thirty days ago to repair or demolish the flood-damaged structure 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, AND SITTING AS THE LOCAL BOARD OF HEALTH:

The structure on the real estate legally described as LOT 797 FOUR MILE, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2305 E 37<sup>th</sup> Street has 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 owners 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 Hensley 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			

**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. Jordan  
Mayor

Diane Rauh  
City Clerk