

CITY OF DES MOINES, IOWA
Office of Legal
Community Development Department

TO: Mayor and Council Members
Phil Delafield, Acting Director
Community Development

DATE: June 6, 2013

FROM: Cheryl Tillinghast
Legal Assistant

SUBJECT: Board of Health
June 10, 2013

AUTHORIZING:

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following location:

(A) **4146 E 30th Street, fire-damaged main structure and garage structure, Titleholder: Ann Henrichs; Mortgage Holder: Mortgage Electronic Registrations Sys. Inc.**

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| 10/31/2012 | Inspector visited the site of the fire-damaged structure and took interior pictures. He did not declare the structure a public nuisance at this time pending communication with titleholder to determine if there was a plan for renovation. |
| 12/21/2012 | The City was notified via certified mail that a demolition cost reserve was escrowed by American Modern Insurance. City has 180 days from this date to bring legal action. |
| 01/14/2013 | The fire-damaged main structure and garage structure were inspected and found to be a public nuisance. |
| 02/08/2013 | The Public Nuisance Notice was served on Titleholder Ann Henrichs |
| 05/31/2013 | The Public Nuisance Notice was sent via certified mail to Mortgage Holder Mortgage Electronic Registrations Systems, Inc. Upon reviewing the file in preparation of the Roll Call, it was discovered that the notice had not been sent to the mortgage holder listed in the title certificate. The notice was immediately sent via certified mail because in order to preserve the City's right to the escrow for future demolition costs, a lawsuit must be filed by 6/21/2013, making June 10 the last opportunity to present a Roll Call to the Board of Health. |
| 06/03/2013 | The property was re-inspected and the structure was found to remain a public nuisance. Inspector reports no permits have been issued in connection with this property. |
| 06/06/2013 | Today I spoke with the Titleholder Ann Henrichs. She asked me about releasing the escrowed money to her so she could demolish the structure. I advised her that the cost of the demolition was probably going to exceed the \$10,000 escrow, to which she replied she did not have any extra funds available so would not be able to demo the structure. I told her that |

the City would need to proceed into court seeking authorization to abate the nuisance. Ms. Henrichs understood the process and asked that I send a follow-up letter to her reiterating our discussion, which I agreed to do. During our conversation, Ms. Henrichs also informed me that she had paid off her house and there is no current mortgage on the property. I told her the title certificate still shows a mortgage company and she should consult an attorney about getting a release of mortgage filed with the recorder's office. Upon approval of the Roll Call, the Legal Department will file a Petition with the Court before the June 21st deadline.

cc: Jeff Lester
Vicky Long Hill
SuAnn Donovan
Steve Gunson