

Date February 26, 2007

Alternate Resolution

RESOLUTION CONTINUING THE PUBLIC HEARING AND DIRECTING THAT THE CITY SOLICIT PROPOSALS FOR THE PRESERVATION AND RENOVATION OF THE PROPERTY TO PRODUCTIVE REUSE

WHEREAS, on December 20, 2006, the Historic Preservation Commission denied an application from Kingsway Cathedral, represented by Bernie Van Til of Preservation Properties, L.L.C., for a Certificate of Appropriateness for the demolition of the building known as Kingsway Cathedral at 901 - 19th Street; and,

WHEREAS, Preservation Properties, L.L.C., has appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code; and,

WHEREAS, on January 22, 2007, by Roll Call No. 07-118, it was duly resolved by the City Council that the appeal be set down for hearing on February 26, 2007, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was mailed to the applicant on February 2, 2007, and published in the Des Moines Register on February 8, 2007; and,

WHEREAS, in accordance with the published notice, those interested in the issuance of the Certificate of Appropriateness, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Kingsway Cathedral is defined as a pivotal structure in the nomination of the Sherman Hill Historic District to the National Register, which makes it subject to the following requirements in Section 58-31(d) of the Des Moines Municipal Code:

Sec. 58-31. Certificate of appropriateness required.

d) When an application [for a Certificate of Appropriateness] involves the proposed demolition of a building which is defined by the district's National Register nomination to be either a pivotal or contributing structure, the commission shall not issue a certificate of appropriateness until the following conditions have been satisfied:

- (1) The city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building and the lot upon which it stands, provided the prospective purchaser agrees to preserve and rehabilitate the building in accordance with the recommended procedures in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

...

Date February 26, 2007

- (3) The city shall publish such advertisement in a newspaper of general circulation within the city, in both a legal notice and a classified advertisement, once a month for three months for contributing structures and once a month for six months for pivotal structures.
- (4) Upon the affirmative vote of a majority of the full membership of the commission, the advertising requirements of this subsection (d)(3) of this section may be waived when such waiver is determined to be in the public interest.

If the conditions of this subsection have been satisfied and no entity has purchased the building for purpose of rehabilitating or moving it, the commission shall consider the demolition proposal at its next regularly scheduled meeting.

WHEREAS, Section 303.34(3) of the Iowa Code and Section 58-31(f) of the Des Moines Municipal Code provide that on an appeal such as this, the City Council shall consider whether the Historic Preservation Commission has exercised its powers and followed the guidelines established by the law and ordinance, and whether the Commission's decision was patently arbitrary or capricious; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. The public hearing on the appeal is hereby closed.
- 2. The City Council hereby makes the following findings:
 - a. The potential for economic reuse of the Kingsway Cathedral is a disputed factual issue upon which inadequate evidence has been presented to permit the City Council to make an informed and reasoned decision.
 - b. The potential for economic reuse of the Kingsway Cathedral should be explored by soliciting offers to purchase, preserve and rehabilitate the building in accordance with the requirements of Section 58-31 of the Municipal Code quoted above.
 - c. The owner has indicated a willingness to allow inspection of the building by the professional engineer or architect for any party interested in purchasing the building for preservation and rehabilitation in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, provided they sign a waiver of liability for any injury occurring on the property.
 - d. If no reasonable offer is received for the purchase, preservation and rehabilitation of the building is received by one week prior to the hearing date scheduled below, that will be persuasive evidence that it is not feasible to rehabilitate the Kingsway Cathedral to an economic use.

Date February 26, 2007

3. The City Clerk shall cause a notice to be published in the Des Moines Register in a form approved by the City Legal Department, advertising that the owner of the Kingsway Cathedral will entertain offers from any person or governmental agency desiring to purchase the building and the lot upon which it stands, provided the prospective purchaser agrees to preserve and rehabilitate the building in accordance with the recommended procedures in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The Notice shall be published on March 2, 2007, and on the 2nd of each month thereafter until the public hearing scheduled below.
4. The public hearing on the appeal by Preservation Properties, L.L.C., from the Historic Preservation Commission's decision to deny a Certificate of Appropriateness for the demolition of the Kingsway Cathedral building is hereby continued until the date identified below.

(Council Communication No. 07- 116)

MOVED by _____, to adopt and to continue the public hearing until _____, 2007, at 5:00 p.m., in the Council Chambers.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

C:\Rog\Historic\Appeals\Kingsway\RC Hrg-Rev.doc

NOTE: If the notice is to be published once a month for 6 months as provided by Sec. 58-31, the hearing should be scheduled for August 20, 2007. The applicant is requesting that the City Council waive a portion of the required publication and schedule the hearing on May 21, 2007.

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

MOTION CARRIED

APPROVED

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

December 21, 2006

Kingsway Cathedral
c/o Bernie Van Til
400 Locust Street
Suite 245
Des Moines, IA 50309

RE: Request for the demolition of the church building at 901 19th Street located in the Sherman Hill Historic District. (Case # 20-2007-5.24)

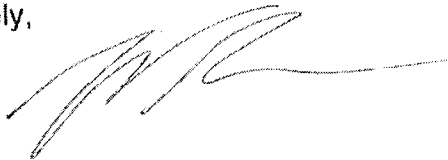
Dear Mr. Van Til:

On December 20, 2006 the City of Des Moines Historic Preservation Commission, in accordance with provisions of the City of Des Moines Historic District Ordinance, took action by a vote of 7-0 to deny your request for a Certificate of Appropriateness for the demolition of the church building. The Commission's motion also included the forwarding of a communication to the City Council requesting they direct the City Manager to implement applicable provisions of Section 58-31 of the City Code with regard to "Pivotal Structures."

If you are not satisfied with the decision of the Commission, please be advised that an appeal of their action must be made to the City Council. Appeals must be in writing and filed with the City Clerk no later than ten business days after the filing of the above-mentioned decision. The date of this letter serves as the filing date. An appeal must be submitted no later than January 9, 2006.

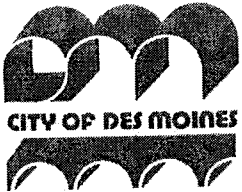
Please contact me at 283-4147 or at jmvanessen@dmgov.org if you have any questions.

Sincerely,



Jason Van Essen, AICP
Senior City Planner

Cc: Larry Hulse, Community Development Director



HISTORIC DISTRICT COMMISSION
ARMORY BUILDING
602 EAST FIRST STREET
DES MOINES, IOWA 50309-1881
(515) 283-4182

ALL-AMERICA CITY 1049, 1076, 1981



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February 14, 2007

Roger K. Brown
Assistant City Attorney
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309-1891

Re: 901 - 19th Street

Dear Mr. Brown:

Bernie Van Til, asked me to forward you a short note as to your question as to who he represents. My name is Steve Smith and I own a local Re/Max Real Estate Office in Des Moines and do some personal investing. Bernie represents me on this transaction. He made me aware of the problems of the church and I was willing to help as the Church was an able seller. I now own the office/apartment building (900 18th Street) just East of the Church and have a contract to buy the balance of the church property. We have not closed on the parking lot or the church site as the attorneys are still working out the details. The three (3) issues are: 1) the pending lawsuit with the City; 2) no insurance on the building; 3) how am I protected should the building fall down?

I would like to introduce you to some friends of mine who will be my partners on this project. We would like to discuss several political resolutions to the current ownership/building issues.

Sincerely,

Steve Smith
For H.E.S., Inc.

HQB

January 16, 2007

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

The Kingsway Cathedral was identified as a "Pivotal Structure" in the 1976 nomination of the Sherman Hill Historic District to the National Register of Historic Places. The nomination defined a "pivotal structure" as a structure with outstanding architectural distinction. Such structures are generally individually eligible for the National Register rather than just as part of a district nomination. However, the Kingsway Cathedral has never been individually nominated to the National Register of Historic Places.

On December 20, 2006 the Commission considered an application from Kingsway Cathedral represented by Preservation Properties LLC (Bernie Van Til, Agent) for a certificate of appropriateness to demolish the Kingsway Cathedral located at 901 19th Street. The applicant submitted portions of a structural report on the condition of the church building and a building repair estimate prepared by the same engineer. The application also referenced a lawsuit filed by the Kingsway Cathedral against the City of Des Moines and the Iowa Department of Transportation (IDOT).

The staff report provided a summary which stated that Kingsway Cathedral brought a lawsuit against the City and the Iowa Department of Transportation (IDOT) claiming that the cathedral was so damaged by the vibrations from the construction of I-235 and M.L. King, Jr. Parkway that the City/IDOT should be compelled to initiate eminent domain proceedings, because the actions were, in effect, a taking of the cathedral. The City and IDOT moved to dismiss, claiming that under the established principles of eminent domain law, the plaintiff's only remedy for any damages to its building caused by vibrations from the nearby road construction project is in tort, i.e. an action for damages. On appeal, the Supreme Court agreed that any damages that may have resulted from construction activities did no amount to a taking, and therefore, the Court reversed the district court and remanded for an order dismissing the inverse condemnation claim. The lawsuit is still pending.

The staff report also noted that the City Building Official indicated the City has no evidence that the building is an imminent threat and that the concerns that have resulted in the fencing of the property revolve around their structural engineer's opinion regarding the building's condition, specifically with the decay of the parapet masonry joints and the stained glass windows.

The Commission was also aware Jack Porter of the State Historical Society of Iowa had notified staff that the property might be eligible for a grant from the National Trust of Historic Preservation for the preparation of a preservation plan that would clearly identify the potential reuse of the building and obstacles.

Therefore, on December 20, 2006, the Historic Preservation Commission voted 7-0 to recommend the following regarding the Kingsway Cathedral, 901 19th Street:

- **DENIAL** of a request from Kingsway Cathedral Inc. (owner) represented by Bernie Van Til (agent) for the demolition of the church building at 901 19th Street. (20-2007-5.24)
- **APPROVAL** of a communication to the City Council requesting the City Manager be directed to implement applicable provisions of Section 58-31 of the City Code regarding "pivotal structures".

Section 58-31(d) of the City's Historical Preservation Ordinance states:

"Sec. 58-31. Certificate of appropriateness required.

d) When an application involves the proposed demolition of a building which is defined by the district's National Register nomination to be either a pivotal or contributing structure, the commission shall not issue a certificate of appropriateness until the following conditions have been satisfied:

(1) The city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building and the lot upon which it stands, provided the prospective purchaser agrees to preserve and rehabilitate the building in accordance with the recommended procedures in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(2) When it has been determined by the commission that such building must be moved to mitigate adverse impact, in lieu of the requirements of subsection (d)(1) of this section, the city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building, provided the prospective purchaser agrees to cause such building to be moved by a professional mover in accordance with the recommended approaches in the Department of the Interior's "Moving Historic Buildings."

