



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

02-060

SYNOPSIS -

AGENDA:

JANUARY 28, 2002

SUBJECT:

PUBLIC NUISANCE
AT 519, 521 AND 523
EAST SIXTH
STREET

These buildings have suffered damage and partial collapse of exterior masonry walls and parapets, exterior decks, and roof systems. Other portions of the roof and floor systems have been damaged by neglect and moisture intrusion resulting in decay to a degree that portions are unsound. If the City Council concurs, this action will affirm the Building Official's determination that the buildings located on these properties constitute a public nuisance, and will refer the matter to the Legal Department to bring the appropriate legal action to cause the abatement of the nuisance structures.

FISCAL IMPACT -

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

Estimated demolition costs total \$80,000, including asbestos abatement. All costs associated with this action are intended to be collected from the owners by means of a personal judgment or assessed against the property.

RECOMMENDATION -

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

Approval.

BACKGROUND -

This action addresses three contiguous three-story buildings with partial basements. The buildings are constructed of wood frame with masonry exterior walls. These buildings housed restaurant and commercial uses on the first floor, and residential on the second and third floors, and are presently vacant.

The buildings have suffered from exposure to the elements and a lack of adequate maintenance. These conditions have allowed significant moisture intrusion into the structure, which has contributed to partial failure of a parapet and exterior wall, failure of localized floor and

wall systems, and failure of the roof at various locations.

An inspection of the building interior was conducted September 18, 2000. At that time, a real estate representative of the owner indicated that a project was pending, and the building would be demolished. With failure of this demolition to materialize, and with accelerated deterioration of the parapet observed, notice was issued November 26, 2001 to all interested parties as listed below.

Notice of public nuisance dated November 26, 2001 was issued to titleholder Plain Talk Publishing Company, Attn. Alan C. Rodruck, registered agent; mortgage holder International Paper Company, c/o CT Corporation System, Attn. Rolland Grefe or Robert C. Thompson. Also, mortgage holder Heller Financial Leasing, Inc., c/o CT Corporation, Attn. Roland Grefe or Robert C. Thompson, registered agent; mortgage holder Xpedex, Attn. J.W. Vancil, financial manager; and mortgage holder West Des Moines State Bank, Attn. Michelle Belden, Vice President. These notices required repair or demolition of the structure within 30 days of receipt of the notice. The notices indicated if they failed to comply this matter would be presented to the City Council on January 28, 2002 at 5:30 P.M. It is the recommendation of the Community Development Department that the public nuisance determination be affirmed, and the matter be referred to the Legal Department to bring the appropriate legal action against said property to abate this public nuisance.

Xpedex filed a letter dated December 3, 2001 with the City Clerk in opposition to any action that seeks to collect costs from Xpedex, a junior lien holder.

Several discussions with the owner, a contractor, and a potential developer have indicated a redevelopment project is in the negotiation phase. Discussions regarding stabilization of the unsafe masonry adjacent to the public way has occurred, and a short-term repair appears feasible, although no action has been initiated to date. In the event that the redevelopment project fails to mature, approval of this action will cause the abatement of the hazards associated with this site.

An exterior inspection of this property conducted January 22, 2002 found that no repairs or improvements have been made.

Attached to the fact sheet are copies of the November 26, 2001 notices; a copy of correspondence from Xpedex; registered mail return receipts; a site plan; photographs and a property condition report prepared by the Permit and Development Center.
