



Roll Call Number

22-1652

Agenda Item Number

39B

Date October 24, 2022

ABATEMENT OF PUBLIC NUISANCE AT 408 E. DUNHAM

WHEREAS, the property located at 408 E. Dunham, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the garage structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, Michelle Killen, and Mortgage Holders, Greater Des Moines Habitat for Humanity, Inc. and AJAX Mortgage Loan Trust 2021-E, were notified more than thirty days ago to repair or demolish the garage 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 garage structure on the real estate legally described as Lots 28, 29, 30 and 31 in Block 14 in SECOND PLAT OF CLIFTON HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 408 E. Dunham, 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 Boesen

FORM APPROVED:

Kristine Stone

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.

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| BOESEN         | ✓    |      |      |        |
| GATTO          | ✓    |      |      |        |
| MANDELBAUM     | ✓    |      |      |        |
| SHEUMAKER      | ✓    |      |      |        |
| VOSS           | ✓    |      |      |        |
| WESTERGAARD    | ✓    |      |      |        |
| TOTAL          | 7    |      |      |        |

MOTION CARRIED

APPROVED

J. M. Franklin Cooney Mayor

Laura Baumgartner

City Clerk