(3) The city shall publish such advertisement in a newspaper of general circulation within the city, in both a legal notice and a classified advertisement, once a month for three months for contributing structures and once a month for six months for pivotal structures.

(4) Upon the affirmative vote of a majority of the full membership of the commission, the advertising requirements of

this subsection (d) (3) of this section may be waived when such waiver is determined to be in the public interest.

If the conditions of this subsection have been satisfied and no entity has purchased the building for purpose of rehabilitating or moving it, the commission shall consider the demolition proposal at its next regularly scheduled meeting.

The Historic Preservation Commission did not elect to waive the advertisement requirements and requests that the City Council direct the City Manager to proceed with advertisement of the Kingsway Cathedral pursuant to Section 58-31 of the City Code.

Respectfully submitted,

Susan Holderness, Chair
Historic Preservation Commission

Preservation Properties LLC
Suite 245 Capital Square
400 Locust Street
Des Moines IA 50309

Tuesday, February 20, 2007

Richard A. Clark. City Manger
City Hall
400 Robert D Ray Drive
Des Moines IA 50309-1891

Dear Mr. Clark:

The letter is in response to your February 5th letter which I received by mail Friday, February 16.

First let me address the "access has not been granted" part of your letter. I am not aware of any request by any City staff member ever. I will be happy to provide you or any member(s) of your staff access of any reasonable time during business hours. However, the owners have required every person sign and "fax delivery only with copies to Ted Sporer" a current "Waiver of Liability" form for each tour request. As of today, no forms ..zero have been returned from any City fax number and my fax log will support this statement. If a person(s) still has an interest in the tour, have them call me for a request or my fax request number is 237-0566. We will set a date after the paper work is on file. Today, I do not think it is very smart to tour right now given the snow issues but early March may be safer.

Secondly lets address the Street closing and why the City should be a party to the closing. The notion that the City is a spectator or bystander to the problems has yet to be determined. The court is still out and the legal action could be transferred temporally but until the end is the end, you still have some risk. However I stress your link to the current problem is because of the alleged damage caused by your vendor. Your 100% transfer of the responsibility could be premature depending on the outcome of the next few pending court motions. So to say it's the problem of the property owner is correct if you had nothing to do with the damage. Finally, I would think your office would error on the side of being safe.

Thirdly your suggestion "Observations of the building exterior do not reveal signs of damage" suggest I have failed to communicate the issues outlined to me by Dale Smith our PE. You can look at the building until it falls on you and not see the problem. It's a cancer to the structure or dripping... dripping of the old failed soft mortar between the soft brick bats, BEHIND the walls, that is the problem. It's a foundation structure problem not cosmetic. This 105 year old structure was pushed down the stairs. Her bones are broken but just because she is not bleeding on the floor does not make death less tentative. That is why a parade of well meaning neighbors through the building is meaningless unless they are represented by professionals. Now in fairness to what you have been told and for the record, I have refused entry to some 10 to 12 neighbors

requesting entry. I have refused based on none are professionals. The suggested professional turned out to be an architect not an engineer. In addition we had to agree to a study of which they lacked the \$10,000 deposit to start the process. If they lack the \$10,000 how are we to get to half or a third or any number remembering, Dale Smith's estimates for rehab was correct at \$4,000,000 back in 2002 not at today's prices.

Having said that I know you know I am just repeating what I have read with extensive study over Dale's report and several meetings with him. I also know you are repeating what you have been told or summarized for you. Mr. Clark, from what I know today, if Dale Smith PE is half right this project will never be funded or repaired. My concern is over your "Observations of the building exterior do not reveal signs of damage" suggest your advisors are working under the superficial assumptions, which tells me they have discounted most of Dales Smiths findings. In effect, we are both repeating what we have been told, which may not be really productive.

Let me do what I do best. Over the next few months let me rethink, explore outside the box. Let me find a new vision for this block. Let me develop a creative solution for a resolution that will offer some give and take or confirm without a question that this building must come down or fall down. Let us suggest a solution that will amaze my friends and bewilder my enemies. I will scrutinize the issues and see if a joint workable reconciliation solution can be found, with some give and take both sides Lets work together on a solution for this project site .

I trust this gives additional insight regarding our positions. If you have any questions just call me at 237-0567. It is always good to talk with you.

Sincerely:


Bernie Van Til, Consultant
Preservation Properties LLC

Attachments:

Jack Porter letter Jan 23rd
John Hallstrom email copy Jan 24th

CC with attachments
Ted Sporer via fax
The Client
Roger Brown via fax.

CC: without attachments
The Honorable Mayor
Christopher J. Coleman @ Large
Michael Kiernam @ Large
Thomas D. Vlassis Ward I
Bob Mahaffey Ward II
Christine Hensley Ward III
Brian Meyer Ward IV
Bruce Bergman City Attorney

Preservation Properties LLC

**Asset Management/ Condo Management
Client Representation
Consultant**

Suite 245 Capital Square Bldg
400 Locust Street Des Moines Iowa 50309
Phone (515) 237-0567--- 237-0566 Fax
saveitvantil@msn.com

Tuesday, January 23, 2007

Mr. Jack Porter
C/O Neighborhood Investment Corporation
1620 Pleasant Street
Des Moines IA 50314

REF Proposal by Steinmetz / Johanna Favrot Fund application

Dear Jack:

Thanks again for your time yesterday. I wanted to just follow up on a few major issues as to your request. I have reviewed the letter proposal from Douglas J. Steinmetz architect from Cedar Rapids. In addition this letter is a follow up on the Johanna Favrot Fund application request.

My thought is, Douglas Steinmetz is an architect and not a "Structural Engineer" licensed with the State of Iowa. Maybe a nice person but does not have the education, qualifications or credentials to be an expert witness in this case. If I held him out to you as the final authority, would you take his word as the authority to move forward with the recommendation? I think not.

We have had several proposals which range from \$50,000 to \$250,000 paid in advance and the condition is, what it is, after they leave. No, we need an "expert" in the "Structural Engineer" field as this is a very complicated wall structure erosion or mortar issue. This core structure never was to be shocked from the inside out or withstand the heavy equipment activity only 22 to 28 feet away causing the "structural rupture". The heavy equipment movers removed the bridge debris and were part of the overall road construction but caused 25 to 40 years of road traffic within months. These "soft" brick have a low PSI of only 400 to 1500 and never were designed to withstand the normal exposure of exterior brick fired to 3000 to 6000 PSI.

Regarding the Johanna Favrot Fund, My recommendation will be we not be involved with the grant request. First, it's matching Grant Funds and for you to get \$10,000 you need \$10,000. I understand from talking with you last night that your \$10,000 is not on the table ready for funding. Second, the time frame is too long. We

Mr. Jack Porter
January 23, 2007
Page two of two

need to address this within the next 20 days, or we will just wait out the next 5 months for the default demo permit. Third, I see Iowa is not a Statewide Partner. With the competition so high on funding, why would this \$10,000 get funded knowing the Iowa Historic State fund is capped until 2012 or 2015? Jack, as you know with the Historic rehab net dollars discounted maybe will equal 12 to 15% of the equity. We still need hard money of 85% of the project cost. Any plan will need funding of \$3 to \$4.5 million dollars up front. Please keep sending me your ideas.

I like working with the idea of finding a qualified 2nd opinion to the Dale Smith report. This would however be with the understanding if any or some or none of the Church building could be saved or would be part and incorporated into a new use plan that would be supported without neighborhood objections. Saving some parts or none of the structure come with a heavy cost currently estimated at \$4,000,000+/- by Dale Smith. Any plan I endorse would need to be economically viable and fundable

Finally, today I will forward John a note about the tour request by residents of the Sherman Hills Area. It will be my recommendation that all tours stop until Spring. The current heavy wet snow load and Winter wind conditions are a major problem and just unsafe for tours. Also, what would they do for the process? What you see is not the major damage between the walls and roof. **The fallen plaster may look OK or bad but only an expert in the field knows what to look for behind the obvious.**

Again the fixed up asking selling price is \$5,200,000. Any offer should have a deposit of 10% or \$520,000 attached as an earnest money deposit with the offer. If not, cash a deposit or credit line of the total project will be workable. With an offer made and approved by all parties, then the experts may tour after the proper approvals.

I look forward to a political solution to these issues. The building issue could be over soon, if the roof falls, followed by the walls.

Sincerely

Bernie Van Til
For the Client

CC : Client

493

saveitvantil@msn.com

Wednesday, January 24, 2007

John Hallstrom
email: johoha@aol.com
home: 697.0017
work: 244.4221 ext. 5366

C/O Neighborhood Investment Corporation
1620 Pleasant Street
Des Moines IA 50314

REF Sherman Hills KINGSWAY TOURS

John this note is in reply to your request to tour with 12 other residents of the Sherman Hills Area. **It will be my recommendation that all tours stop until Spring. The current heavy wet snow load and Winter wind conditions are a major problem and just unsafe for tours.** Also, what would they do for the process? What you see just looking at the walls is not the major damage between the walls and roof. An example would be like an egg that has been broken from the inside out. The fallen plaster may look OK or bad but **only an expert in the field knows what to look for behind the obvious.** I like working with the idea of finding a qualified 2nd opinion to the Dale Smith report, but you need the money and big named firm. If you have an expert, I will be happy to meet with you in the Spring.

HOWEVER; This would be with the understanding if any, some or none of the Church building could be saved or would be part and incorporated into a new use plan; that new plan/use would be supported without neighborhood objections. Saving some parts or none of the structure come with a heavy cost currently estimated at \$4,000,000+/- by Dale Smith. Any plan I endorse would need to be economically viable and fundable.

Again the fixed up asking selling price is \$5,200,000. Any offer should have a deposit of 10% or \$520,000 attached as an earnest money deposit with the offer. If not a cash deposit, we would need a credit line of the total rehab project cost (above) would be workable. With an offer made and approved by all parties, then the experts may tour after the proper approvals.

I look forward to a political solution to these issues. The building issue could be over soon, if the roof falls, followed by the walls.

Sincerely
Bernie Van Til
For the Clients
CC : Clients

Historical Commission Meeting
Dec 20 2006
City Hall Chambers

Kingsway Cathedral
a non profit corp.
Action for Proposed Demolition

by
Preservation Properties LLC
agent for owners
Bernie Van Til- agent

Monday, January 08, 2007

Mr. Richard Clark
City Manager
City of Des Moines
400 Robert Ray Drive
Des Moines IA 50309

**Re: Request for the Demolition of the Church Building at 901 19th Street Located in
the Sherman Hill Historic District – Case #20-2007-5.24.**

DES MOINES, IOWA
CITY CLERK

2007 JAN -9 PM 3:46

FILED

Bernie Van Til
Preservation Properties LLC
Consultant for the Owners
2808 Virginia Place
Des Moines IA 50321

Monday, January 08, 2007

Mr. Richard Clark
City Manager
City of Des Moines
400 Robert Ray Drive
Des Moines IA 50309

Re: Request for the Demolition of the Church Building at 901 19th Street Located in the Sherman Hill Historic District – Case #20-2007-5.24.

