

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

00-429

SYNOPSIS -

AGENDA:

SEPTEMBER 25, 2000

SUBJECT:

PUBLIC NUISANCE
ACTION AT 3109
38TH STREET

The property located at 3109 - 38th Street contains a building that has been under intermittent construction for an extended period of time. Following expiration of all building permits without significant progress, this property remains open, exposed, and incomplete. In its present condition, this structure is uninhabitable due to structural inadequacies, lack of adequate sanitation facilities, and the incomplete stage of construction. Given these conditions, it is the opinion of the Building Official that this structure constitutes a public nuisance threatening to the health and safety of the public.

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

FISCAL IMPACT -

Estimated demolition costs are \$12,000. All costs associated with this action are intended to be collected from the owner by means of a personal judgment or assessed against the property.

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

RECOMMENDATION -

Approval.

BACKGROUND -

In May 1998, a building permit was issued authorizing a single story family room addition to the rear of the original single story house. This permit expired without completion or compliance with regulations. A new permit was issued in November 1999. An inspection following this permit revealed that the owner had expanded construction work to include a second story addition that has not been covered by appropriate permits.

This property has been the subject of numerous complaints from the neighborhood regarding the incomplete and intermittent nature of the project. Staff has been unsuccessful in efforts to have the owner

voluntarily complete this project within the timelines and authority of a valid permit.

Staff monitored the site during the period during which a valid building permit was held, and noted a lack of significant progress toward completion and compliance. The only progress noted was for insignificant work on a portion of the project for which a valid permit was not held. Advisory notices requiring corrective actions were mailed March 28 and May 15, 2000.

Due to the owner's continued neglect regarding completion of this project, and the open and uninhabitable condition of the building, this property is now considered a public nuisance.

A public nuisance notice dated August 28, 2000 was prepared and presented to all parties holding a legal interest in the property. This notice indicated the property must be completed or the structures demolished within 14 days of the receipt of the notice. The notice stated that if the owner failed to comply with this notice, the matter would be presented to City Council at its September 25, 2000 meeting. The notice indicated it would be the Building Official's recommendation that this matter be referred to the Legal Department to bring the appropriate legal action to abate this nuisance, and that all costs be collected by a personal judgment or assessed against the property.

On September 11, 2000, the City Clerk received a response to the notice indicating a desire to speak. The correspondence includes references to a proposal to bring this structure into compliance that includes appropriate permits and plans, time commitments and proof of financial ability. To date, these materials have not been presented to the Permit and Development Center. Also included with this proposal was a handwritten request for an extension. A copy of this letter is attached to the roll call.

An inspection conducted September 18, 2000 indicated that no improvements have been made. No additional building, electrical, mechanical, or plumbing permits have been issued to this site.

Attached to the roll call are attachments that include copies of notices and return receipts, property condition report, site plan, and photographs.

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