



Roll Call Number

19-1124

Agenda Item Number

50A

Date July 15, 2019

ABATEMENT OF PUBLIC NUISANCE AT 802 E COUNTY LINE ROAD LOT 99

WHEREAS, the property located at 802 E County Line Road Lot 99, 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 of the property, Yes Companies EXP WFC, LLC; the Titleholder of garage structure, Basil Badr Mohamed Alnajidi; and the Mortgage Holder, Federal National Mortgage Association, 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 a parcel of land situated in the Southeast 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 and the Northwest 1/4 of the Southeast 1/4 in Section 34, Township 78 North, Range 24 West of the 5th Principal Meridian, as described on the boundary retracement survey filed January 21, 2004 in Book 10358, Page 549 in the Office of the Polk County Recorder, Polk County, Iowa. Also known as: Commencing at the S 1/4 corner of said Section 34 thence North 00°00'00" East along the quarter section line, 518.04 feet; thence South 89°16'30" East 33.01 feet to the Point of Beginning (P.O.B.); thence North 00°00'00" East along the East right-of-way line of SE 5th Street 1375.95 feet; thence South 89°24'09" East 626.46 feet; thence South 00°00'37" East along the quarter, quarter section line 511.41 feet; thence South 89°20'18" East 430.17 feet; thence South 00°00'45" East 65.00 feet; thence South 89°20'20" East along the quarter, quarter section line 1008.50 feet; thence South 00°02'30" East 820.39 feet; thence North 89°57'30" West 119.74 feet; thence South 00°02'30" West 155.73 feet; thence North 89°16'30" West 549.49 feet; thence South 00°01'15" East 310.02 feet; thence North 89°16'30" West 110.07 feet; thence North 00°01'44" West 281.17 feet; thence North 89°17'48" West 346.36 feet; thence South 00°00'08" East 281.06 feet; thence North 9°16'30" West 460.04 feet; thence North 00°00'00" East 85.00 feet to the point of curvature of a curve to the left having a radius of 50.00 feet, and a delta of 8959'50" thence along the arc of a length of 78.54 feet; thence North 00°00'00" East 350.67 feet; thence North 89°16'30" West 430.03 feet to the Point of Beginning, all now included in and forming a part of the City of Des Moines Polk County, Iowa and locally known as 802 E County Line Road Lot 99, 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.



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Moved by Gatto to adopt.

FORM APPROVED

Luke DeSmet, Assistant City Attorney

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

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

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.

Diane Rauh

City Clerk