

★ Roll Call Number

19-0721

Agenda Item Number

27D

Date May 6, 2019

ABATEMENT OF PUBLIC NUISANCE AT 100 MCKINLEY AVENUE

WHEREAS, the property located at 100 McKinley Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders, Joni E. Ernst and Dale F. Ernst, were notified more than thirty days ago to repair or demolish the main 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 main structure on the real estate legally described as Lot 47 (except the South 130 feet thereof) in FARR ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, except that part deeded to the City of Des Moines, recorded February 28, 2012 in Book 14174, Page 997 and locally known as 100 McKinley 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 structure.

Moved by Gatto to adopt.

FORM APPROVED:

[Signature of Luke DeSmet]

Luke DeSmet, 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.

[Signature of J. M. Franckh] Mayor

[Signature of Diane Rauh] City Clerk