



## Roll Call Number

Agenda Item Number

**BDH 1-B**

Date February 8, 2010

WHEREAS, the property located at 1070 26<sup>th</sup> Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder Mary E. Stuart and Jack H. Stuart (Trust) was notified by personal service more than thirty days ago to repair or demolish the main structure and accessory structure and as of this date has failed to abate the nuisance.

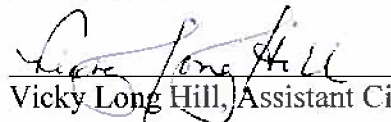
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, AND SITTING AS THE LOCAL BOARD OF HEALTH:

The main structure on the real estate legally described as S 10 F LOT 223 & N 50 F LOT 224 UNIVERSITY LAND COS 1ST ADDITION, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1070 26<sup>th</sup> Street, has 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 main structure and accessory structure.

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:



Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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.

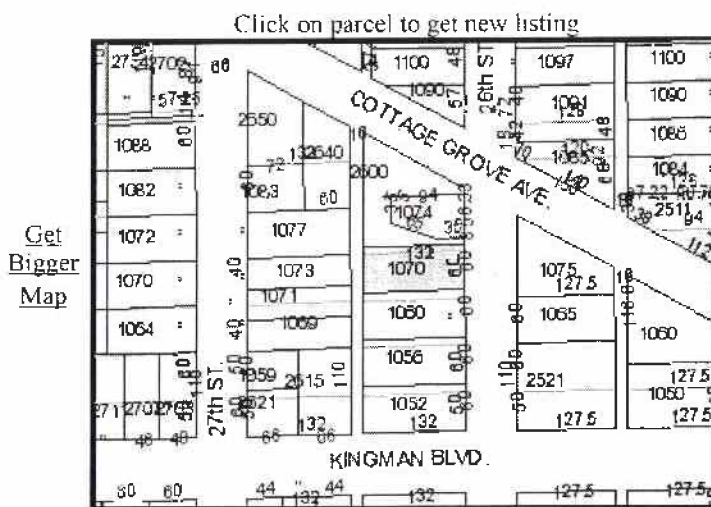
\_\_\_\_\_  
City Clerk

**Polk County Assessor**   
Iowa

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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
030/04965-000-000	7824-05-106-013	0590	DM95/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address				City State Zipcode	
1070 26TH ST				DES MOINES IA 50311	



Approximate date of photo 01/11/2004

Mailing Address
JACK H STUART (TRUST) 4009 MUSKOGEE AVE DES MOINES, IA 50312-4626

Legal Description
S 10 F LOT 223 & N 50 F LOT 224 UNIVERSITY LAND COS 1ST ADDITION

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	JACK H STUART (TRUST)	1995-09-01	7235/90	
Title Holder #2	STUART, MARY E			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Commercial Multiple	Full	13,300	62,600	0	75,900
<a href="#">Assessment Roll Notice</a> <a href="#">Estimate Taxes</a> <a href="#">Polk County Treasurer Tax Information</a> <a href="#">Pay Taxes</a>						

