



Roll Call Number

23-1093

Agenda Item Number

36

Date August 7, 2023

APPROVAL OF NEIGHBORHOOD SERVICES DEPARTMENT JUDGMENT LIEN AND SPECIAL ASSESSMENTS RELEASE POLICY AND PROGRAM

WHEREAS, the City of Des Moines inspects and seeks abatement of public nuisance structures under Chapter 60, Article III – Public Nuisance Code, of the Des Moines Municipal Code; and

WHEREAS, the City incurs inspection, legal, and demolition costs while enforcing the Public Nuisance Code, and those costs due for fees, fines, penalties, and other costs are imposed upon the owner(s) and may be assessed against the property; and

WHEREAS, unpaid costs the City incurs related to enforcement of the public nuisance code are collected as a special assessment, personal judgment, or any other collection measure deemed lawful and appropriate; and

WHEREAS, the aforementioned collection measures may create legal encumbrances against a person or property, especially in cases where a building was demolished through the public nuisance action; and

WHEREAS, special assessments and judgment liens placed against a property and that exceed the market value of the property may prevent redevelopment; and

WHEREAS, nonprofit developers have identified opportunity for collaboration with the City to abate public nuisance properties and identified the cost of demolition as a significant barrier to intervention; and

WHEREAS, in order to provide consistent process for judgment lien and special assesment release and demolition assistance requests, the Neighborhood Services Department has developed a policy and criteria focused on supporting redevelopment of properties that were previously the subject of a public nuisance action.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Des Moines, Iowa, that:

1. The Judgment Lien and Special Assessments Release Policy and Program (the “Policy”), attached hereto as “Exhibit A” and on file with the City Clerk’s Office, is hereby adopted and effective immediately.
2. The Neighborhood Services Director or their designee is authorized to implement the Policy and execute necessary documents, as approved by the Legal Department.
3. The Neighborhood Services Director or their designee is directed to periodically review the Policy; make minor updates or revisions to the Policy; and present substantive changes in Policy content to the City Council for consideration and approval.

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(Council Communication No. 23-375)

Moved by Gatto to adopt.

Second by Boesen

FORM APPROVED:

/s/ Gary D. Goudelock Jr.

Gary Goudelock, Assistant City Attorney

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.

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

Laura Baumgartner

City Clerk