



Roll Call Number

22-1016

Agenda Item Number

43 B

Date June 27, 2022

ABATEMENT OF PUBLIC NUISANCE AT 4017 COLFAX AVE.

WHEREAS, the property located at 4017 Colfax 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 public nuisance; and

WHEREAS, the Titleholder, Walter D. Foley, and Mortgage Holders, Robert L. Sams and Doletta Sams, 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 the South 1/2 of Lot 348 in DOUGLAS ACRES PLAT 3, an Official Plat, AND a triangular piece described as follows: Commencing at a point on the East line of Colfax Avenue, 68 feet Northeasterly from the Southwest corner of said Lot 348; thence Southwesterly along the East line of Colfax Avenue, 10.5 feet; thence East 45 feet; thence Northwesterly 43 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 4017 Colfax 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,
Seconded by Boesen

FORM APPROVED:

Kristine Stone

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Franklin Cownie
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.

Raura Baumgartner City Clerk

