



Roll Call Number

Agenda Item Number

BDH 1-F

Date January 5, 2009

WHEREAS, the property located at 1335 E 40th Street, was inspected by representatives of the City of Des Moines who determined that the main structure and accessory structure in their present conditions constitute not only a menace to health and safety but are also a public nuisance; and

WHEREAS, the Titleholder Kimberly R. Clark and Kimberly R. Clark Trustee for Skyler R. Burning, Minor Child and the Mortgage Holder Bank of the West were notified by personal service more than thirty days ago to repair or demolish the structures and as of this date have failed to abate the nuisance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, SITTING AS THE LOCAL BOARD OF HEALTH:

The structures on the real estate legally described as S 1/2 LOT 71 & ALL LOT 80 BROADACRE now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1335 E 40th Street have previously been declared a public nuisance;

The City Legal Department is hereby authorized to file an action in district court to obtain a decree ordering the abatement of the public nuisance, and should the owner fail to abate the nuisance, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structures.

Moved by _____ to adopt.

FORM APPROVED:


Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Polk County Assessor 
Iowa

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[[Home](#)] [[General Query](#)] [[Legal Query](#)] [[HomeOwner Query](#)] [[Book/Page Query](#)] [[Commercial Query](#)] [[Res Sales Query](#)] [[Comm Sales Query](#)] [[Help](#)]

District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
060/00644-003-000	7923-33-353-015	0605	DM13/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
1335 E 40TH ST			DES MOINES IA 50317-6803		

Click on parcel to get new listing

Get Bigger Map

1344	123	123		
1334	"	184.5	1330	1330
	"	309	1335	1320
1320	123	123	1305	1314
			1305	4040



Approximate date of photo 03/01/2000

Mailing Address

KIMBERLY R CLARK
1605 CAPITOL AVE
DES MOINES, IA 50316-3501

Legal Description

S 1/2 LOT 71 & ALL LOT 80 BROADACRE

Ownership	Name	Transfer	Book/Page	RevStamps
Title Holder #1	BARNING, SKYLER R	09/04/2007	12357/888	
Title Holder #2	CLARK (TRUSTEE), KIMBERLY R			
Title Holder #3	CLARK, KIMBERLY R			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	26,800	25,300	0	52,100

[Market Adjusted Cost Report](#) [Estimate Taxes](#) [Polk County Treasurer Tax Information](#) [Pay](#)

BDH 1-FTaxes

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District	57195	Residential
Source: City of Des Moines Community Development Published: 11/25/2008 Contact: Planning and Urban Design 515 283-4200			