Dear Mr. Clark:

This letter is our official appeal of the December 20, 2006 City Historic Preservation Commission of denying our request for a Certificate of Appropriateness for the demolition of the Church Building Known as Kingsway Cathedral. The Historic Commission found grounds for denial under Section 58-1 of the City Code with regards to "Pivotal Structures." The issues and risks are larger than "Pivotal" as the building is not savable today given the very high cost estimate. Our goal is to take it down before it falls down and any hope of some salvage is lost. We are requesting the City to issue a demolition permit by March 1st for the following reasons:

1. The Church Building is not "pivotal" in that it should not be part of the Sherman Hills Historic District. Artificial boundaries include and/or exclude core parts of half blocks or streets (ie ML King for example) of what should be simple street boundaries. Gerrymandering the lines is apparent and the church site and others parts of this block should be North of any reasonable demarcations. The District North boundary should be Cottage Grove or Crocker Street.
2. The Church building has historic significance but only within the "Church" Community. The transition and history for Grace Methodist to the modern Open Bible movement had some key memories in these walls. However, the "Church" region or denomination community has not asked to save the building. Consider this, given the current interpretation of the "Separation of Church and State", any City, State or Federal funds may not be available for such a purpose. New lawsuits will be filed and time is not on the side to save the building for "Historical Religious reasons"

3. **The City has significant risk regarding this project.** Jason Van Essen, the Senior City Planner, at the December 20, 2006 Historic Preservation Meeting stated “the City’s staff position is this building was in no immediate danger of falling down”. By this letter within ten (10) days, we are requesting that the City provide us, in writing, the structural engineer’s name and Iowa License #, who has authorized this judgment or statement. If the building falls down on the street and people are killed or injured, that now falls on to your responsibility as Jason assumed that risk on behalf of the City. Please note, We do not have insurance on the building and its my understanding we cannot get insurance to cover this major risk. In part, Rick I want to be very clear and I want to be sure you understand, one goal in the letter is to stop additional losses, greater than the loss of this building. For the record and in the view of our structural expert a Registered Professional Engineer in the State of Iowa Reg # 5425, this is also request is for a remedy of dangerous conditions for the general public. We are asking that 19th Street be closed this week.
4. The hidden or real Sherman Hills issue is about zoning and the next project or future use of this site, not about saving the Church. This is true because of statements made in December 20th meeting and following press articles. Permitted uses under current zoning should not be part of this discussion.
5. The cost to repair the damage is about \$4,000,000 (give or take) for this project which exceeds the end value. Remember when you start the repairs the other code issues take effect. The ADA requirements, would in fact, destroy the building in an effort to save it. The building has about 6 or 7 half levels not counting the floor grades and balcony seating system.. In addition, the ONLY set of Ladies and Men’s restrooms are located in the basement level down 2 or 3 half levels, with one small private single half bathroom is located on the 2nd level. To transform this building of any new public use would be almost impossible. These needed additions would be above the current estimated repairs cost of \$4,000,000.
6. The repairs and cost over and above the needed by City and DOT funds contribution are not justified for re-building this structure. . This local area or downtown church members will not support the core cost of a church. The church members demographic makeup are not capable of supporting a monthly family fee. This is confirmed by the example of the Cottage Grove Presbyterian Church a few blocks away and the recent press coverage they have requested or received. (A church’s cry for help... The Des Moines Register ...Thursday December 28th 2006)
7. The facts show, the popular misconception, that a lack of maintenance is the overriding factor regarding the Church’s demise or present condition is wrong. No amount of maintenance or lack of maintenance for example; will crack an egg from the inside out or cause a “Structure Failure” on the inside core walls. When you study issue of the building of a) age ; for example as you get older your resistance to change or recovery aptitude is less and less, b) the unusually high footing or shallow basement, c) construction methods or what materials were used in this building was built d) with the balcony spans, rafter and trusses and

tower construction e) preexisting repairs of a previous fire, with all the above factors combined: could not withstand the #1) shock from the blast and #2) heavy equipment activity 22 to 28 feet away from the building for months and months on end, caused the “structural rupture”. The combined events killed the building and how the “hour glass” example is filling every so slowly on the core structure, as the mortar is now sand filling the voids leaving the walls weak and frail. We will show records, bids on glass repairs (pre the bridge demo) and other documents will confirm the above in the future Court trial.

8. Keeping it simple. Why did the building fail? I would like to give you a layman’s explanation for what has caused the problems regarding the structure and why the lawsuit with the City of Des Moines, the DOT, and the insurance company continues. However now in the time to end this as this are getting into public safety issues and time is of the essence .

Mr. Clark, With the above summary and introduction I now would like to go into more detail and expand some thoughts to confirm the points outlined .

Item #1 The Church Building is not “pivotal” in that it should not be part of the Sherman Hills Historic District

The Subject site would NOT meet the standard landmark test Under the Statement of Significance The Church would not qualify as a Historic Building because :

- A. PEOPLE -A famous person lived or did something here.
- B. ARCHITESTURE- Famous Design or Person who built it
No famous architect was part of the process
- C. HISTORICAL --No historical event happed here

The building is just old and does not meet the test above. Therefore, the site does not qualify for historical significance. So why the problem?

This building only qualifies as it is in the Sherman Hills District. The district boundaries should not include this project. This project is included in the District at the whims of the founders and not by true boundaries. The boundaries should be from Crocker South and Martin Luther King East from an Exhibits attached .Exhibit A and B show the district should have included areas clearly within the district and this Church should have clearly been excluded.

Item #2 The Church building has historic significance but only within the “Church” Community.

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Finally, the separation of Church and State issues may come to question on both sides using federal funds to save a Church for religious reasons and secondly, the interference of Church and State issues for removing a structure.

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As late as Friday, January 5, 2007, our structural engineer, Dale Smith, again confirmed to me that this building is very unstable and is a danger to the public. We would like to know the staff member responsible as ultimately this would follow a lawsuit from the family member survivors if a failure occurred. Mr. Smith's stated the West wall is by far the most dangerous, the South wall would follow and ultimately, a roof collapse over the pulpit area is his major concern. The arch construction is vulnerable at this point and the recent break ins are of real concern to us.

It is our opinion 19h Street should be closed immediately with barricades and it is our request that the City do this immediately.

Item #4 The real issue is about stopping the next reuse of this site permitted under current zoning and not about saving the Church. Mr. Bob Mickel in his December 20th presentation affirmed this objection and later a press article involving Mr. Chuck Farr clearly stated they are not concerned about the Church per se but the real reason is they want to preserve the Church to block appropriate zoning and reuse of this development site. The reuse of this site is not an appropriate argument for saving the current building as a pivot structure. An appropriate project, which would service the area, including this neighborhood, which is permitted within the zoning ordinance, could include several design criteria which will be discussed at a later date before the Commission and other appropriate committees.

Item #5 The cost to repair this project exceeds the end value. Dale Smith PE in his report outlined the repairs through professional vendors as being around \$3,900,000. The total cost of this repair and rehab would exceed the all new 100% up to code and reflecting current needs. Local contractors suggest a price range between \$175 and \$250 per sq foot would equal \$1,312,500 and \$1,875,000 respectively total cost less land. That is more than double the \$4,000,000 cost projections. Each church family would need to pay an extra \$50 to \$70 per month plus the normal operating cost just to enjoy this old building experience. This structure is actually small by comparison and would house probably between 650 to 700 people in total divided by 3.5+/- family members equals 160 to 185 families maximum for the makeup of this congregation.

The ADA requirements, would in fact, destroy the building in an effort to save it.

The above \$4,000,000 estimate was low because it did not include ADA requirements. In exhibit "B" I have demonstrated the floor levels within the structure. It is my estimate that not less than three elevators would be needed to meet the ADA requirements. Again,

49B

RECEIVED
JAN 09 2007
CITY MANAGER'S OFFICE

**Historical Commission Meeting
Dec 20 2006
City Hall Chambers**

Kingsway Cathedral
a non profit corp.
Action for Proposed Demolition

by
Preservation Properties LLC
agent for owners
Bernie Van Til- agent

Monday, January 08, 2007

Mr. Richard Clark
City Manager
City of Des Moines
400 Robert Ray Drive
Des Moines IA 50309

**Re: Request for the Demolition of the Church Building at 901 19th Street Located in
the Sherman Hill Historic District – Case #20-2007-5.24.**

Bernie Van Til
Preservation Properties LLC
Consultant for the Owners
2808 Virginia Place
Des Moines IA 50321

Monday, January 08, 2007

Mr. Richard Clark
City Manager
City of Des Moines
400 Robert Ray Drive
Des Moines IA 50309

Re: Request for the Demolition of the Church Building at 901 19th Street Located in the Sherman Hill Historic District – Case #20-2007-5.24.

Dear Mr. Clark:

This letter is our official appeal of the December 20, 2006 City Historic Preservation Commission of denying our request for a Certificate of Appropriateness for the demolition of the Church Building Known as Kingsway Cathedral. The Historic Commission found grounds for denial under Section 58-1 of the City Code with regards to "Pivotal Structures." The issues and risks are larger than "Pivotal" as the building is not savable today given the very high cost estimate. Our goal is to take it down before it falls down and any hope of some salvage is lost. We are requesting the City to issue a demolition permit by March 1st for the following reasons:

1. The Church Building is not "pivotal" in that it should not be part of the Sherman Hills Historic District. Artificial boundaries include and/or exclude core parts of half blocks or streets (ie ML King for example) of what should be simple street boundaries. Gerrymandering the lines is apparent and the church site and others parts of this block should be North of any reasonable demarcations. The District North boundary should be Cottage Grove or Crocker Street.
2. The Church building has historic significance but only within the "Church" Community. The transition and history for Grace Methodist to the modern Open Bible movement had some key memories in these walls. However, the "Church" region or denomination community has not asked to save the building. Consider this, given the current interpretation of the "Separation of Church and State", any City, State or Federal funds may not be available for such a purpose. New lawsuits will be filed and time is not on the side to save the building for "Historical Religious reasons"

