

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.

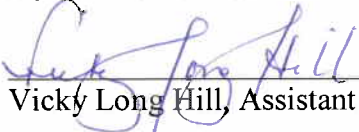
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, SITTING AS THE LOCAL BOARD OF HEALTH:

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.

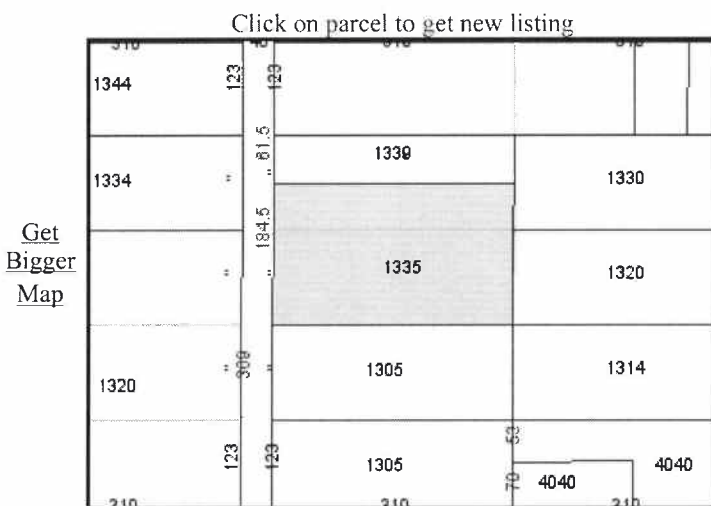
City Clerk

BDH 1-F



[[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		



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-F

Taxes

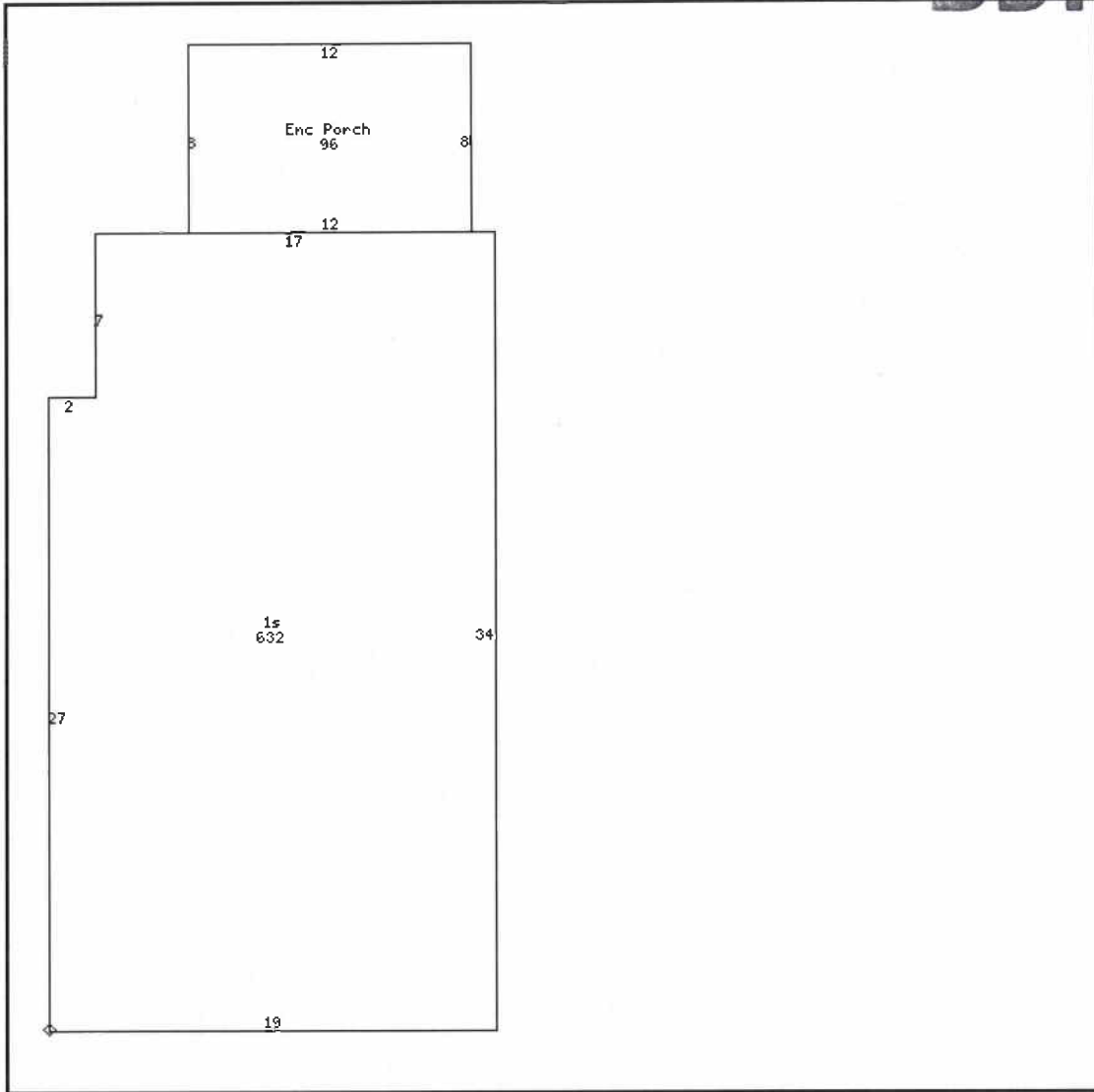
Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District	57195	Residential

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		

BDH 1-F



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

BDH 1-F

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

Component: Electrical System Requirement: Electrical Permit Comments:	Defect: In poor repair Location: Main Structure
Component: Plumbing System Requirement: Plumbing Permit Comments:	Defect: In poor repair Location: Main Structure
Component: Mechanical System Requirement: Mechanical Permit Comments:	Defect: In poor repair Location: Main Structure
Component: Exterior Doors/Jams Requirement: Comments:	Defect: In poor repair Location: Main Structure
Component: Flooring Requirement: Comments:	Defect: In poor repair Location: Throughout
Component: Windows/Window Frames Requirement: Comments:	Defect: Cracked/Broken Location: Main Structure
Component: Interior Walls /Ceiling Requirement: Comments:	Defect: In poor repair Location: Throughout
Component: Smoke Detectors Requirement: Comments:	Defect: Not Supplied Location: Throughout

<u>Component:</u> Accessory Buildings	<u>Defect:</u> In poor repair	BDH 1-F
<u>Requirement:</u>	<u>Location:</u> Shed	
<u>Comments:</u>		

<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.	

