

★ Roll Call Number
23-1451

Agenda Item Number
53A

Date October 23, 2023

ABATEMENT OF PUBLIC NUISANCE AT 1701 41ST ST.

WHEREAS, the property located at 1701 41ST St., 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, Jamie L. McClure, was notified more than thirty days ago to repair or demolish the main structure and as of this date has 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 44 feet of Lot 97 and part of Lot 98 described as follows: Commencing at a point on 41ST Street at the North edge of Lot 98, thence in a southerly direction along the West line of Lot 98 a distance of 20 feet, thence East on a line to a point forming the Southeast corner of Lot 97, thence in a Northwesterly direction 62.4 feet to the place of beginning, all in WEST UNIVERSITY PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1701 41ST St., 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 Voss

FORM APPROVED:

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

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

J. M. Frankhu Cownie 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