



Roll Call Number

21-1231

Agenda Item Number

39C

Date August 9, 2021

ABATEMENT OF PUBLIC NUISANCE AT 1300 E. WATROUS AVE.

WHEREAS, the property located at 1300 E. Watrous Ave., 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 Titleholder, Southern Knolls, LLC, was notified more than thirty days ago to repair or demolish the main structure and as of this date has 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 that part of the Southeast 1/4 of the Northeast 1/4 of Section 22, Township 78 North, Range 24 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa, described as follows: Commencing at the East 1/4 corner of said Section 22, thence North 0°00' East along the East line of the Northeast 1/4 of said Section 22, 292.0 feet, thence North 89°38' West, parallel to and 292.0 feet North of the South line of the Northeast 1/4 of said Section 22, 50.0 feet, to the point of beginning, thence continuing North 89°38' West. 380.0 feet to the East line of Southern Knolls Plat No. 1, thence South 0°00' East, along the East line of said Southern Knolls Plat No. 1, 19.0 feet, thence North 89°38' West, along the South line of East Rose Avenue, as it is presently established, 30.0 feet to the Northeast corner of Lot 5 in said Southern Knolls Plat no. 1, thence South 0°0' East, along the East line of Lots 5 and 4 in Southern Knolls Plat No. 1, 238.0 feet to the Southeast corner of said Lot 4, thence South 89°38' East parallel to and 35.0 feet North of the South line of the Northeast 1/4 of said Section 22, 247.5 feet, thence North 0°00' East, 150.00 feet; thence South 89°38' East 162.5 feet, thence North 000' East, parallel to and 50.0 feet West of the East line of the Northeast 1/4 of said Section 22, and along the West right-of-way line of Southeast 14th Street as it is presently established 107.0 feet to the point of beginning; except that parcel conveyed to the State of Iowa by Warranty Deed recorded in Book 5215, Page 125 of the records in the Office of the Recorder of Polk County, Iowa, and locally known as 1300 E. Watrous Ave., has previously been declared a public nuisance;

The City Legal Department, through Special Counsel Ahlers & Cooney, P.C., 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.



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FORM APPROVED:

Kristine Stone

Kristine Stone, Special Counsel
Ahlers & Cooney, P.C.

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

MOTION CARRIED

APPROVED

J. M. Franklin Cooney
Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik

City Clerk