3. **The City has significant risk regarding this project.** Jason Van Essen, the Senior City Planner, at the December 20, 2006 Historic Preservation Meeting stated “the City’s staff position is this building was in no immediate danger of falling down”. By this letter within ten (10) days, we are requesting that the City provide us, in writing, the structural engineer’s name and Iowa License #, who has authorized this judgment or statement. If the building falls down on the street and people are killed or injured, that now falls on to your responsibility as Jason assumed that risk on behalf of the City. Please note, We do not have insurance on the building and its my understanding we cannot get insurance to cover this major risk. In part, Rick I want to be very clear and I want to be sure you understand, one goal in the letter is to stop additional losses, greater than the loss of this building. For the record and in the view of our structural expert a Registered Professional Engineer in the State of Iowa Reg # 5425, this is also request is for a remedy of dangerous conditions for the general public. We are asking that 19th Street be closed this week.
4. The hidden or real Sherman Hills issue is about zoning and the next project or future use of this site, not about saving the Church. This is true because of statements made in December 20th meeting and following press articles. Permitted uses under current zoning should not be part of this discussion.
5. The cost to repair the damage is about \$4,000,000 (give or take) for this project which exceeds the end value. Remember when you start the repairs the other code issues take effect. The ADA requirements, would in fact, destroy the building in an effort to save it. The building has about 6 or 7 half levels not counting the floor grades and balcony seating system.. In addition, the ONLY set of Ladies and Men’s restrooms are located in the basement level down 2 or 3 half levels, with one small private single half bathroom is located on the 2nd level. To transform this building of any new public use would be almost impossible. These needed additions would be above the current estimated repairs cost of \$4,000,000.
6. The repairs and cost over and above the needed by City and DOT funds contribution are not justified for re-building this structure. . This local area or downtown church members will not support the core cost of a church. The church members demographic makeup are not capable of supporting a monthly family fee. This is confirmed by the example of the Cottage Grove Presbyterian Church a few blocks away and the recent press coverage they have requested or received. (A church’s cry for help... The Des Moines Register ...Thursday December 28th 2006)
7. The facts show, the popular misconception, that a lack of maintenance is the overriding factor regarding the Church’s demise or present condition is wrong. No amount of maintenance or lack of maintenance for example; will crack an egg from the inside out or cause a “Structure Failure” on the inside core walls. When you study issue of the building of a) age ; for example as you get older your resistance to change or recovery aptitude is less and less, b) the unusually high footing or shallow basement, c) construction methods or what materials were used in this building was built d) with the balcony spans, rafter and trusses and

tower construction e) preexisting repairs of a previous fire, with all the above factors combined; could not withstand the #1) shock from the blast and #2) heavy equipment activity 22 to 28 feet away from the building for months and months on end, caused the “structural rupture”. The combined events killed the building and how the “hour glass” example is filling every so slowly on the core structure, as the mortar is now sand filling the voids leaving the walls weak and frail. We will show records, bids on glass repairs (pre the bridge demo) and other documents will confirm the above in the future Court trial.

8. Keeping it simple. Why did the building fail? I would like to give you a layman’s explanation for what has caused the problems regarding the structure and why the lawsuit with the City of Des Moines, the DOT, and the insurance company continues. However now in the time to end this as this are getting into public safety issues and time is of the essence .

Mr. Clark, With the above summary and introduction I now would like to go into more detail and expand some thoughts to confirm the points outlined .

Item #1 The Church Building is not “pivotal” in that it should not be part of the Sherman Hills Historic District

The Subject site would NOT meet the standard landmark test Under the Statement of Significance The Church would not qualify as a Historic Building because :

- A. PEOPLE -A famous person lived or did something here.
- B. ARCHITESTURE- Famous Design or Person who built it
No famous architect was part of the process
- C. HISTORICAL --No historical event happed here

The building is just old and does not meet the test above. Therefore, the site does not qualify for historical significance. So why the problem?

This building only qualifies as it is in the Sherman Hills District. The district boundaries should not include this project. This project is included in the District at the whims of the founders and not by true boundaries. The boundaries should be from Crocker South and Martin Luther King East from an Exhibits attached .Exhibit A and B show the district should have included areas clearly within the district and this Church should have clearly been excluded.

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remember once you start part of the project, the total project must need the ADA requirements which would then be followed by fire requirements, which would include a sprinkler system, strobes, and fire alarms. None of these are part of Mr. Smith's report. On the attached worksheet (Exhibit D), I have demonstrated that no Church body would be able to support this cost burden as part of their worship facility.

Item #6 The cost to repair this project exceeds the current needs in this church community. Area Church seat are unfilled now and current expenses for current church site are not being funded now. The supply exceeds the demand today. On January 7, I visited the Cottage Grove Presbyterian Church which is struggling financially and for members. I am sure you are aware of this situation. In fact, they had their worship service in the Church "lounge" and not in the Church sanctuary in an effort to hold down operating costs. I would suggest the repair cost spent on a Church having 185+/- active family members in this area is unfounded and not reasonable.

Item #7 There is a popular misconception that a lack of maintenance is the overriding factor regarding the Church's demise or present condition. Please allow me to develop the idea that this is just not the case. No amount of maintenance could have prevented the damage given the current CORE problems. Let me give some illustration of #1) old age #2) the egg cracked from the inside out #3) an Hour glass is dripping, to help make the point.

#1 An illustration of the age issue. If a person five years old fell down 10 steps, you would think a very different probable results than if a 50 year old person fell down the same steps. Finally, it is reasonable that a 100 year old person who fell down the same steps would have very different result an any of the above. The simple claim that the current condition was a lack of maintenance is just too simple. The claim that all building did not suffer the same results is equally simple. This Church was built in 1901; therefore, was 101 years old at the time. The claim that this damage to the structure via the demolition explosion and following heavy equipment activity events caused the demise is probable and reasonable given the building age. The notion of age is understandable in that our bodies do not have the resilience they once had.

#2 The example of the egg as it compared to the bricks and mortar. Most non industry professional are looking at the outside brick never see problems until the building shaft and things start falling The outside brick problems are minor to the drip, drip and drippings of mortar which has turned to sand. This mass of soft brick and mortar is now in dripping to the foundation floor BETWEEN the walls. This is a cancer inside core structure walls are soft brick known as "BRICK BATS". This brick was common at the time with a very low PSI of 400 to between 1500 on core construction and was used through out the area. These brick are also known as "soft" bricks. These bricks were called "seconds" as they were considered mass and not subject to the elements as they are inside the protected exterior brick wall. This is core filler and solid until you brake the seal or it is damaged. Exterior brick has a much higher PSI between 3000 to 6000. In my Exhibit D, I have illustrated the problem regarding the impact of the facility. No amount of maintenance or lack of maintenance will ever crack an egg from the inside. However, once the egg is cracked, little can be done to repair the core structure holding the facility together. The argument or discussion about maintenance is meaningless give

the damage to the interior core and building movement problems. Our structural problem is on the inside going out, not the outside in

#3 Finally, the comparison of the hour glass in the above exhibit, illustrates the seeping of the sand which was previously mortar, has now begun the process of seeping between the core brick bats and the outer brick structure and interior plaster walls. When the mortar seal is broken or the bond is broken the process starts. The demise is only a matter of time before the building falls down in our engineer's professional opinion.

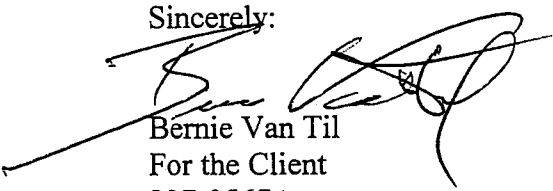
ITEM #8 The "Point of Rupture", as I understand it what probably happened is the core explosions traveled faster through the hard ground than through the air which shocked the building and shook the structure back and forth. Within seconds followed by the above ground blast that pushed the building to the point of rupture causing the current problems. No amount of maintenance could have prevented this catastrophic event. In addition and equally important and just as deadly to the above blast, we had the ongoing grinding of heavy equipment, trucks going down 19th Street fully loaded with the demolition debris of the bridge. Within this very short time frame of four to six months, this building had more than 20 to 30 years of normal traffic shaking the core building.

This was compounded in that this OLD building has very high footing not that deep below grade level. Additional consideration should have been given for this building has an above normal foundation levels. For example, you can be standing in the basement and look out to the street level; therefore, the abnormally high foundation and footings were more receptive to the blast and road traffic than would be normal In fact, our engineer has provided the example of the Moscow Kremlin as an example for the problem. On May Day, they no longer parade the heavy trucks and tanks as it was causing years of deterioration to the surrounding structures.

It is not my purpose to try the lawsuit as part of this letter but we will provide ample evidence of the underground blasts with above ground traffic brought the early demise to this structure.

The lawsuit will continue and the City is now at higher risk as it relates to this failure It is confusing to me why Jason would offer the City's assurances that the building is safe and sound but if we have a collapse and people are killed or injured this letter is to serve notice that we are not responsible and your staff has assumed that liability . Time is of the essence since we are very concerned about the project. We would like to work with you and City staff to develop a new use for this site which would compliment the City and the neighborhood. We look forward to hearing from you.

Sincerely:



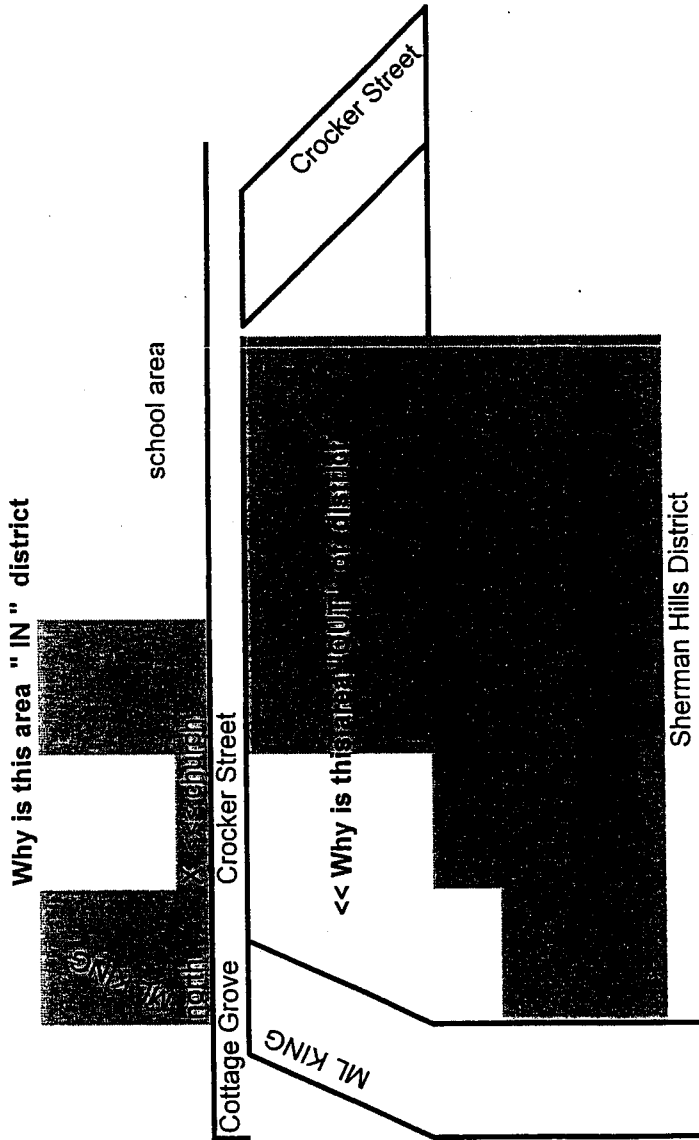
Bernie Van Til
For the Client
237-0567

cc Theodore F Sporer w/ Sporer and Ilic PC

By: B Van Til

Sherman Hills Historic AREA

235 express way



not to scale

Why are we in the district in the 1st place

- a) ML KING in the area Why??
- b) Boundary should be Crocker SOUTH
- c) Why is North West part out? Mistake?
- d) Why are we in ? Mistake ?

