



Roll Call Number 22-1442

Agenda Item Number 61C

Date September 12, 2022

ABATEMENT OF PUBLIC NUISANCE AT 2419 COTTAGE GROVE AVE.

WHEREAS, the property located at 2419 Cottage Grove Ave., Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the structure (commercial building) in its present condition constitutes not only a menace to health and safety but is also public nuisance; and

WHEREAS, the Titleholder, Erich A. Wagner, and Mortgage Holder, Raccoon Valley Bank, were notified more than thirty days ago to repair or demolish the structure (commercial building) 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 structure (commercial building) on the real estate legally described as Lot 156 (except the East 43.35 feet) of Subdivision of Lots 2 and 4 of the Official Plat of the Northwest 1/4 of Section 5, Township 78 North, Range 24 West of the 5th P.M., an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2419 Cottage Grove 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,
Second by Boesen

FORM APPROVED:
Kristille Stone
Kristille Stone, Special Counsel
Ahlers & Cooney, P.C.

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

MOTION CARRIED APPROVED
J. M. Franklin Cooney Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner City Clerk