



Roll Call Number

23-0241

Agenda Item Number

38F

Date February 20, 2023

ABATEMENT OF PUBLIC NUISANCES AT 1102 ARMY POST ROAD

WHEREAS, the property located at 1102 Army Post Road, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure and accessory structure in their present condition constitute not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholder, BMC5, LLC, and the Mortgage Holder, Iowa State Bank, were notified more than thirty days ago to repair or demolish the main structure and accessory structure and as of this date have failed to abate the nuisances.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure and accessory structure on the real estate legally described as The West 50 feet of the East 100 feet of the North 1/2 of Lot 13, Block 1, (except the North 10 feet thereof for road purposes) in RODGER'S PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1102 Army Post Road, Des Moines, Iowa, have previously been declared public nuisances;

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 nuisances, and should the owner(s) fail to abate the nuisances, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structures.

Moved by Gatto to adopt.

Second by Voss

FORM APPROVED:

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

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.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL (7 yeas).

MOTION CARRIED APPROVED
J. M. Frankie Cowrie Mayor

Laura Baumgartner City Clerk