Exhibit A 49B

#1 A

Preservation Properties LLC
agent for owners
Bernie Van Til- agent

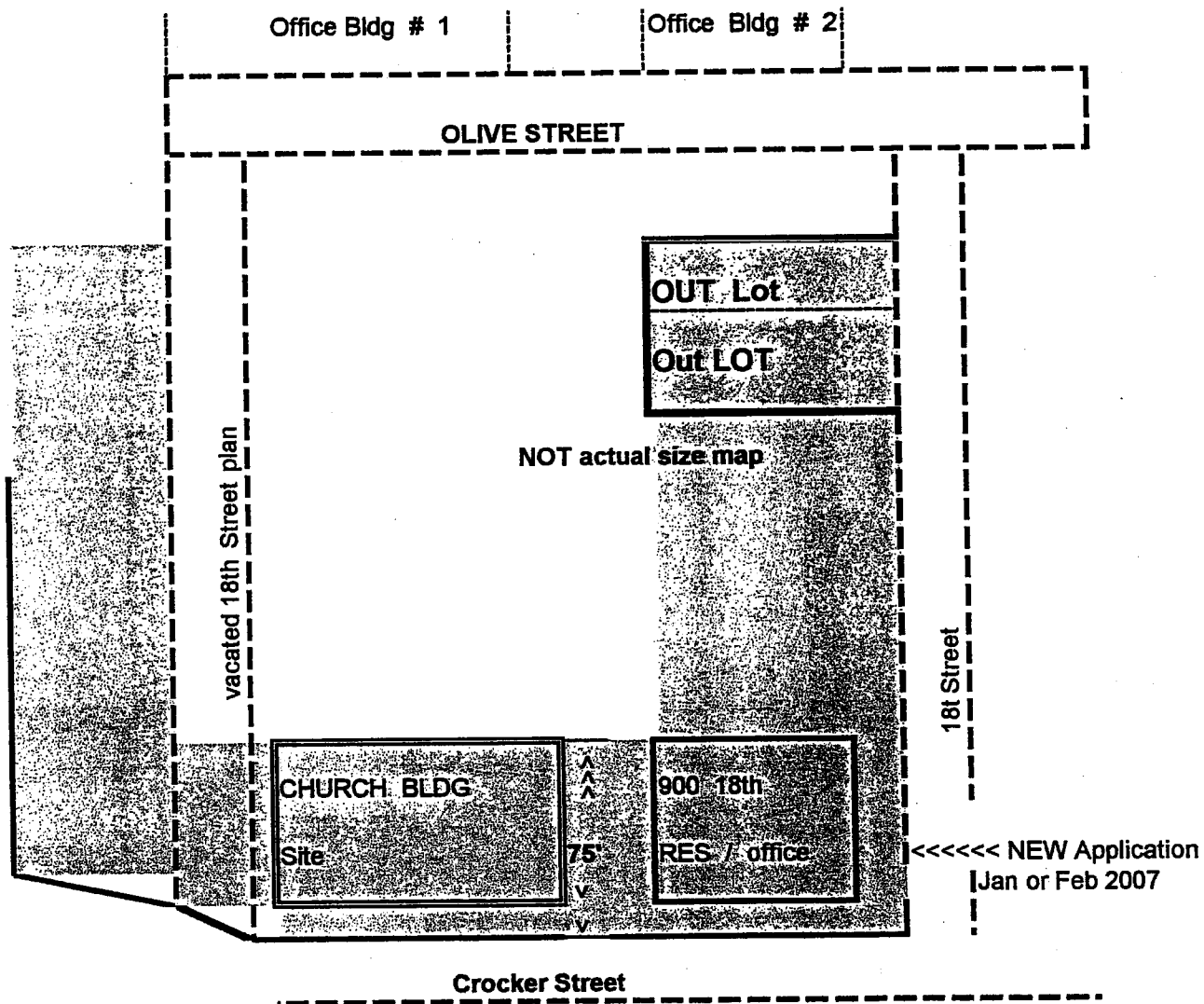
Dec 20th 2006
HP Commission meeting

Kingsway Cathedral

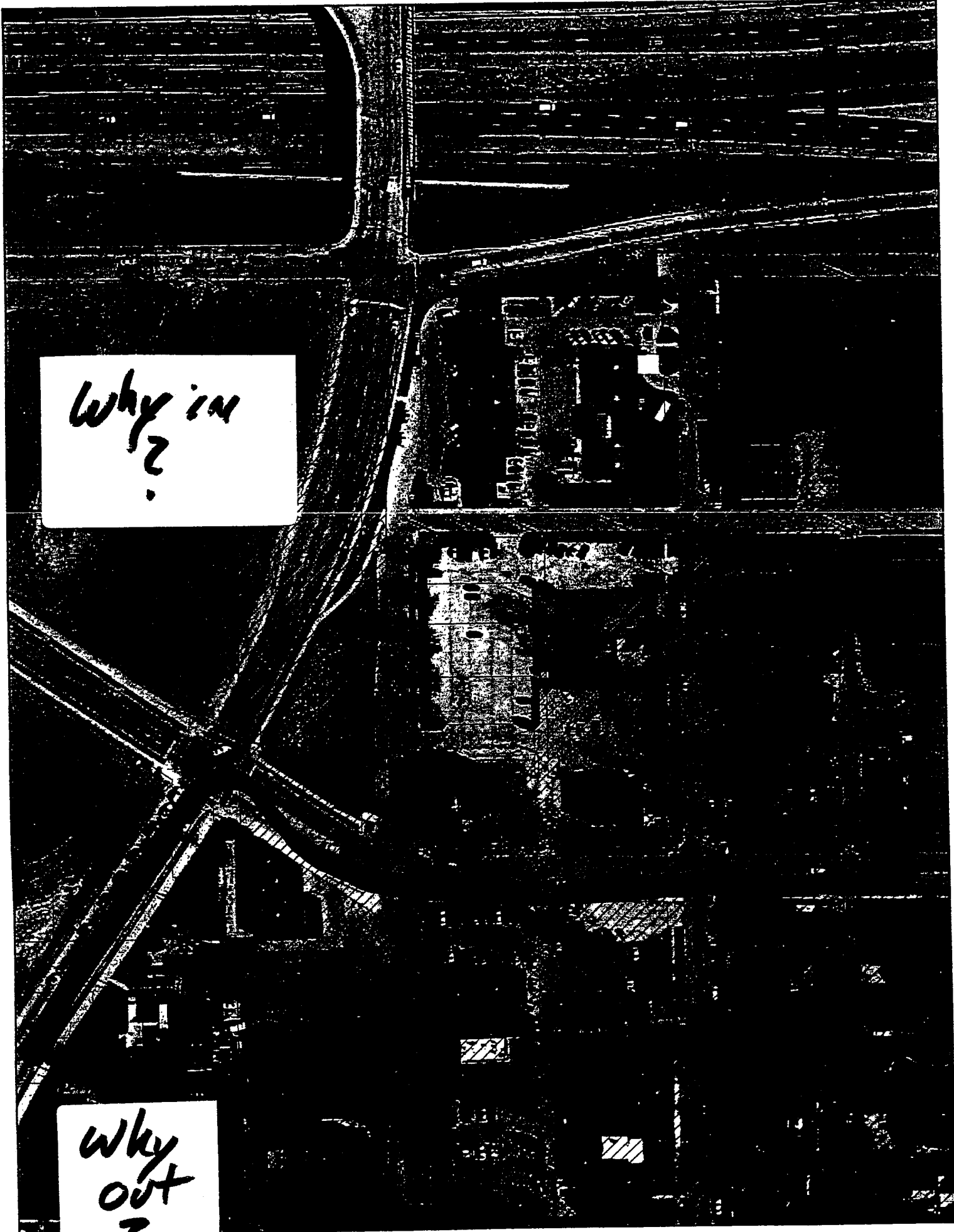
HISTORICAL DISTRICT MAP

Estimated area

Work area map

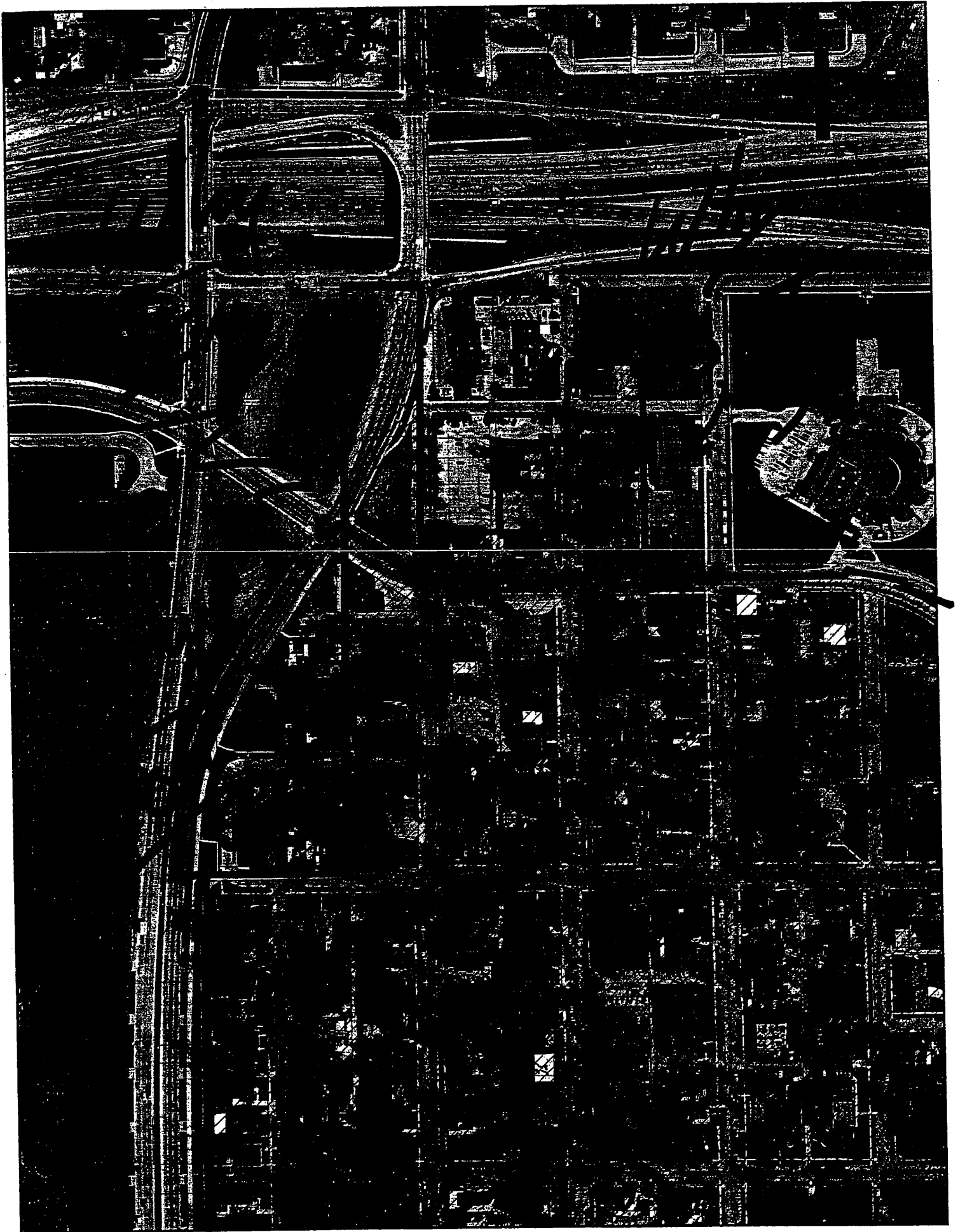


#1/B



Why in?

Why out?



#1 D

DesMoinesRegister.com

People/Places

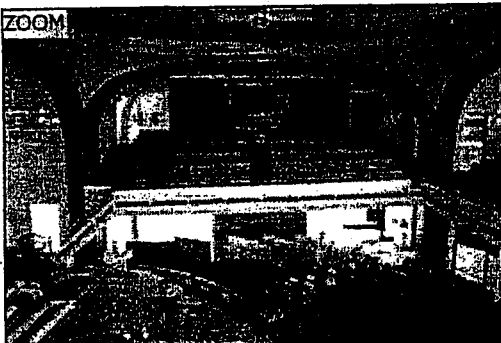
The Des Moines Register

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ANDREA MELENDEZ/THE REGISTER
Chuck Farr is a board member of the Sherman Hill neighborhood association. He is concerned that the church's demolition would mean that a gas station could be built on the spot, which he opposes. A developer hired to represent the church says the building is not historically significant.



DOUG WELLS/REGISTER FILE PHOTO
The Kingsway Cathedral building at 19th

Kingsway members ask to demolish church

City commission delays action on cathedral

By JASON CLAYWORTH
REGISTER STAFF WRITER

December 21, 2006
STORYCHAT: 4 Comments

The owners of a historic church near downtown Des Moines took the first steps Wednesday to demolish the 107-year-old structure.

Kingsway Cathedral, 901 19th St., has structural problems that members of the congregation allege were caused by vibrations from bridge implosions as part of Interstate Highway 235 reconstruction.

Church members Wednesday asked the city's historic preservation commission for permission to demolish the building. The request was denied, which delays action for at least six months.

The next steps require the city to seek developers interested in saving the structure. If nobody comes forward, demolition may be granted.

Sherman Hill neighborhood officials oppose the demolition. They fear a gas station could be constructed in its place.

"It's a very significant structure," said resident Bob Mickle. "It's had some unfortunate things, but it's still a significant structure."

Kingsway Cathedral in 2003 sued the Iowa Department of Transportation and the city, claiming much of the damage was caused by construction work on nearby Interstate Highway 235. It also claimed the city's subsequent order that the church be vacated until repairs could be made was, in effect, an act of condemnation by the city.

today's highlights

- McCarthy down as C chief 4:48
- Cousin arr deaths of Iowa ties
- Preschool kids - the can go
- Tate on liv Big news i corn stock 9:02 am



#9A

and Crocker in Des Moines was deemed unsafe, and the congregation had to evacuate it. This is a general view of the interior. Kingsway sued the Iowa Department of Transportation, claiming nearby construction work on I-235 damaged it.

The city and the DOT refused the church's request to either repair the building or condemn it. The church sued to recover damages caused by the loss of the building and asked that the city and DOT be ordered to condemn the property.



The Supreme Court ruled that the church was not taken for public use and is not entitled to be paid for the value of the building. But the court also said the church still can sue for damages, which involves ongoing litigation against the city and the state.

The church has not indicated what would be constructed in its place.

Ben Thornley, a spokesman for Kingsway, declined to comment.

Bernie Van Til, a developer who has been involved in other Des Moines historic projects, has been hired to represent the church.

