

★ Roll Call Number  
19-0654

Agenda Item Number  
38A

Date April 22, 2019

ABATEMENT OF PUBLIC NUISANCE AT 3217 3<sup>rd</sup> STREET

WHEREAS, the property located at 3217 3<sup>rd</sup> Street, 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, Known & Unknown Heirs of Robert L. Smith, and Mortgage Holder, Wells Fargo Bank, NA, were notified 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 the South 40 feet of Lot 329 and all of Lot 330 in MANN'S SECOND ADDITION TO LAKE PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3217 3<sup>rd</sup> 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(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 Gatto to adopt.

FORM APPROVED:

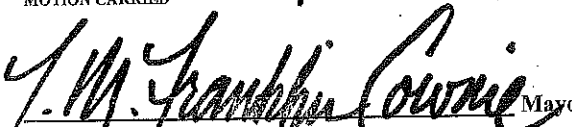
  
 Jessica D. Spoden, Assistant City Attorney

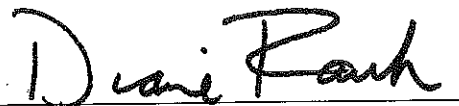
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

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.

  
 J. M. Franklin Cownie, Mayor

  
 Diane Rauh, City Clerk