Land

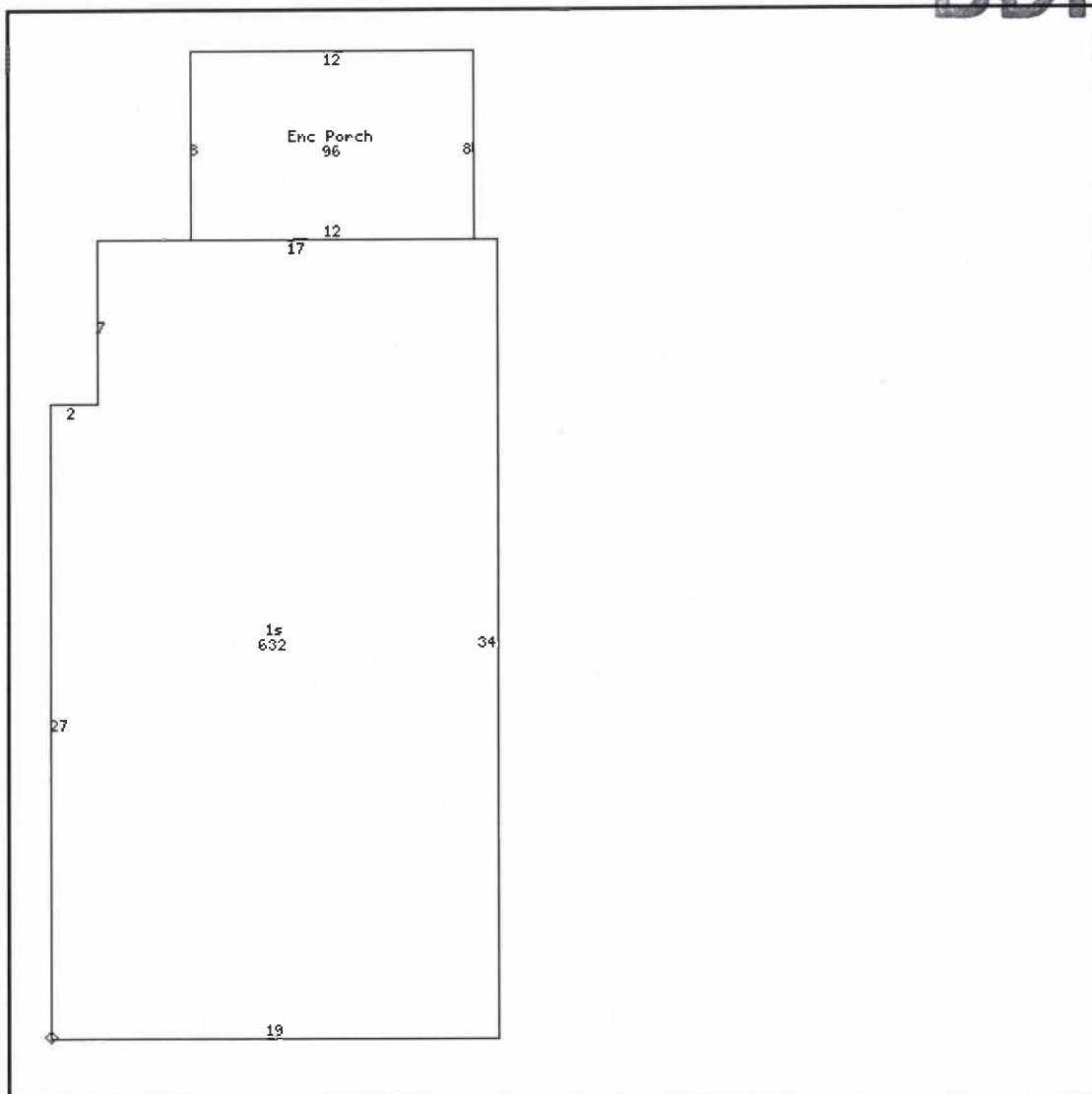
SQUARE FEET	57,195	FRONTAGE	184.50	DEPTH	310
ACRES	1.3130	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1

OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	BG/Bungalow
YEAR BUILT	1921	# FAMILIES	1	GRADE	5
GRADE ADJUST	+00	CONDITION	BN/Below Normal	TSFLA	632
MAIN LV AREA	632	ENCL PORCH	96	FOUNDATION	C/Concrete Block
EXT WALL TYP	MF/Mixed Frame	ROOF TYPE	GB/Gable	ROOF MATERL	A/Asphalt Shingle
HEATING	A/Gas Forced Air	AIR COND	0	BATHROOMS	1
BEDROOMS	2	ROOMS	4		

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Year	Type	Status	Application	Permit/Pickup Description
2006	U/Pickup	CP/Complete	10/05/2005	RV/REVAL

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2007	Assessment Roll	Residential	Full	26,800	25,300	0	52,100
2006	Assessment Roll	Residential	Full	22,200	23,300	0	45,500

email this page

Room 195, 111 Court Avenue, Des Moines, IA 50309
 Phone 515 286-3140 / Fax 515 286-3386
polkweb@assess.co.polk.ia.us



**PUBLIC NUISANCE
NOTICE OF INSPECTION
NEIGHBORHOOD INSPECTION DIVISION
COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF DES MOINES, IOWA**

BDH 1-F

DATE OF NOTICE: November 5, 2008

DATE OF INSPECTION: October 16, 2008

CASE NUMBER: COD2008-07514

PROPERTY ADDRESS: 1335 E 40TH ST

LEGAL DESCRIPTION: S 1/2 LOT 71 & ALL LOT 80 BROADACRE

KIMBERLY R CLARK & KIMBERLY R CLARK TRUSTEE FOR

Title Holder

SKYLER R BURNING, MINOR CHILD

1605 CAPITOL AVE

DES MOINES IA 50316

BANK OF THE WEST

Mortgage Holder

CT. CORPORATION SYST.REG.AGENT

2222 GRAND AVE

DES MOINES IA 50312

An inspection of the referenced property was conducted for its conformance to the Municipal Code of the City of Des Moines. It has been determined from that inspection that the dwelling currently constitutes not only a menace to health and safety, but is also a public nuisance. Accordingly, the dwelling will be placarded as unfit for human habitation pursuant to the Municipal Code of the City of Des Moines and the Code of Iowa.

