

★ Roll Call Number

15-1651

Agenda Item Number

58 B

Date September 28, 2015

ABATEMENT OF PUBLIC NUISANCE AT 1716 E ARMY POST ROAD

WHEREAS, the property located at 1716 E Army Post Road, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the garage structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders, Richard D Heiken and Kathleen G Heiken were notified by personal service more than thirty days ago to repair or demolish the garage 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:

The garage structure on the real estate legally described as Lot 36 except the South 233 feet of the East 75 feet thereof and further except that portion for right of way on Army Post Road described as follows: Commencing at the Southwest corner of said Lot 36, thence North 32.9 feet along the West line of said Lot 36, thence East 75 feet, thence south 32.95 feet, thence West 75 feet to point of beginning; in NEW HOPE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1716 E Army Post Road, 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 demolish and remove said garage structure.

(Council Communication No. 15-516) Moved by Gatto to adopt.
FORM APPROVED;

Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk