



Roll Call Number

18-0904

Agenda Item Number

55G

Date May 21, 2018

ABATEMENT OF PUBLIC NUISANCE AT 110 E ROSE AVENUE

WHEREAS, the property located at 110 E Rose Avenue, 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 Titleholder, Deutsche Bank National Trust company, as Trustee of the Home Equity Mortgage Loan Asset-Backed Trust Series INABS 2006-C, Home Equity Mortgage Loan Asset-Backed Certificates, Series INABS 2006-C under the Pooling and Servicing agreement dated June 1, 2006, 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 40 in SMITH'S ACRES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 110 E Rose Avenue, 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(s) 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.

Moved by Gray to adopt.

FORM APPROVED:

Jessica D. Spoden, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
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