

**CITY COUNCIL  
COMMUNICATION:**

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

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

**00-030**

**SYNOPSIS -**

**AGENDA:**

JANUARY 24, 2000

**SUBJECT:**

CERTIFICATES OF  
OCCUPANCY AND  
HOUSING  
INSPECTION  
CERTIFICATES 512½  
, 524, AND 526 EAST  
GRAND

The owner of the real estate located at the corner of East Grand and East 5th Streets and known as 512½, 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 Mr. Boyt be directed to vacate the rental dwelling units in order to bring the structure into compliance with the Court order and Chapter 14 of the Municipal Code of the City of Des Moines. Further, that the rental dwelling units remain vacant until such time as the units have been granted a Certificate of Occupancy and have been issued a rental certificate.

**TYPE:**

**FISCAL IMPACT -**

None.

**RESOLUTION**  
ORDINANCE  
RECEIVE/FILE

**RECOMMENDATION -**

**SUBMITTED BY:**

**Approval.**

JIM GRANT,  
COMMUNITY  
DEVELOPMENT  
DIRECTOR

**BACKGROUND -**

Representatives of the City inspected the rental dwelling units located at 512½ East Grand, 524 East Grand, and 526 East Grand on July 24, 1998. Representatives determined that the rental dwellings on the real estate are not in compliance with the Municipal Code of the City. Additionally, it was determined that the buildings did not have the required Certificates of Occupancy. The Legal Department filed an injunctive action on November 19, 1998, in the Polk County District Court.

On March 15, 1999, by Roll Call No. 99-740, the titleholder, James O. Boyt, appeared before Council requesting the vacation and conveyance of East/West and North/South alleys in the south one-half of the block bounded by Grand, East Fifth, East Sixth, and Des Moines Streets.

The Council voted to approve the sale of the subject alley and provided that closing of the sale shall not occur until Certificates of Occupancy have been issued for all three dwelling units in the buildings at 512½, 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 in the action filed regarding the occupancy of the rental units. The Court did enter Consent Decrees and the titleholder, James O. Boyt, did agree to cause the structures to be in compliance with Chapter 14 of the Municipal Code of the City of Des Moines, Iowa, have a valid inspection certificate issued, or cause the dwellings to be vacated of occupants by the December 1, 1999 deadline. An inspection found that the structures were not brought into compliance with the directive of the City Council, or as ordered by the Polk County District Court, so that an inspection certificate could be issued.

The titleholder had provided plans to the Permit and Development Center and the plans had not been approved due to the failure to resolve a number of code issues.

In November 1999, the Permit and Development Center was provided with a new set of plans to review for approval in order to complete the renovation and repairs to the dwelling units. The new plans caused the units to comply as dwellings with an "R-3" status. The plan review was not complete and staff requested that the owner be granted until January 19, 2000, to complete the review process.

The Permit and Development staff has reviewed the plans. There were eleven items noted which need to be resolved prior to the issuance of permits. The plan review was transmitted to the architect on December 28, 1999. Staff has received no response regarding the issues raised in the plan review from the

owner or his architect. Consequently, permits have not been issued.

The structure remains occupied in violation of the Municipal Code of the City of Des Moines, Iowa. Staff recommends that the rental dwelling units be vacated until such time as they have been certified for occupancy.

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