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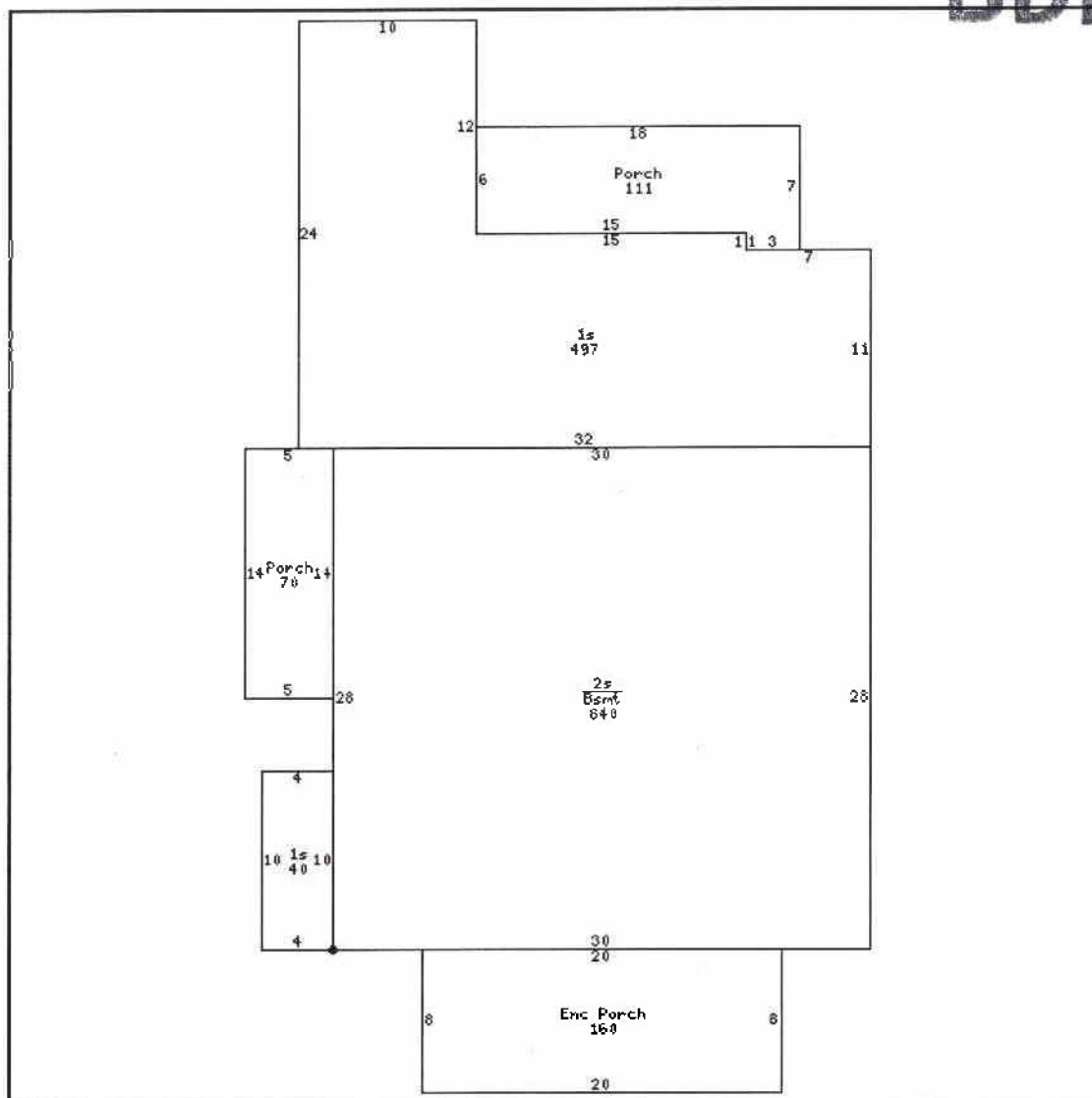
Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District	7920	Residential
Source: City of Des Moines Community Development Published: 2009-06-15 Contact: Planning and Urban Design 515 283-4200			

Land					
SQUARE FEET	7,920	FRONTAGE	60.0	DEPTH	132.0
ACRES	0.182	SHAPE	RC/Rectangle	TOPOGRAPHY	B/Blank

Commercial Summary					
OCCUPANCY	1B/Apartment Conversion	WEIGHTED AGE	1883	STORY HEIGHT	2
LAND AREA	7,920	GROSS AREA	2,217	FINISH AREA	2,217
BSMT UNFIN	840	BSMT FINISH	0	NUMBER UNITS	3