If not occupied at the present time, the dwelling is to remain vacant and unoccupied until occupancy is authorized by this office. If the dwelling is occupied, it must be vacated immediately. If procedures to vacate the premises are not undertaken immediately upon receipt of this notice, and in no case later than seven (7) days, the City will issue a Municipal Infraction in accordance with Section 60-304 and 60-306 pursuant to the Municipal code of the City of Des Moines. Additionally, if the property had a Certificate of Inspection, it is hereby revoked.

Attached is a listing of the violations existing on the date of the inspection and a recommendation as to the remedial action required to correct such violations. Failure to correct these violations will result in legal action. The violations noted must be corrected within 30 days from the date of this notice. The violations noted must be corrected within 30 days from the date of this notice. Failure to correct these violations will result in a request to the City Council, sitting as the board of Health, to approve legal action. As a result of this public nuisance action there will be costs incurred by the City. Costs will be billed out when the nuisance has been abated. Failure to pay the costs will result in collection by assessment to the property or personal judgment.

ALL ELECTRICAL, MECHANICAL, PLUMBING, AND STRUCTURAL COMPONENTS IN NEED OF REPLACEMENT OR REPAIR, ARE TO BE BROUGHT TO MINIMUM CODE REQUIREMENTS WITH NECESSARY PERMITS AS REQUIRED TO MEET CITY CODES.

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Appropriate building permits may be required for those violations noted in the "Special Requirements" section on the notice. Should you have questions regarding permits, contact the Permit and Development Center at 283-4200. All work performed by a contractor or you must be completed in a workmanlike manner. If you plan to renovate the structure and it has been vacant for a period in excess of one year, there may be zoning issues, which will affect the proposed use of the structure and/or real estate. Please contact the Development Zoning Division at 283-4207 to determine what the legal use for the structure and/or the real estate is prior to commencement of any renovation.

If you believe the building is beyond repair and decide to remove it, all debris must be removed from the property and the basement excavation if any, filled in the manner required by the City. You are encouraged to arrange for this demolition yourself; however a demolition permit must be obtained from the Building Department. In the event you are unable to arrange for demolition, you may sign a waiver voluntarily authorizing the City to do so. However, the city may take a personal judgment against you for the costs of removal.

If you no longer own the property, notify us in writing of the name, address, and telephone number of the new owner. A copy of the real estate contract or deed, if it has not been recorded at the Polk county Recorder's Office, shall likewise be furnished to the Neighborhood Inspection Division.

Should you have any questions, feel free to call. I can usually be reached between 8:00am and 9:00am, Monday through Friday.

Jim Nelson

(515) 283-4197



Nid Inspector

DATE MAILED: 11/5/2008

MAILED BY: TSY

Areas that need attention: 1335 E 40TH ST

<u>Component:</u>	Electrical System	<u>Defect:</u>	In poor repair
<u>Requirement:</u>	Electrical Permit	<u>Location:</u>	Main Structure
<u>Comments:</u>			

<u>Component:</u>	Plumbing System	<u>Defect:</u>	In poor repair
<u>Requirement:</u>	Plumbing Permit	<u>Location:</u>	Main Structure
<u>Comments:</u>			

<u>Component:</u>	Mechanical System	<u>Defect:</u>	In poor repair
<u>Requirement:</u>	Mechanical Permit	<u>Location:</u>	Main Structure
<u>Comments:</u>			

<u>Component:</u>	Exterior Doors/Jams	<u>Defect:</u>	In poor repair
<u>Requirement:</u>		<u>Location:</u>	Main Structure
<u>Comments:</u>			

<u>Component:</u>	Flooring	<u>Defect:</u>	In poor repair
<u>Requirement:</u>		<u>Location:</u>	Throughout
<u>Comments:</u>			

<u>Component:</u>	Windows/Window Frames	<u>Defect:</u>	Cracked/Broken
<u>Requirement:</u>		<u>Location:</u>	Main Structure
<u>Comments:</u>			

