

**CITY COUNCIL  
COMMUNICATION:**

**ITEM \_\_\_\_\_**

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**99-540**

**SYNOPSIS -**

**AGENDA:**

DECEMBER 6, 1999

The owner of the real estate located on the corner of East Grand and East Fifth Street and known as 512-1/2, 524, and 526 East Grand requested the conveyance of the alley. As a condition of the vacation and conveyance of the alley, Council directed that the buildings be issued Certificates of Occupancy. As of December 1, 1999, the Certificates of Occupancy had not been issued. Staff requests that it be granted until January 19, 2000, to review plans for renovation of the structure as submitted by the titleholder, James O. Boyt.

**SUBJECT:**

CERTIFICATES OF  
OCCUPANCY AND  
HOUSING  
INSPECTION  
CERTIFICATES-512-  
1/2, 524, AND 526  
EAST GRAND

**FISCAL IMPACT -**

None.

**TYPE:**

**RECOMMENDATION -**

**RESOLUTION**  
ORDINANCE  
RECEIVE/FILE

**Approval.**

**SUBMITTED BY:**

JIM GRANT  
COMMUNITY  
DEVELOPMENT  
DIRECTOR

**BACKGROUND -**

City inspectors inspected the rental dwelling units located at 512-1/2 East Grand, 524 East Grand, and 526 East Grand. Inspectors determined that these rental dwellings were not in compliance with the Municipal Code of the City of Des Moines. The Legal Department filed an injunctive action on November 19, 1998. As a result of the inspection, inspectors determined that the buildings did not have the required Certificates of Occupancy.

On March 15, 1999, by Roll Call Number 99-740, the title holder, James O. Boyt, appeared before Council requesting the vacation and conveyance of east/west and north/south alleys in the south half of the block bounded by Grand, East Fifth, East

Sixth, and Des Moines Streets.

The Council approved the sale of the subject alley and provided that closing of the sale shall not occur until the City issued Certificates of Occupancy for all three dwelling units in the buildings at 512-½, 524, and 526 East Grand; and to suspend any court action for as long as James O. Boyt is making progress toward bringing the buildings into compliance by no later than December 1, 1999.

In response to Council direction, the Legal Department negotiated a settlement regarding the occupancy of the rental units. The Court entered Consent Decrees and the titleholder, James O. Boyt, agreed to cause the structures to be in compliance with Chapter 14 of the Municipal Code of the City of Des Moines, and have a valid inspection certificate issued or cause the dwellings to be vacated of occupants.

Upon inspection, inspectors found that Mr. Boyd has not brought the structures into compliance so an inspection certificate cannot be issued. The dwelling units also remain occupied, which is a violation of Chapter 14 of the Municipal Code of the City of Des Moines.

The titleholder has provided plans to the Permit and Development Center, and the City has not approved these plans because of failure to resolve a number of code issues. The Permit and Development Center has been provided with a new set of plans to review for approval in order to complete the renovation and repairs to the dwelling units, which would cause the units to comply as dwellings with an "R-3" status. The City has not reviewed these plans and requests time to determine if the titleholder can complete the renovation of the structures, as set out in the current plan, in order to bring the structures into compliance.