Residence # 1					
OCCUPANCY	CV/Conversion	RESID TYPE	S2/2 Stories	YEAR BUILT	1883
# FAMILIES	3	GRADE	4	GRADE ADJUST	+00
CONDITION	NM/Normal	TSFLA	2,217	MAIN LV AREA	1,377
UPPR LV AREA	840	BSMT AREA	840	OPEN PORCH	181
ENCL PORCH	160	EXT WALL TYP	ST/Stucco	ROOF TYPE	H/Hip
ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air	AIR COND	0
BATHROOMS	3				

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**Detached # 101**

OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	18	MEASURE2	24	GRADE	5
YEAR BUILT	1960	CONDITION	BN/Below Normal		

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2009	Assessment Roll	Commercial Multiple	Full	13,300	62,600	0	75,900
2007	Assessment Roll	Commercial Multiple	Full	13,300	62,600	0	75,900
2006	Assessment Roll	Commercial Multiple	Full	12,100	63,800	0	75,900
2005	Assessment Roll	Commercial Multiple	Full	12,100	48,600	0	60,700
2003	Assessment Roll	Commercial Multiple	Full	10,500	44,200	0	54,700

2001	Assessment Roll	Commercial Multiple	Full	9,900	29,200	0	39,100
1999	Assessment Roll	Commercial Multiple	Full	8,800	29,200	0	38,000
1995	Assessment Roll	Commercial Multiple	Full	8,500	27,000	0	35,500
1993	Assessment Roll	Commercial Multiple	Full	8,140	25,760	0	33,900
1989	Board Action	Commercial Multiple	Full	8,140	25,060	0	33,200

[email this page](#)

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



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

**BDH 1-B**

**DATE OF NOTICE:** December 7, 2009

**DATE OF INSPECTION:**

**CASE NUMBER:** COD2009-08755

**PROPERTY ADDRESS:** 1070 26TH ST

**LEGAL DESCRIPTION:** S 10 F LOT 223 & N 50 F LOT 224 UNIVERSITY LAND COS 1ST ADDITION

JACK H STUART (TRUST) - DECEASED  
Title Holder

MARY E STUART  
Title Holder  
4009 MUSKOGEE 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. 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.

Eric Moore  
(515) 283-4759



Nid Inspector

DATE MAILED: 12/7/2009

MAILED BY: KMD

**Areas that need attention:** 1070 26TH ST

<b><u>Component:</u></b>	Exterior Walls	<b><u>Defect:</u></b>	Missing Mortars
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>	Exterior		

<b><u>Component:</u></b>	Exterior Walls	<b><u>Defect:</u></b>	Missing Mortars
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Exterior Doors/Jams	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Roof	<b><u>Defect:</u></b>	Deteriorated
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Roof	<b><u>Defect:</u></b>	Holes or major defect
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Shingles Flashing	<b><u>Defect:</u></b>	Deteriorated
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Shingles Flashing	<b><u>Defect:</u></b>	not impervious to water
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Shingles Flashing	<b><u>Defect:</u></b>	Three Layers Max
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b> Soffit/Facia/Trim <b><u>Requirement:</u></b> Compliance, International Property Maintenance Code <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Main Structure
<b><u>Component:</u></b> Soffit/Facia/Trim <b><u>Requirement:</u></b> Compliance, International Property Maintenance Code <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Holes or major defect <b><u>Location:</u></b> Main Structure
<b><u>Component:</u></b> Soffit/Facia/Trim <b><u>Requirement:</u></b> Compliance, International Property Maintenance Code <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Not impervious to weather <b><u>Location:</u></b> Main Structure
<b><u>Component:</u></b> Waste Lines <b><u>Requirement:</u></b> Plumbing Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Improperly Installed <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Waste Lines <b><u>Requirement:</u></b> Plumbing Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Water Heater <b><u>Requirement:</u></b> Plumbing Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Water Heater <b><u>Requirement:</u></b> Plumbing Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Deteriorated <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Water Service <b><u>Requirement:</u></b> Plumbing Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Not Supplied <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Water Meter Jump <b><u>Requirement:</u></b> Plumbing Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Not Supplied <b><u>Location:</u></b> Basement

BDH 1-B

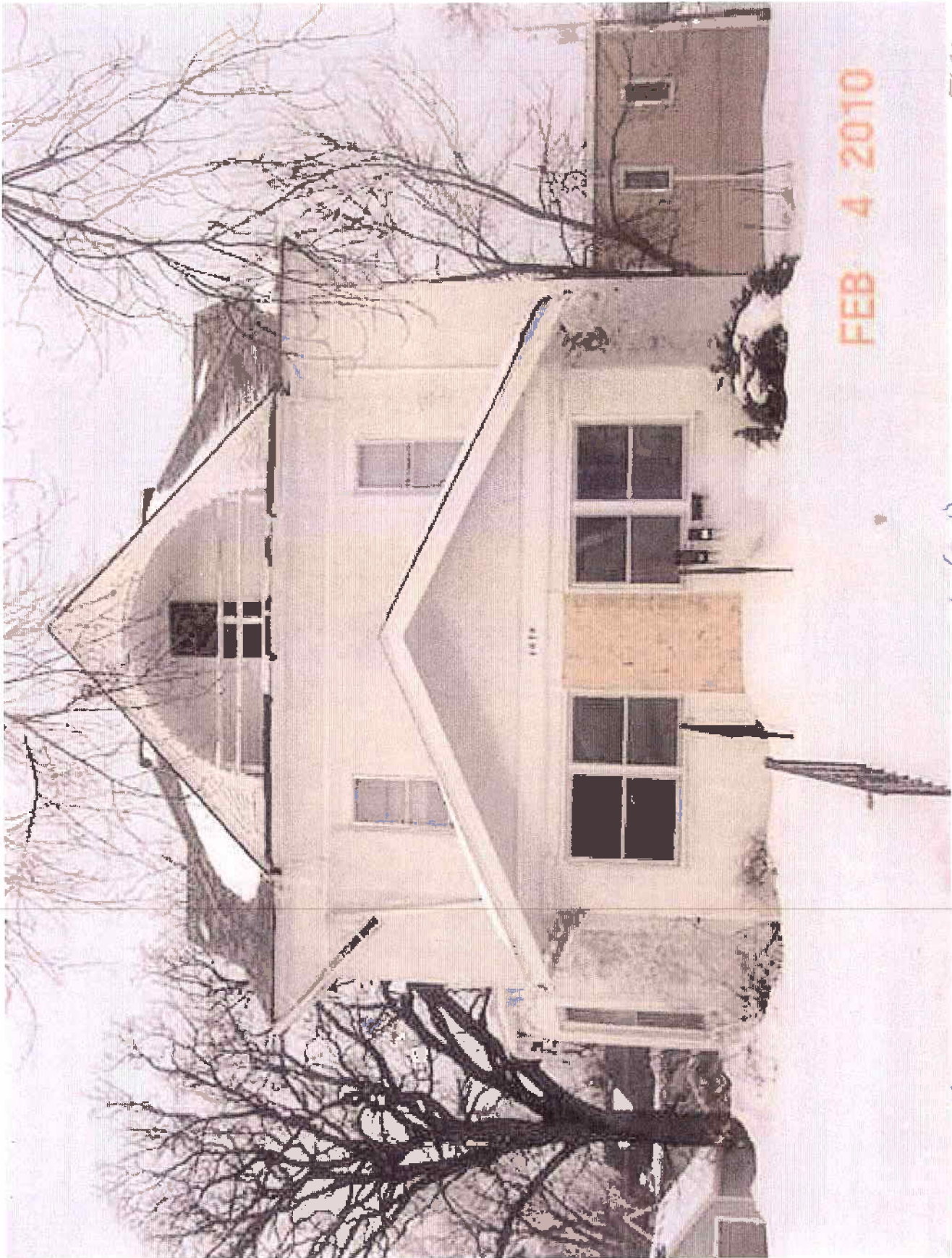
<b><u>Component:</u></b> Hand Rails <b><u>Requirement:</u></b> <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In disrepair <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Interior Stairway <b><u>Requirement:</u></b> <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In disrepair <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Gas Lines <b><u>Requirement:</u></b> Plumbing Permit <b><u>Comments:</u></b> Main gas line in basement is disconnected	<b><u>Defect:</u></b> Not Supplied <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Furnace <b><u>Requirement:</u></b> Mechanical Permit <b><u>Comments:</u></b> Must be checked for safe, operable condition	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Foundation <b><u>Requirement:</u></b> <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Missing Mortars <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Foundation <b><u>Requirement:</u></b> <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Deteriorated <b><u>Location:</u></b> Basement
<b><u>Component:</u></b> Plumbing System <b><u>Requirement:</u></b> Plumbing Permit <b><u>Comments:</u></b> Hot/cold water and wastelines	<b><u>Defect:</u></b> Missing Sections <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Electrical System <b><u>Requirement:</u></b> Electrical Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Missing Required Service <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Wiring <b><u>Requirement:</u></b> Electrical Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Exposed <b><u>Location:</u></b> Throughout

BDH 1-B

<b><u>Component:</u></b> Mechanical System <b><u>Requirement:</u></b> Mechanical Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In disrepair <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Mechanical System <b><u>Requirement:</u></b> Mechanical Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Inadequate <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Window Glazing/Paint <b><u>Requirement:</u></b> <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Windows/Window Frames <b><u>Requirement:</u></b> <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Tub/Shower Walls <b><u>Requirement:</u></b> <b><u>Comments:</u></b> # 1, 2, & 3	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b>
<b><u>Component:</u></b> Sub Floor <b><u>Requirement:</u></b> <b><u>Comments:</u></b> Sections in each unit. # 1, 2, & 3	<b><u>Defect:</u></b> Water Damage <b><u>Location:</u></b>
<b><u>Component:</u></b> Sub Floor <b><u>Requirement:</u></b> Permit Required <b><u>Comments:</u></b> Sections in each unit. # 1, 2, & 3	<b><u>Defect:</u></b> Structurally Unsound <b><u>Location:</u></b>
<b><u>Component:</u></b> Shutoff Valves <b><u>Requirement:</u></b> Permit Required <b><u>Comments:</u></b> Bathroom & kitchen components # 1, 2, & 3	<b><u>Defect:</u></b> Not Supplied <b><u>Location:</u></b>
<b><u>Component:</u></b> Kitchen Sink <b><u>Requirement:</u></b> <b><u>Comments:</u></b> Kitchen # 1, 2, & 3	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b>

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<b><u>Component:</u></b> Bathroom Lavatory <b><u>Requirement:</u></b> Permit Required <b><u>Comments:</u></b> # 1 & 2	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b>
<b><u>Component:</u></b> Bathroom Lavatory <b><u>Requirement:</u></b> Permit Required <b><u>Comments:</u></b> # 3	<b><u>Defect:</u></b> Missing <b><u>Location:</u></b>
<b><u>Component:</u></b> Interior Walls /Ceiling <b><u>Requirement:</u></b> <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Interior Walls /Ceiling <b><u>Requirement:</u></b> <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Severly peeling paint <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Interior Walls /Ceiling <b><u>Requirement:</u></b> <b><u>Comments:</u></b> Several areas of interior	<b><u>Defect:</u></b> Water Damage <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Flooring <b><u>Requirement:</u></b> <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Throughout
<b><u>Component:</u></b> Functioning Water Closet <b><u>Requirement:</u></b> Plumbing Permit <b><u>Comments:</u></b> # 1, 2, & 3	<b><u>Defect:</u></b> Not Supplied <b><u>Location:</u></b>



ELM

Front (East)

1070 267

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ELM

Side (south)

1070 26th

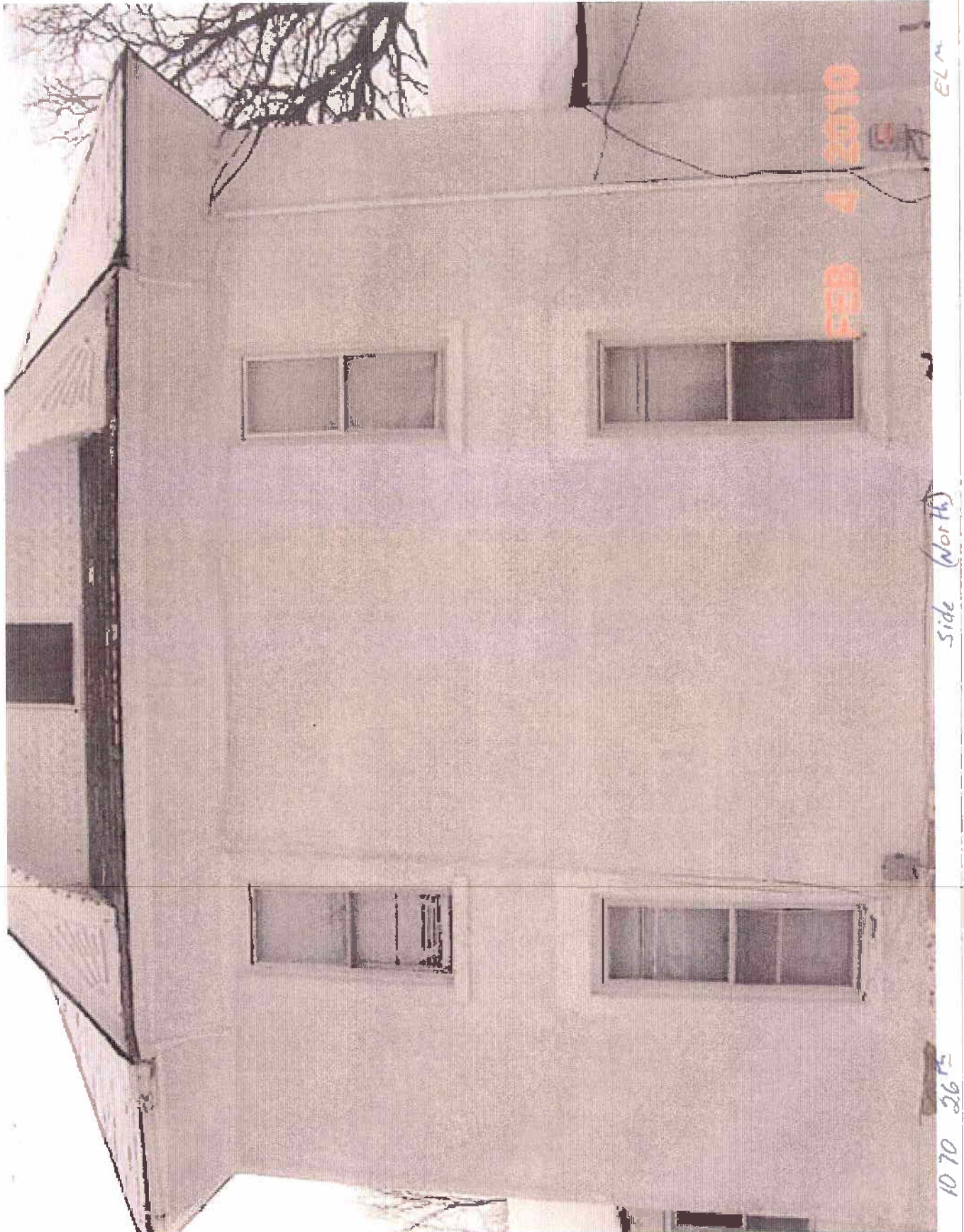


ELM

Road (West)

1070 26<sup>th</sup>

BDH 1-B





NOV 25 2009

ELM

#1 Kitchen

1070 2642



BDH 1-B



ELM

Rear Porch

1070 26 1/2