Van Til argued to the city's preservation commission that the church, while old, should not be considered historically significant. He declined to say what may be constructed on the property.

The church is trying to sell the building for \$4.5 million to \$5.2 million, which includes making renovations, according to city records. The cost to renovate the structure would be \$3.9 million, records show. The assessed value of the church is \$821,000.

City officials noted that the building played a significant part in the 1976 nomination to place Sherman Hill in the National Register of Historic Places.

Neighborhood officials said the church serves as a significant landmark and structure at one of the main entrances to the neighborhood and downtown.

Sherman Hill neighborhood president Jim Quilty said the church "will get a significant fight from the neighborhood" if a gas station is built on that spot.

Sherman Hill resident Chuck Farr agreed.

"That's a busy intersection and my concern is the possibility of a service station there," he said. "That would be totally inappropriate for our neighborhood."

Reporter Jason Clayworth can be reached at (515) 699-7058 or jclayworth@dmreg.com

ZONING

ZONING: C-0

OLIVE AVE

OLIVE AVE

ZONING: R-3

ZONING: R-HD

ZONING: NPC

NOTE:

THIS DOCUMENT IS NOT TO BE CONSIDERED A BOUNDARY SURVEY.

PREPARED BY: ERIC GJERSVIK

0 30 60
SCALE: 1" = 60'

N

BARTLETT & WEST
ENGINEERS

6919 VISTA DRIVE - WEST DES MOINES IA 50266.9309
PHONE 515.440.2856 - FAX 515.440.2858
WWW.BARTWEST.COM

#4c

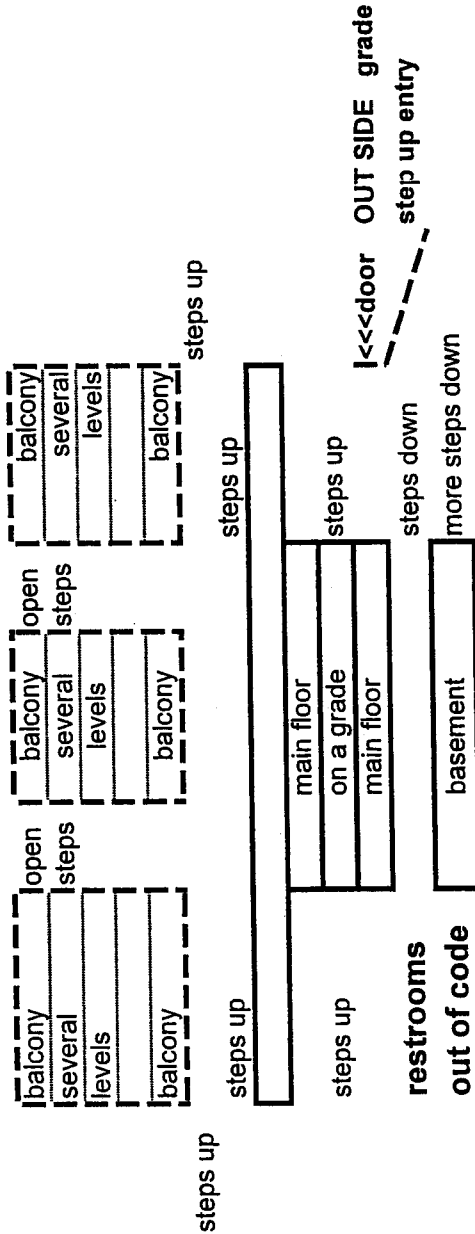
by B Van Til

ADA grades Issues

Problem is 6 to 7 1/2 half floor levels

One set of bathrooms in the basement out of ADA compliance if you rehab building

3 or 4 elevators would be required to fix ADA issues



restrooms in basement and one private in top front area

ADA Requirements will

- a) be very costly for the total bldg size
- b) be required in several location
- c) destroy the building to save it
- d) No easy solutions

Exhibit B

#5A

Preservation Properties LLC

agent for owners

Bernie Van Til- agent

Kingsway Cathedral

Dec 20th 2006
HP Commission meeting

**Rehab Cost Estimates
Funding to Save the Church Building**

Price per
6750 Sq Ft

Use of Funds

Structure Rehab per Smith Report \$3,914,000

	10%	15%	20%
(+)	\$4,305,400	\$4,501,100	\$4,696,800
(-)	\$3,522,600	\$3,326,900	\$3,131,200

\$579.85

NOTE If you do something you must update everything

Elevator	3x\$15,000 each level	\$	135,000
ADA			
	Restrooms	\$	70,000
	Ramps	\$	45,000
	Misc 10%	\$	460,000
	Total	\$	4,624,000

\$20.00

\$10.37

\$6.67

\$68.15

\$685.04

Source of Funds

Historical Tax Credits

Federal	20%	\$	924,800
discount	0.85	\$	786,080
			*less application cost /fee of \$20 K
State of Iowa	25%	\$	1,156,000
discount	0.001	\$	225,000
			\$ 3,837,920
			\$ 3,612,920

E Zone or other Grants for rehab

Order of Responsibility *

#1	City	60%	\$	2,302,752
#2	State DOT	30%	\$	1,151,376
#3	Insurance company	10%	\$	383,792

Worthless Time value of Money and Program time line

	Balance /Shortfall	33%	\$	1,266,514
	Balance /-Shortfall	33%	\$	1,266,514
	Balance /-Shortfall	33%	\$	1,266,514
	average		\$	1,784,633
				47%

* due now and must confirm in 30 days

SB

w/ state credits

Preservation Properties LLC
agent for owners
Bernie Van Til- agent

Kingsway Cathedral

Dec 20th 2006
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Restrooms \$ 70,000
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\$68.15
\$685.04

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*less application cost /fee of \$20 K

