

★ Roll Call Number

11-1837

Agenda Item Number

BDH 11

Date October 24, 2011

WHEREAS, the property located at 1989 SW 9th Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the collapsed retaining wall in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder Federal National Mortgage Association was notified more than thirty days ago to repair or demolish the retaining wall and as of this date has 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 retaining wall at the real estate legally described as BEG SE COR LT 114 THN N 86F W TO W LN OF LT 112 SELY TO POB LOTS 112,113 & 114 FIRST PLAT OF CLIFTON HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1989 SW 9th 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 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 abate such public nuisance.

Moved by Mahaffey to adopt.

FORM APPROVED:

Visky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk