

★ Roll Call Number

23-D113

Agenda Item Number

23C

Date January 23, 2023

ABATEMENT OF PUBLIC NUISANCE AT 7301 FLEUR DR. UNIT 2

WHEREAS, the property located at 7301 Fleur Dr, Unit 2, 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, Fleur MHC, LLC, and the Mortgage Holder, Wells Fargo Bank NA, 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 Beginning at the Northeast corner of Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 32, Township 78 North, Range 24 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Iowa, thence West 1012 feet, thence South 164 feet, thence West 308 feet to West line of Northwest Quarter (NW 1/4) of Southeast Quarter (SE 1/4), thence South 365 feet, thence East 308 feet, thence North 167 feet, thence East 1012 feet, to East line of Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4), thence North 362 feet to beginning, all located in Polk County, Iowa, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 7301 Fleur Dr. Unit 2, 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:

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

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

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.

Handwritten signature of J. M. Frankin Cownie, Mayor

Handwritten signature of Laura Baumgartner, City Clerk