



Roll Call Number

21-1233

Agenda Item Number

39E

Date August 9, 2021

ABATEMENT OF PUBLIC NUISANCE AT 2010 6th AVE. AKA 603 ALLISON AVE.

WHEREAS, the property located at 2010 6th Ave. AKA 603 Allison 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, Iowa Real Property 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

Lot 3 in BAILY COURT, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa;

Lot 6 and that part of Lot 7 lying South of the South line of Hickman Road (and East of the East line of Seventh Street) as said streets are now located, used and established for City Street Purposes, all in BAILY COURT, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa, as recorded in Book 3979, Page 583, except that part deeded to the City of Des Moines, Iowa as recorded in Book 6341, Page 777;

Lot 5 in BAILY COURT, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa;

Lot 2 in BAILY COURT, an Official Plat, now included in and (Cont.) forming a part of the City of Des Moines, Polk County, Iowa;

Lot 4 in BAILY COURT, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa;

Lots 10 and 11 in BAILY COURT, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa; and

That part of Lot 9 in BAILY COURT lying South of the South line of Hickman Road (and East of the East line of Seventh Street) as said streets are now located, used, and established for City Street purposes, except that part hereof deeded to the City of Des Moines, Iowa as recorded in Book 3979, Page 583;



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A strip of ground East of and abutting Lots 10 and 11, and a part of Lot 9 in BAILY COURT, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa, more particularly described as follows: Beginning at the Southeast corner of said Lot 11, thence Easterly along the South line of said Lot 11 produced 7.91 feet, thence North 13°43' East approximately 127 feet; thence on a left curve having a radius of 20 feet, a distance of 26.23 feet to the East line of Lot 9, thence South 10°06' West along the East line of said Lots 9, 10 and 11, a distance of 149.73 feet to the place of beginning (now included in and forming a part of the City of Des Moines, Iowa) except that part thereof more particularly described as follows, to-wit:

Commencing at the southeast corner of said Lot 11, thence Easterly along the South line of said Lot 11 produced 7.91 feet, thence North 13°43' East approximately 15.5 feet, thence in a Westerly direction to a point on the East boundary line of said Lot 11, 14 feet from the Southeast corner of said Lot 11, thence Southerly along said East line of said Lot 11 to the place of beginning; except that part hereof deeded to the City of Des Moines, Iowa, recorded in Book 3979, Page 583; and

Beginning South 86°45' East 85.5 feet from the Northwest corner of Lot 1 of BAILY COURT, being a point on the original West line of Sixth Avenue, thence South 86°45' East 8.7 feet to a point on the new West Line of Sixth Avenue which is North 13°43' East 145 feet from the Southeast corner of Lot 1 in said BAILY COURT; thence South 13°43' West along the new West line of Sixth Avenue, 16 feet; thence North 76°34' West 8 feet to the original Southeast corner of Lot 11 in BAILY COURT; thence North 10°06' East 14, feet along the original West line of Sixth Avenue to the point of beginning, being that part of the vacation of Sixth Avenue located immediately East and adjacent to that part of Lot 11 of said BAILY COURT above described; and

Lot 1 in BAILY COURT, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa, and a parcel described as follows:

Beginning at a point on the original West line of Sixth Avenue, 13.44 feet North 10°06' East from the North line of Allison Avenue (Prospect Road); thence North 10°06' East along the East line of Lot 1 of said BAILY COURT to the Northeast corner thereof; thence East along the North line of said Lot 1 produced East a distance of 7.91 feet; thence South 13°43' West along the new West line of Sixth Avenue to the point of beginning, all now included in and forming a part of the City of Des Moines, Iowa, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa,



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and locally known as 2010 6th Ave. AKA 603 Allison 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.

FORM APPROVED:

[Signature of 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

[Signature of 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.

[Signature of P. Kay Cmelik]

City Clerk