State of Iowa \$ 1,156,000

25%

discount \$ 291,400

Time value of Money and Program time line

\$ 520,200
\$ 3,317,720 Balance /Shortfall

E Zone or other Grants for rehab \$ 225,000

Order of Responsibility *

- #1 City 60% \$ 1,990,632
- #2 State DOT 30% \$ 995,316
- #3 Insurance company 10% \$ 331,772

average

33% \$ 1,094,848
33% \$ 1,094,848
33% \$ 1,094,848

\$1,542,740 47%

* due now and must confirm in 30 days

2012 to 2015 yr

1 of 2

49B

5

C

SIZE Issues		7,500 sq ft		437.5 cost per Family for project		3.5 per family 525		612.5		Full House 700 max for this size	
cost per/ sq ft	project cost	payment of INT ONLY 7% per year	annual 125	per month per family	annual 150	per month per family	annual 175	per month per family	annual 200	per month per family	cost per/ sq ft
\$ 125.00	\$ 937,500	\$ 65,625	\$ 525	\$ 43.75	\$ 438	\$ 36.46	\$ 375	\$ 31.25	\$ 328	\$ 27.34	\$ 125.00
\$ 150.00	\$ 1,125,000	\$ 78,750	\$ 630	\$ 52.50	\$ 525	\$ 43.75	\$ 450	\$ 37.50	\$ 394	\$ 32.81	\$ 150.00
\$ 175.00	\$ 1,312,500	\$ 91,875	\$ 735	\$ 61.25	\$ 613	\$ 51.04	\$ 525	\$ 43.75	\$ 459	\$ 38.28	\$ 175.00
\$ 200.00	\$ 1,500,000	\$ 105,000	\$ 840	\$ 70.00	\$ 700	\$ 58.33	\$ 600	\$ 50.00	\$ 525	\$ 43.75	\$ 200.00
\$ 225.00	\$ 1,687,500	\$ 118,125	\$ 945	\$ 78.75	\$ 788	\$ 65.63	\$ 675	\$ 56.25	\$ 591	\$ 49.22	\$ 225.00
\$ 250.00	\$ 1,875,000	\$ 131,250	\$ 1,050	\$ 87.50	\$ 875	\$ 72.92	\$ 750	\$ 62.50	\$ 656	\$ 54.69	\$ 250.00
\$ 275.00	\$ 2,062,500	\$ 144,375	\$ 1,155	\$ 96.25	\$ 963	\$ 80.21	\$ 825	\$ 68.75	\$ 722	\$ 60.16	\$ 275.00
\$ 300.00	\$ 2,250,000	\$ 157,500	\$ 1,260	\$ 105.00	\$ 1,050	\$ 87.50	\$ 900	\$ 75.00	\$ 788	\$ 65.63	\$ 300.00
\$ 325.00	\$ 2,437,500	\$ 170,625	\$ 1,365	\$ 113.75	\$ 1,138	\$ 94.79	\$ 975	\$ 81.25	\$ 853	\$ 71.09	\$ 325.00
\$ 350.00	\$ 2,625,000	\$ 183,750	\$ 1,470	\$ 122.50	\$ 1,225	\$ 102.08	\$ 1,050	\$ 87.50	\$ 919	\$ 76.56	\$ 350.00
\$ 375.00	\$ 2,812,500	\$ 196,875	\$ 1,575	\$ 131.25	\$ 1,313	\$ 109.38	\$ 1,125	\$ 93.75	\$ 984	\$ 82.03	\$ 375.00
\$ 400.00	\$ 3,000,000	\$ 210,000	\$ 1,680	\$ 140.00	\$ 1,400	\$ 116.67	\$ 1,200	\$ 100.00	\$ 1,050	\$ 87.50	\$ 400.00
\$ 450.00	\$ 3,375,000	\$ 236,250	\$ 1,890	\$ 157.50	\$ 1,575	\$ 131.25	\$ 1,350	\$ 112.50	\$ 1,181	\$ 98.44	\$ 450.00
\$ 600.00	\$ 4,500,000	\$ 315,000	\$ 2,520	\$ 210.00	\$ 2,100	\$ 175.00	\$ 1,800	\$ 150.00	\$ 1,575	\$ 131.25	\$ 600.00
\$ 750.00	\$ 5,625,000	\$ 393,750	\$ 3,150	\$ 262.50	\$ 2,625	\$ 218.75	\$ 2,250	\$ 187.50	\$ 1,969	\$ 164.06	\$ 750.00

COST to SIZE Issues

- a) ADA repairs will be very costly for the total bldg size
- b) New bldg will be between \$150 - \$250 per ft today (one or two levels)
 - 1) 7,000 sq ft today is a small Mid size project
 - 2) The people to cost repair numbers ratio never balance
- c) A Mission church would have a conflict with cost numbers
- d) Major outside Church /community funds are needed
- e) Is this a good use of Tax payer funds?
- f) Cottage Grove Pres Church is having people /funding problems
 - 1) do we need another church downtown ?
 - 2) If you had the money would you build it here?

Sunday 1/17/07
 Cottage Grove had
 a service in the lounge
 not the sanctuary

The Des Moines Register

The Newspaper Iowa Depends Upon ■ DesMoinesRegister.com ■ Price 50 Cents ■ Thursday, December 28, 2006 A 0M

DATEBOOK

START '07 WITH A BANG

- ▶ No plans for New Year's Eve? Find a celebration. Page 1E
- ▶ Get a jump on 2007 with our event calendar. Datebook



IOWA LIFE

Best music of 2006 you never heard

You don't want to miss these. Page 1E



Crowded visiting room had

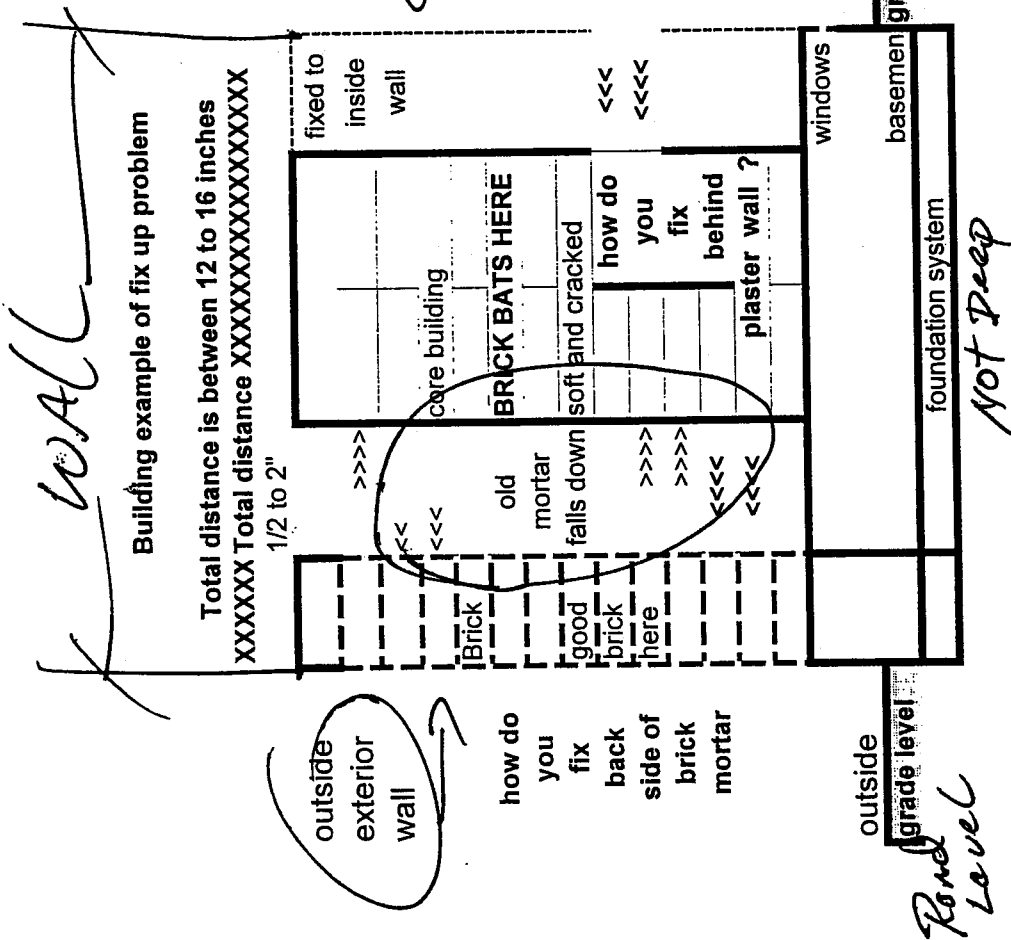
A church's cry for help

The spiritual and cultural center for low-income Sudanese in central Iowa needs financial help to stay alive

49B

#6A

prepared by B Van Til



The Repairs Issues

- a) be very costly for the total bldg size
- b) do you start at top or bottom?
- c) destroy the building to save it
- d) No easy solutions
- e) How do you fix from the inside out?
- f) Not cost effective
 - 1) for size
 - 2) for the money

Foundation is very high to street level more than normal

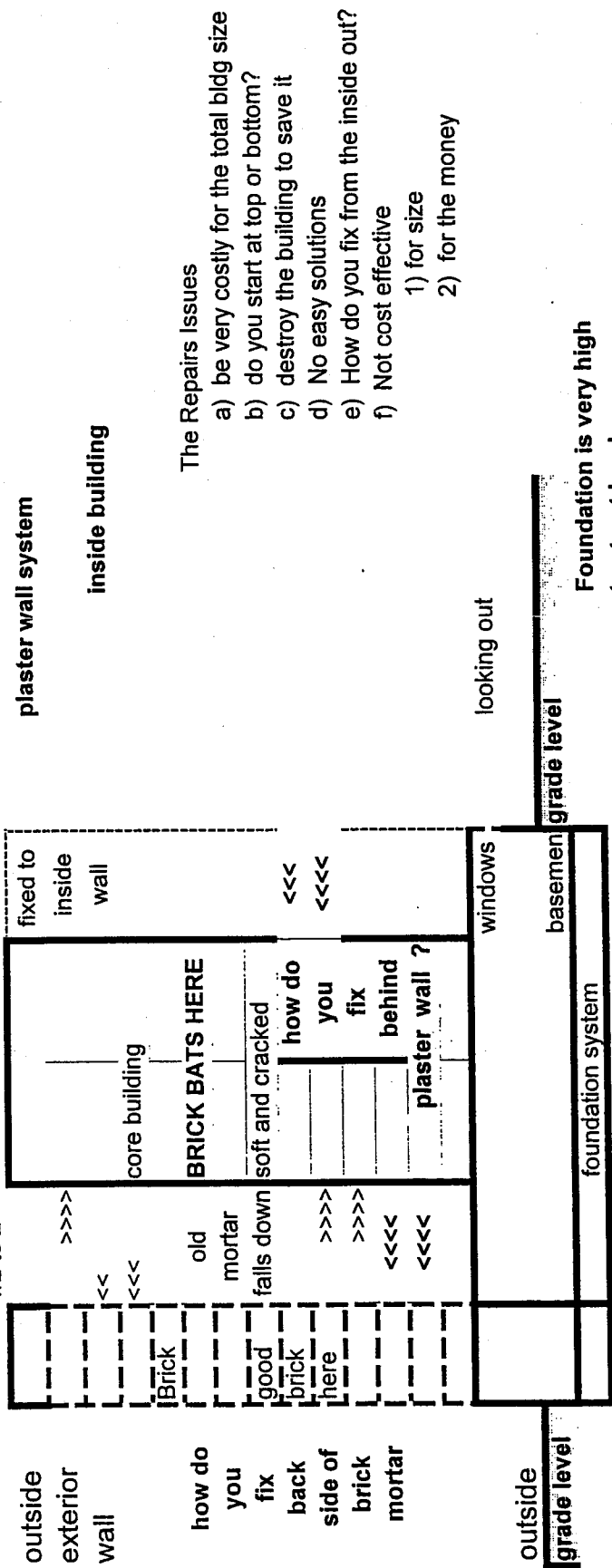
problem for shock waves and long extended pounding and traffic