<u>Component:</u>	Interior Walls /Ceiling	<u>Defect:</u>	In poor repair
<u>Requirement:</u>		<u>Location:</u>	Throughout
<u>Comments:</u>			

<u>Component:</u>	Smoke Detectors	<u>Defect:</u>	Not Supplied
<u>Requirement:</u>		<u>Location:</u>	Throughout
<u>Comments:</u>			

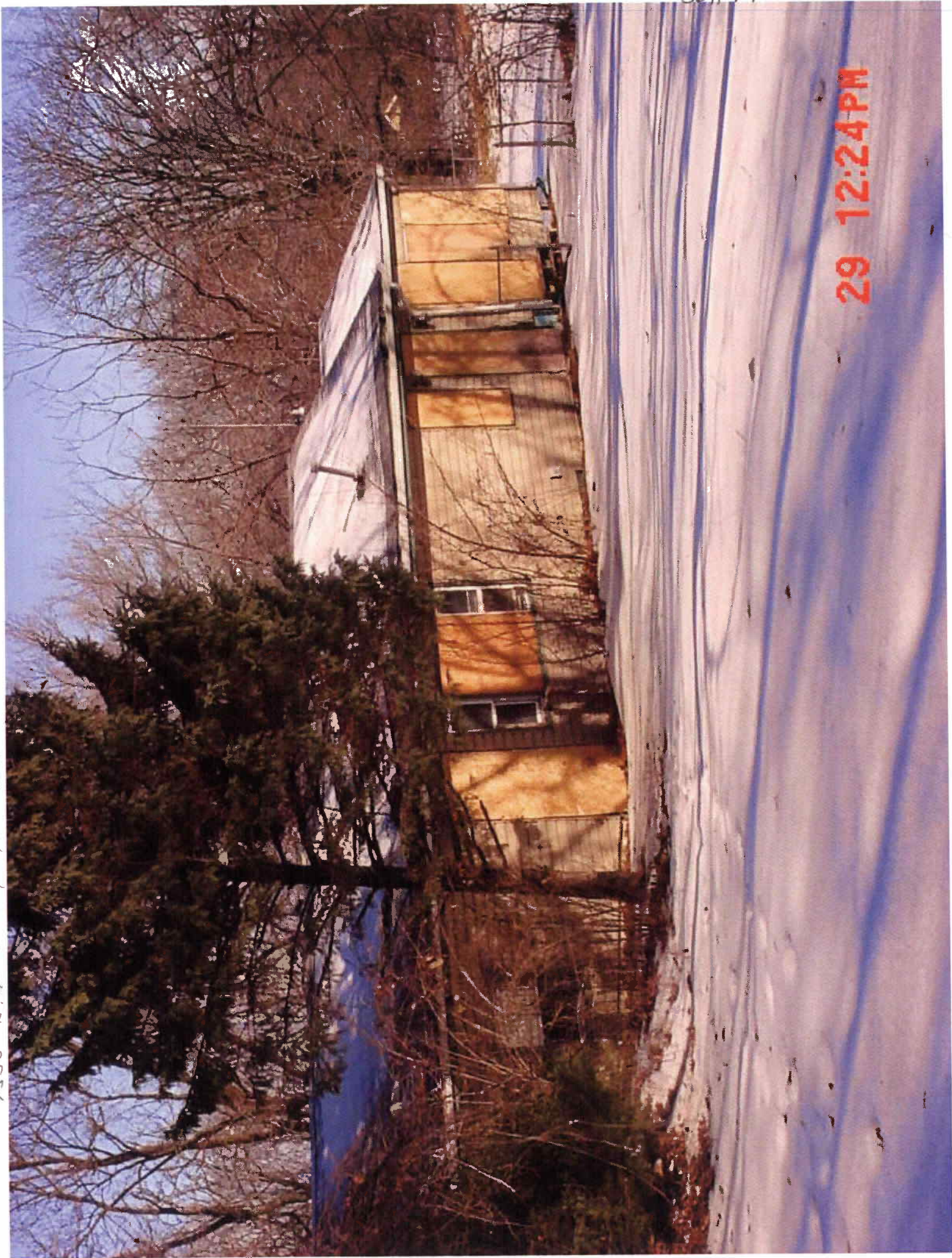
<u>Component:</u>	Accessory Buildings	<u>Defect:</u>	In poor repair
<u>Requirement:</u>		<u>Location:</u>	Shed
<u>Comments:</u>			

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<u>Component:</u>	See Comments	<u>Defect:</u>	See Comments
<u>Requirement:</u>	Building Permit	<u>Location:</u>	
<u>Comments:</u>	Need to pull permit to demolish structure.		

