



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

00-075

SYNOPSIS -

AGENDA:

FEBRUARY 21, 2000

SUBJECT:

CERTIFICATES OF
OCCUPANCY AND
HOUSING
INSPECTION
CERTIFICATES 512
½ , 524, AND 526 E.
GRAND

James O. Boyt, owner of the real estate located at the corner of East Grand Avenue and East Fifth Street, locally known as 512 ½, 524, and 526 East Grand Avenue, has requested the conveyance of the East/West and North/South alleys at this location. As a condition of the vacation and conveyance of these alleys, Council directed that the buildings be issued Certificates of Occupancy. As of the December 1, 1999 the Certificates of Occupancy have not been issued.

TYPE:

Staff requests that Mr. Boyt be directed to vacate the rental dwelling units located at 512 ½, 524, and 526 East Grand Avenue 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 that the units have been granted a Certificate of Occupancy and been issued a rental certificate.

RESOLUTION
ORDINANCE
RECEIVE/FILE

FISCAL IMPACT -

None.

SUBMITTED BY:

JIM GRANT,
COMMUNITY
DEVELOPMENT
DIRECTOR

RECOMMENDATION -

Approval.

BACKGROUND -

The rental dwelling units were inspected by the City on the July 24, 1998. It was determined that the rental dwellings are not in compliance with the Municipal Code of the City of Des Moines. Additionally, it was determined that the buildings do not have the required Certificates of Occupancy. The Legal Department filed an injunctive action on November 19, 1998 in

Polk County District Court.

On March 15, 1999, by Roll Call 99-740, the titleholder, James O. Boyt, appeared before Council requesting the vacation and conveyance of the East/West and North/South alleys in the south one half of the block bounded by Grand Avenue, East Fifth, East Sixth and Des Moines Streets.

Council voted to approve the sale of the subject alley provided that closing of the sale would not occur until Certificates of Occupancy have been issued for all three dwelling units in the buildings and to suspend any court action for as long as Mr. Boyt is making progress toward bringing the buildings into compliance by the December 1, 1999 deadline.

In response to Council direction, the Legal Department negotiated a settlement in the action filed regarding the occupancy of the rental units. The Court entered Consent Decrees and Mr. Boyt agreed to cause the structures to be in compliance with Chapter 14 of the Municipal Code of the City of Des Moines, 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 as directed by Council or as ordered by the Polk County District Court so that an inspection certificate could be issued.

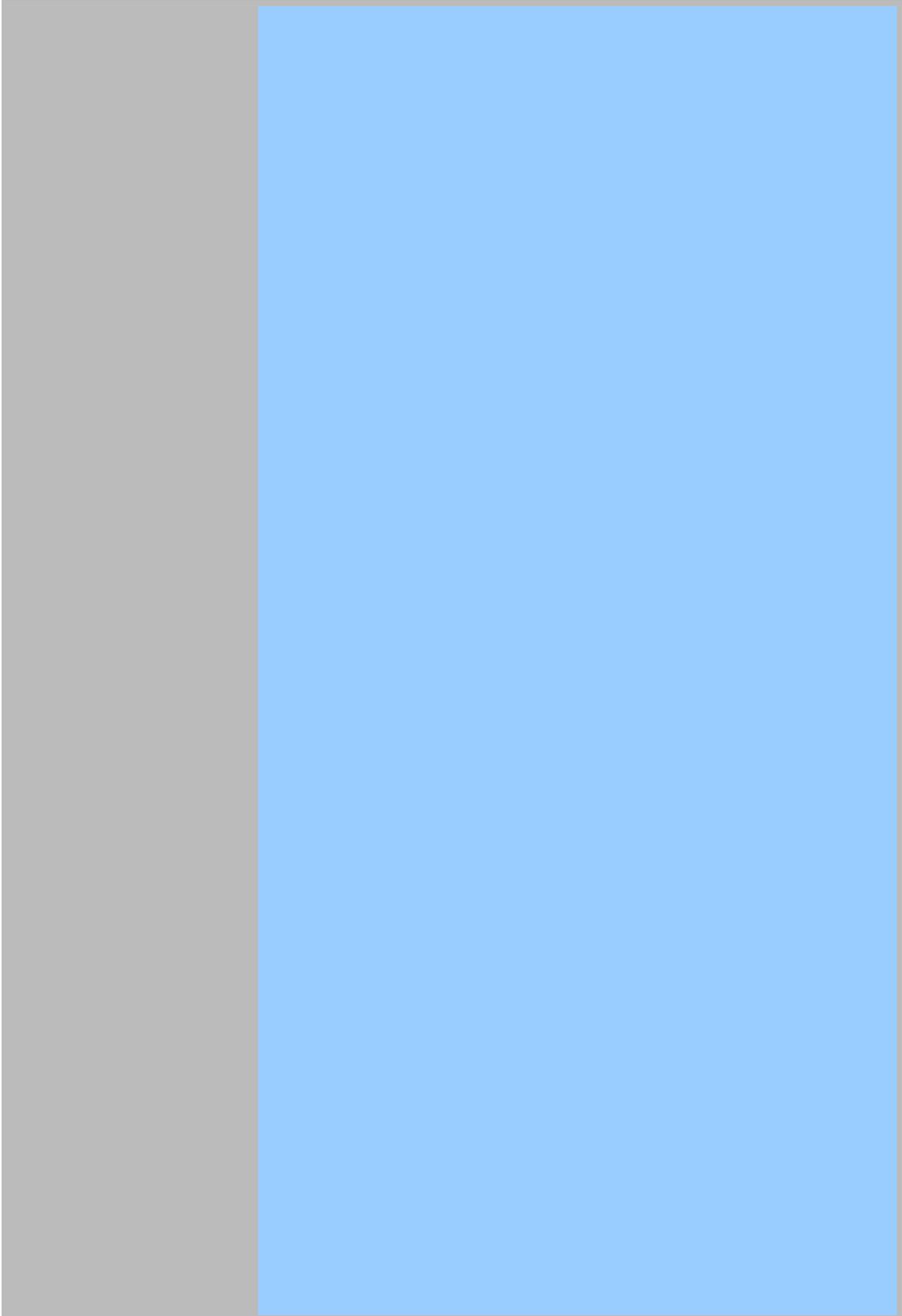
The titleholder had provided plans to the Permit and Development Center that were not approved due to failure to resolve a number of code issues. In November, 1999 the Permit and Development Center was provided with a new set of plans for approval in order to complete the renovation and repairs to the dwelling units. The new plans would cause 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.

