



Roll Call Number

09-1515

August 10, 2009

Date

Agenda Item Number

BDH 1-D

WHEREAS, the property located at 985 25th Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the fire-damaged main structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder Lori J. Weber and Mortgage Holder First Federal Savings Bank n/k/a Vantas Bank were notified by personal service more than thirty days ago to repair or demolish the structure and as of this date have 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 May 4, 2009, by Roll Call No. 09-805; and

WHEREAS, the City of Des Moines Legal Department filed a Civil Equity action in Polk County District Court on June 2, 2009, CE 62292; and

WHEREAS, on June 15, 2009, the City of Des Moines was notified by First Federal Savings Bank n/k/a Vantas Bank that they are not the mortgage holder for this property and the correct mortgage holder is First Federal Savings Bank of Fort Dodge, Iowa; and

WHEREAS, the Mortgage Holder First Federal Savings Bank of Fort Dodge, Iowa 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

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 fire-damaged structure on the real estate legally described as N 50 F LOT 180 UNIVERSITY LAND COS 1ST ADDITION, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 985 25th Street has previously been declared a public nuisance;



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The City Legal Department is hereby authorized to file an amended 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 structure.

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