

★ Roll Call Number  
09-804

Agenda Item Number  
**BDH 1A**

May 4, 2009

Date .....

WHEREAS, the property located at 1213 Frazier Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the fire-damaged main structure and garage structure in their present conditions constitute not only a menace to health and safety but are also a public nuisance; and

WHEREAS, the Titleholder Christine Stratton and Mortgage Holders Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement dated as of April 1, 2003, Morgan Stanley Capital Inc. Trust 2003-NC4 and West Bank 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, AND SITTING AS THE LOCAL BOARD OF HEALTH:

The structures on the real estate legally described as E 35F LT 45 & W35F LT 46 SHERIDAN PLACE, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1213 Frazier Avenue 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 Kiernan 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          | 6    |      |      | 1      |

MOTION CARRIED

APPROVED

T. M. Franklin Cownie  
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