



Roll Call Number

21-0120

Agenda Item Number

46B

Date January 25, 2021

ABATEMENT OF PUBLIC NUISANCE AT 1818 48<sup>th</sup> STREET

WHEREAS, the property located at 1818 48<sup>th</sup> Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main commercial structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, We Can Build It, LC and Mortgage Holder, Community State Bank, were notified more than thirty days ago to repair or demolish the main commercial 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 Parcel 2016-115, as shown by the Plat of Survey recorded on May 31, 2016, in Book 16022, at Page 167; also described as follows: Lot 5 and part of Lot 3, FRANKLIN PLAZA, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa and more particularly described as follows: Beginning at the Southwest corner of said Lot 5, Franklin Plaza; thence North 00°10'12" West along the West Line of said Lot 5, a distance of 214.78 feet to the northwest corner of said Lot 5; thence South 89°57'53" East along the North line of said Lots 3 and 5, Franklin Plaza, 633.30 feet to the Northeast corner of said Lot 3; thence South 00°27'37" East along the East Line of said Lot 3, a distance of 285.94 feet; thence South 89°59'49" West, 305.04 feet to the West line of said Lot 3; thence North 00°36'37" West along said West line, 72.25 feet to the Southeast corner of said Lot 5; thence South 89°52'49" West along the South Line of said Lot 5, a distance of 329.15 feet to the Point of Beginning, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1818 48<sup>th</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 structure.

Moved by Boleson to adopt.

FORM APPROVED:

/s/ Megan Norberg

Megan Norberg, Assistant City Attorney