

**CITY COUNCIL
COMMUNICATION:**

03-500

AGENDA:

OCTOBER 6, 2003

SUBJECT:

PUBLIC NUISANCE –
407 SW LELAND
AVENUE

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

LARRY HULSE
COMMUNITY
DEVELOPMENT
DIRECTOR

ITEM _____

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

SYNOPSIS —

This is a commercial property located in a residential neighborhood. The property has suffered from deterioration, neglect, and vandalism. The Zoning Officer has determined that this structure has lost “grandfather” rights as a commercial use and is obsolete. The deterioration and damage to building systems is to the extent that, in the opinion of the Building Official, the structure constitutes a public nuisance that cannot be abated except by repair or demolition.

FISCAL IMPACT —

Estimated demolition costs are \$20,000, including asbestos abatement. All costs associated with this action are intended to be collected from the owner by personal judgment or assessed against the property.

RECOMMENDATION —

Approval.

BACKGROUND —

This structure once contained a neighborhood laundry. Records indicate that it has been vacant since approximately 1984. This structure has a damaged roof and rafters, deteriorated floor system, damaged or missing windows and doors, deteriorated masonry chimney, and vandalized interior and exterior. Complaints allege that the structure has been an attraction to children and vagrants.

Advisory notice dated April 7, 2003, was delivered by certified mail to the titleholder (Larry L. Hughes Revocable Living Trust; Larry L. Hughes, Trustee). This correspondence notified the owner that the building was open, unsecured, and in disrepair, required the owner to secure the building within five days, and to initiate repairs within 30 days. On April 16, 2003, a City contractor boarded and secured the building following inaction by the owner.

In a notice dated June 4, 2003, the Zoning Officer indicated that the commercial use of the property was obsolete and incompatible with permitted uses in an R1-70 zoning district. The notice indicated the right to appeal the decision to the Zoning Board of Adjustment, and indicated the appeal must be filed within ten days of the date of the letter. No appeal was filed.

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Notice of public nuisance dated August 18, 2003, was delivered by certified mail to the titleholder. The notice declared the building obsolete, deteriorated, and a public nuisance. The notice indicated building repair could only occur if converted to a use compatible with the R1-70 zoning district. This notice required repair or demolition within 14 days of receipt of notice.

Inspection and records review conducted September 29, 2003, indicate no repairs have been performed, and no permits have been requested or authorized.

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