1335 E. 40th 12/29/08 Dick #5



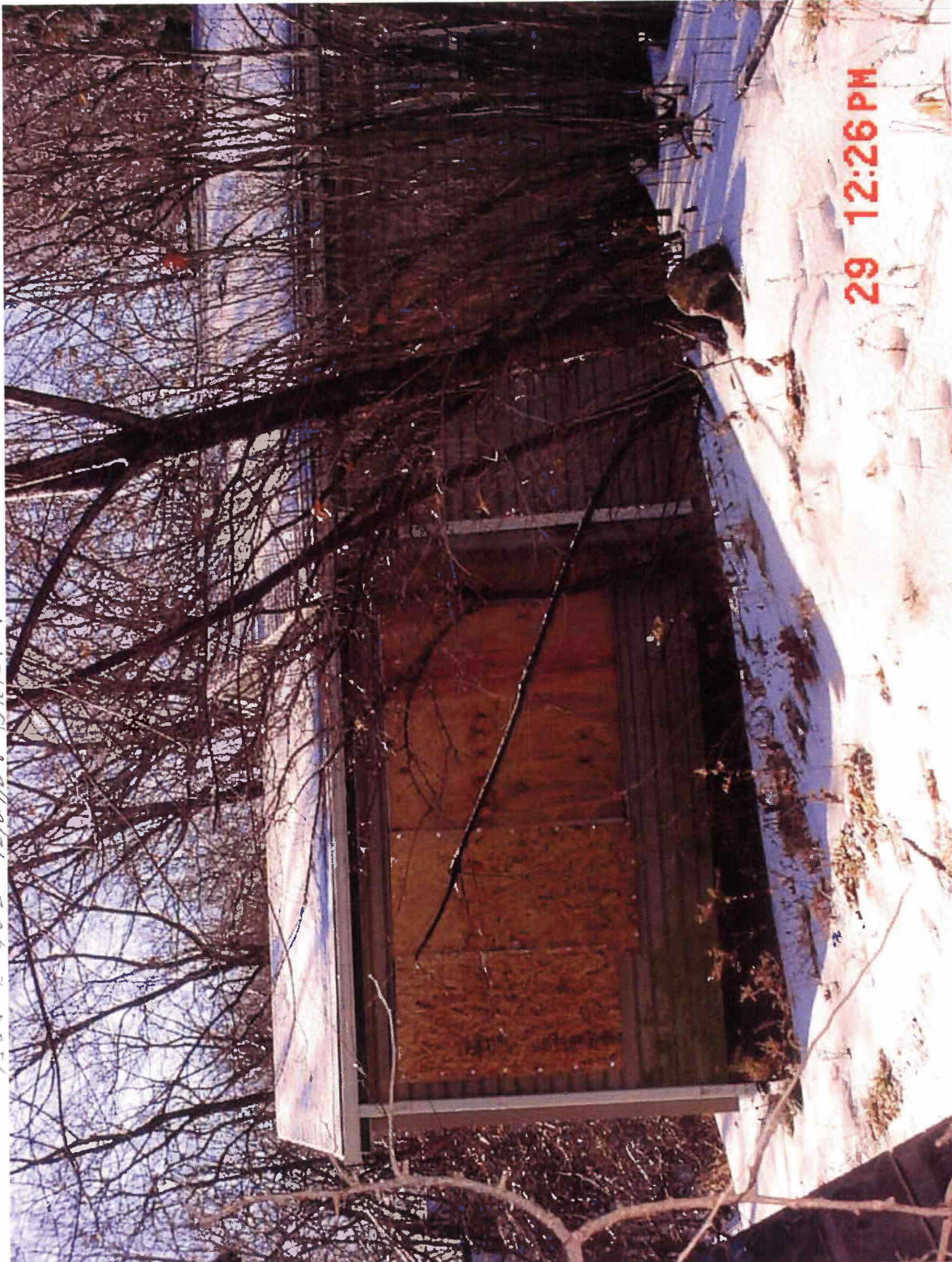
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29 12:24PM