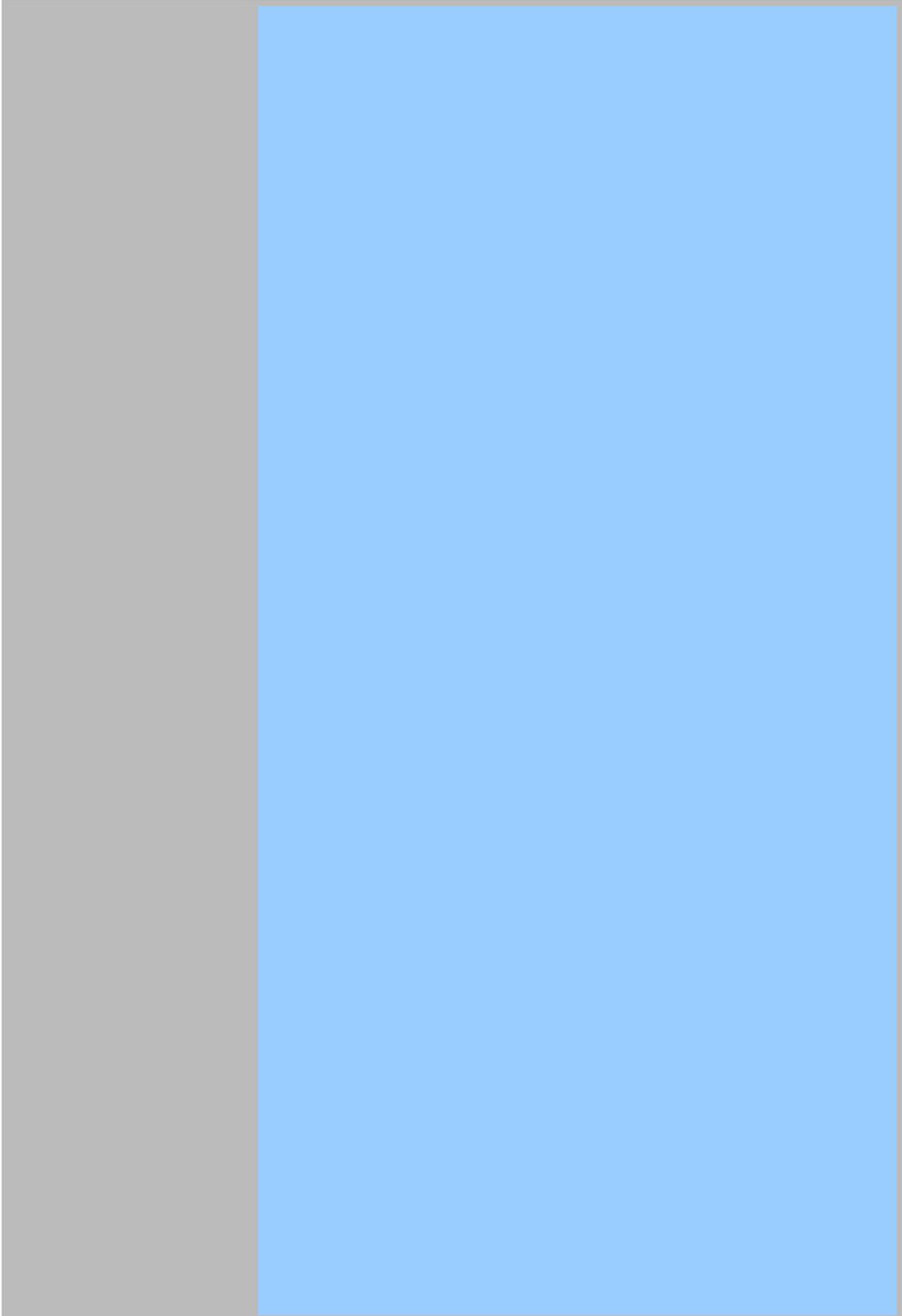
The Permit and Development staff has reviewed the plans. There were eleven items noted which needed to be resolved prior to the issuance of permits. The plan review was transmitted to the architect on December 28, 1999. These code issues remain, for the most part, unresolved.

The Permit and Development Center has issued a permit that will allow the owner to complete the fire separation and

existing systems so that separation of the units can be accomplished. Upon completion of the separation, each unit will be issued a separate Certificate of Occupancy.

It has been determined that only one unit remains occupied in violation of the Municipal Code of the City of Des Moines. Staff recommends that this unit be vacated within thirty days and all the units remain vacant until such time as they have been certified for occupancy.







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