



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

00-485

SYNOPSIS -

AGENDA:

OCTOBER 23, 2000

SUBJECT:

PUBLIC NUISANCE
AT 7506 SW 13TH
STREET

This property contains a building that has been under intermittent construction for an extended period of time. Following expiration of a building permit without completion or compliance with associated regulations, this property remains with numerous incomplete or nonfunctional elements. In its present condition, this structure is uninhabitable due to the open excavation and exposed gas service, lack of structural attachment of the foundation, lack of functional sanitation facilities, lack of adequate egress, 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:

FISCAL IMPACT -

RESOLUTION

ORDINANCE
RECEIVE/FILE

Estimated demolition costs are \$8,000. 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 June 1998, a citizen complaint was received regarding construction activity and poor conditions of this single-family dwelling. Investigation determined the house was in poor repair, and that siding, roofing, and foundation repairs were underway. Discussion with the contract purchaser resulted in continuation of work that was exempt from permit requirements, such as siding and roofing. Appropriate permits were to be obtained for the balance prior to the initialization of that work.

In April 1999, a building permit was issued authorizing repairs to the foundation of this property. This permit expired in April 2000 without completion and with the work apparently abandoned in mid-project. In June 2000, City staff was advised that the contract purchaser was incarcerated and that the girlfriend of the contract purchaser would be handling affairs regarding the property. Several verbal commitments were made regarding completion of the project, which were not honored. On June 21, 2000, access to the property interior was requested and granted. This inspection revealed significant interior work, also incomplete, for which permits were necessary, but had not been obtained. This inspection revealed that the house was uninhabitable. Concerns include incomplete construction, inadequate egress, open foundation, exposed gas service, inoperable plumbing systems, and unsafe venting of appliances.

This property continues to generate complaints from the neighborhood. Staff has been unsuccessful in efforts to have the owner voluntarily complete this project within the timelines and authority of a valid permit.

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

A public nuisance notice dated September 13, 2000 was presented to all parties holding a legal interest in the property. This notice indicated the property must be fenced and secured within seven days, improvements completed, or the structure 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 October 23, 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 by repair or demolition, and that all costs be collected by a personal judgment or assessed against the property.

Following the issuance of the notice, the Permit and Development Center was contacted by an acquaintance of the contract purchaser, who obtained a building permit dated October 11, 2000. This permit authorizes the completion of the foundation repairs previously permitted, but does not address the other work that was observed and for which a permit is required. An inspection conducted October 16, 2000 indicated that a fence has been installed to secure the site, but no significant improvements have been made to the structure. No additional building, electrical, mechanical, or plumbing permits have

been issued to this site.

Attachments to the roll call include copies of notices and return receipts, the property condition report, site plan, and photographs.

[[Council Members](#) | [Leave a Message](#) | [Meeting Agendas/Info](#) | [Recent Ordinances](#)]
[[Board/Commission List](#) | [Meeting Schedule](#) | [Request to Speak](#) | [Election/Voter Reg](#)]