1535 E 40th 12/29/08 DICKY

BDH 1-F

29 12:26 PM

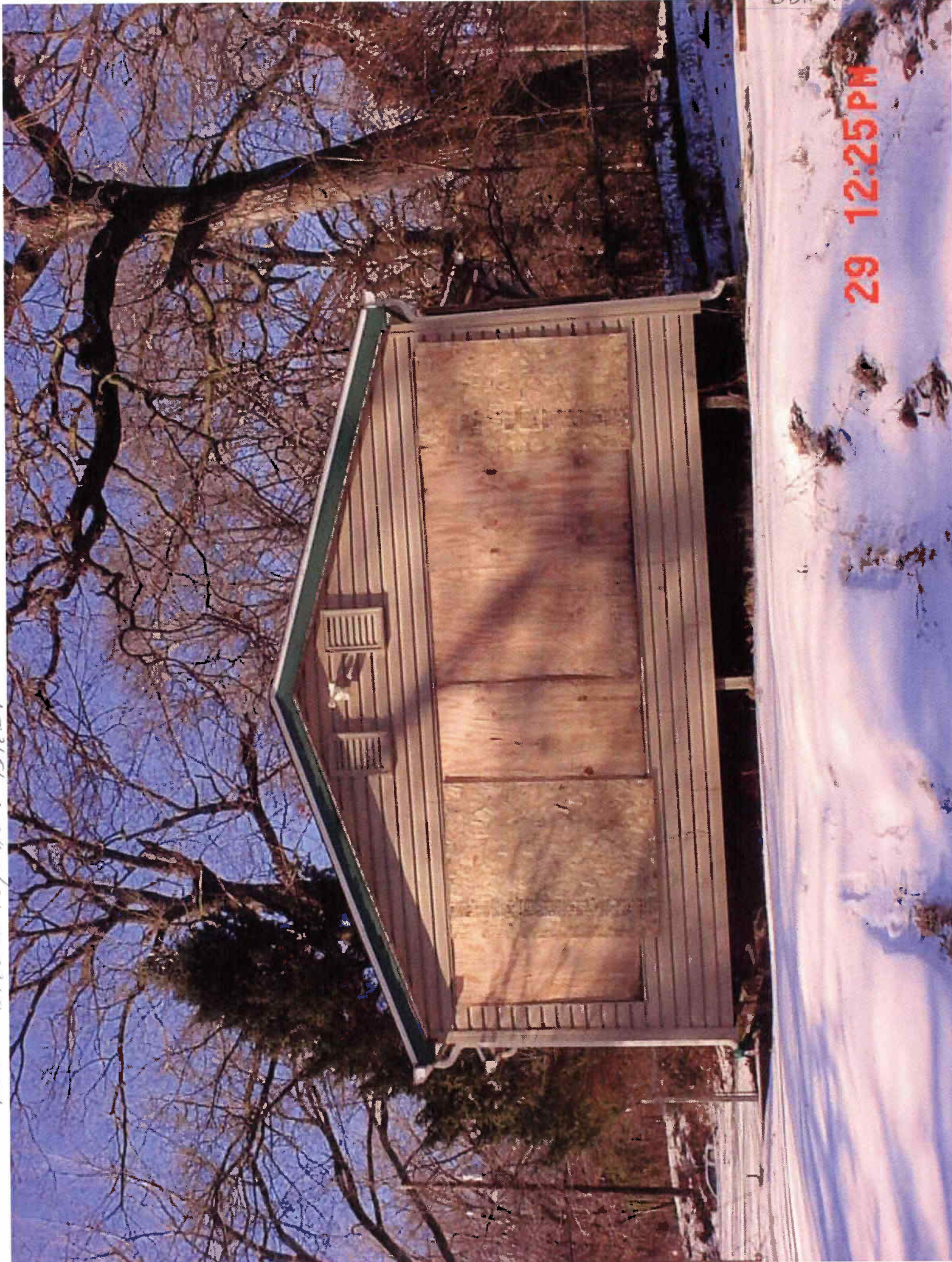


1375 E 40th 12/29/08 10:03 SEI



BDH 1-F

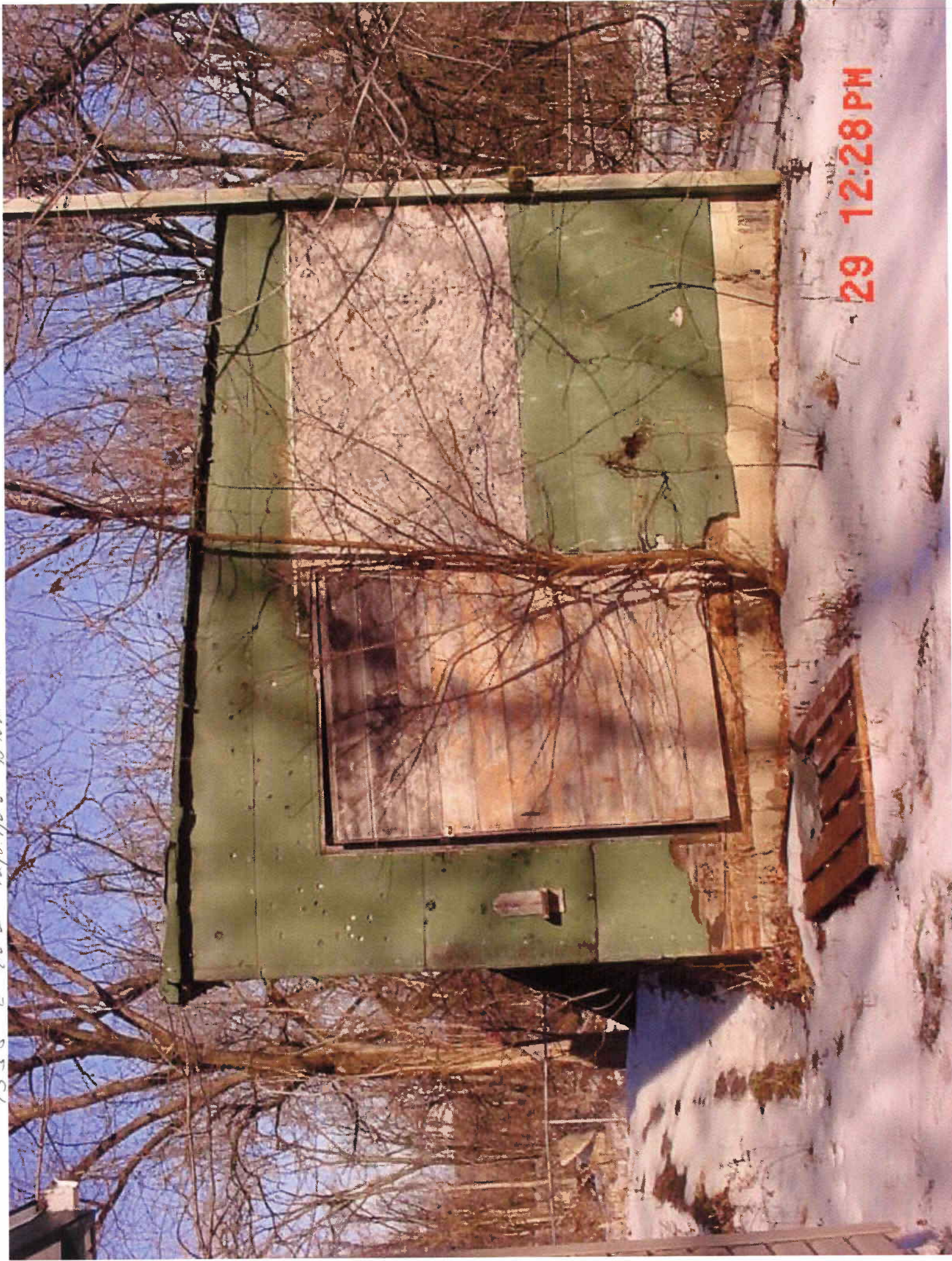
1335 E. 40th 12/29/08 Dick V.



BDA-1F

29 12:25 PM

1335 E 40th 12/29/08 DICK T.



BPH 1-F

29 12:28 PM

BDH 1-F

10/16/2008

STUD



1307 E 400

10/16/2008



1307 2 221

10/16/2008

Low
Level
10/16/2008

1325 F 40 57

