

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

02-137

SYNOPSIS -

AGENDA:

MARCH 18, 2002

SUBJECT:

PUBLIC NUISANCE
AT 2322 HUBBELL
AVENUE

This single story masonry and wood building, used as a repair garage, has damaged and deteriorated masonry walls and roof, lacks adequate sanitation facilities, has unsafe wiring, and damaged structural elements. If the City Council concurs, this action will affirm the Building Official's determination that the buildings located on this property 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 \$20,000, including asbestos abatement. All costs associated with this action are intended to be collected from the owners by means of a personal judgement or assessed against the property.

RECOMMENDATION -

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

Approval.

BACKGROUND -

This action addresses an existing single-story building and associated accessory structure. The primary building is slab on grade construction with masonry load-bearing exterior walls and wood rafters and roof. This property has most recently been used as an automotive repair facility. The facility contains numerous motor vehicles and parts in various stages of disassembly, but is otherwise unoccupied.

The buildings have suffered from exposure to the elements and a lack of adequate maintenance. These conditions, primarily resulting from a damaged and leaky roof, have allowed significant moisture intrusion into the structure, which has contributed to deterioration of the roof

deck, rafters, and exterior walls. Masonry walls have significant cracks, damaged block, and deteriorated lintels. The buildings are not provided with adequate sanitation facilities, and have unsafe and exposed wiring.

Responding to neighborhood complaints, staff from the Permit and Development Center conducted an investigation and exterior evaluation of the building. A notice was issued July 26, 1999, that required repairs to the facility within 30 days. Following failure to repair, a civil citation was filed with District Court on September 21, 1999. On October 18, 1999, the owner obtained a permit to repair the roof and lintels in this facility, but these repairs were never completed, and this permit has expired.

The property owner failed to file an answer with District Court, and the City filed a Motion for Default, which the Court granted January 5, 2000. The defendant was found to be in violation of the Code, and was ordered to abate the violation by February 6, 2000. The owner again failed to abide by the Court's ruling, and subsequent show cause motions were filed, resulting in fines, jail time, and additional orders to conform to Code. To date, three show cause orders have been filed. Following the last hearing held January 8, 2002, the owner agreed that the buildings would be removed within 90 days of the order, or subject himself to another jail sentence.

If City Council concurs with the determination of public nuisance, this action will enable the City to take the legal actions to cause the demolition of the structures on this property in the event that the owner again fails to repair or demolish this building.

Notice of public nuisance dated January 15, 2002, was issued to titleholder Jerry C. Gymer (d/b/a Gymer's Automotive Services, Inc.); and tax certificate holder Z Fin 25, attn John Zajicek. 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 March 18, 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.

No correspondence has been filed with the City Clerk indicating intentions to speak to this matter.

An exterior inspection of this property conducted March 12, 2002, found that no repairs or improvements have been made. No permits

have been obtained for the demolition of this structure as of the date of this communication.

Attached to the roll call are copies of notices dated July 29, 1999, January 29, 2001, and January 15, 2002; registered mail return receipts; a site plan; photographs; and a property condition report prepared by the Permit and Development Center.