#7

Building example of fix up problem

Total distance is between 12 to 16 inches
 XXXXXX Total distance XXXXXXXXXXXXXXXXXXXXXXXX
 1/2 to 2"

prepared by B Van Til



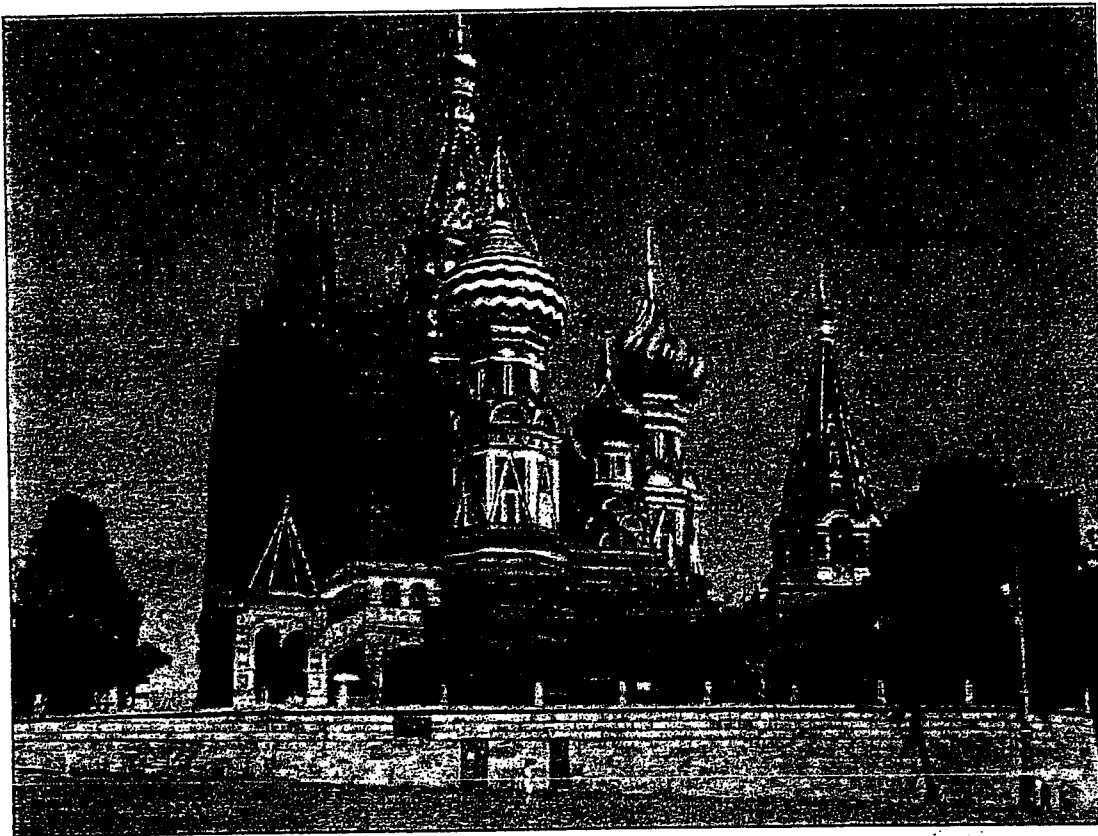
The Repairs Issues

- a) be very costly for the total bldg size
- b) do you start at top or bottom?
- c) destroy the building to save it
- d) No easy solutions
- e) How do you fix from the inside out?
- f) Not cost effective
 - 1) for size
 - 2) for the money

Foundation is very high to street level more than normal

problem for shock waves and long extended pounding and traffic

#7



ALEXANDER ZEMLIANICHENKO/ASSOCIATED PRESS

Shaky ground: St. Basil's Cathedral in Moscow, Russia's most recognizable landmark, needs extensive work to strengthen its foundation to keep the building standing.

Famous Moscow cathedral stands on shaky foundation

Years of military parades, construction and concerts and have weakened Russia's landmark.

By SARAH KARUSH
ASSOCIATED PRESS

Moscow, Russia — St. Basil's Cathedral, Russia's most recognizable landmark with its swirling, multicolored onion domes, is on shaky ground.

Over the years, the rumble of tanks during Soviet-era military parades, the construction of underground infrastructure and the excess decibels of outdoor rock concerts have taken their toll on the cathedral's foundations.

Now, with scaffolding set to come off next month after a three-year restoration of the above-ground part of the cathedral, experts say intensive work to strengthen the foundation may be necessary to keep the building standing.

will gradually fall into ruin," said Natalia Almazova, whose company, Kreal, conducted a comprehensive engineering study of St. Basil's for the government. "It won't fall down tomorrow, but if we don't take these measures, in 100 years we could lose it."

Almazova said the foundation of the retaining wall needs to be reinforced and new drainage installed so that puddles don't form around the cathedral.

Culture Ministry experts are studying Kreal's conclusions and recommendations. A decision is expected in September.

Russian media have raised fears that plans to convert a historic building next door at 5 Red Square into a retail, office and hotel complex with an underground parking garage could further shake the 4½-century-old cathedral's foundations.

"Absolutely, this is a colossal cause for concern," Almazova said. However, she said, modern engineering tools allow planners to

would have on St. Basil's, and draw up plans accordingly.

Igor Mitichkin, deputy director of the State Historical Museum, of which St. Basil's is a part, said he did not believe the construction work would affect the cathedral.

What he is upset about is the recent practice of holding concerts on Vasilyevsky Spusk, the cobblestone slope in back of St. Basil's, and, in some cases, on Red Square itself. Mitichkin says he is certain the vibrations are damaging all the historic buildings on the square, adjacent to the Kremlin.

The scaffolding and green mesh are scheduled to come off for good Aug. 17, revealing cupolas with an almost shockingly bright paint job, instead of the more muted tones to which Muscovites have grown accustomed. The cathedral's last sprucing-up was timed for the 1980 Moscow Olympics — a rush job, according to Mitichkin.

Almazova said she was confident the cathedral would dazzle tourists for another 500 years, thanks to the mind-boggling pre-

#8

49B

December 21, 2006

Kingsway Cathedral
c/o Bernie Van Til
400 Locust Street
Suite 245
Des Moines, IA 50309

RE: Request for the demolition of the church building at 901 19th Street located in the Sherman Hill Historic District. (Case # 20-2007-5.24)

Dear Mr. Van Til:

On December 20, 2006 the City of Des Moines Historic Preservation Commission, in accordance with provisions of the City of Des Moines Historic District Ordinance, took action by a vote of 7-0 to deny your request for a Certificate of Appropriateness for the demolition of the church building. The Commission's motion also included the forwarding of a communication to the City Council requesting they direct the City Manager to implement applicable provisions of Section 58-31 of the City Code with regard to "Pivotal Structures."

If you are not satisfied with the decision of the Commission, please be advised that an appeal of their action must be made to the City Council. Appeals must be in writing and filed with the City Clerk no later than ten business days after the filing of the above-mentioned decision. The date of this letter serves as the filing date. An appeal must be submitted no later than January 9, 2006.

Please contact me at 283-4147 or at jmvanessen@dmgov.org if you have any questions.

Sincerely,



Jason Van Essen, AICP
Senior City Planner

Cc: Larry Hulse, Community Development Director



HISTORIC DISTRICT COMMISSION
ARMORY BUILDING
502 EAST FIRST STREET
DES MOINES, IOWA 50309-1881
(515) 283-4182

ALL-AMERICA CITY 1949, 1976, 1981

49B

Historical Commission Meeting
Dec 20 2006
City Hall Chambers

Kingsway Cathedral
a non profit corp.
Action for Proposed Demolition

by
Preservation Properties LLC
agent for owners
Bernie Van Til- agent

CC Jason Van Essen
SR City Planner

1-09-07
Rick Clark
SUMMARY

Dec 21 2006
Revised Hand out

Jason Please forward to Board Members
and forward as an attachment with
staff recommendations file for the record

1 of 6

~~1 of 15~~

Historical Commission Meeting
Dec 20 2006

Ms. Chair person and commission member

Susan Holderness Chair

Mary Noss Reavely VC

I am Bernie Van Til- with
Preservation Properties LLC

Sherman Hills
York Taenzer

I represent the owners interest

#1 We will ask for action tonight with final approval
17-Jan your next meeting

#2 The city will have time for funding AGREEMENT
or

#3 OK to remove the building
reclaim our equity

My client is paying on a house they cannot
Enjoy
Live in or use
but the bills just keep going and going and going

#1 → I will show you
The END REHAB COST TO REPAIR
DOES NOT EQUAL THE END VALUE

#2 → The only reasonable action
responsible action is to
#1 save what we can
#2 by orderly salvage
#3 Rehab is OK but we need to see the Money

Questions on my application?

- several exhibits 1 _____
- 2 _____
- 3 _____
- 4 _____

Preservation Properties LLC
agent for owners

Bernie Van Til- agent for **Kingsway Cathedral**

Thoughts for the proposed demolition

Note # 1 This SUBJECT Building is NOT a Historical Landmark SITE

Subject Site would not meet the test... it is just old

2 This Building IS in a HISTORICAL DISTRICT AREA
Part of a grouping
Not a stand alone Site

Request for Commission Action

Your Rules for proposed demolition

Certificate of Appropriateness

#1 Advertise that it is FOR SALE at the fixed up cost price

DONE

#2 Willingness to MOVE it at cost if they fixed up

NOT WORKABLE

#3 Publish Notice of
other options ?? None have come forward in 3 years
other uses ?? We will not sell for Bar
WE Need DOT\$\$\$ We will not sell for NightClub
WE Need City \$\$\$ Why???? The cost is the COST before ADA +++

#4 Affirmative vote for public safety

SAVE something Salvage NOW, what we can save or everything could be lost
Church has right to Enjoy Property Rights or use equity

Example Iowa City St Patrick's Church Demo started this week

Preservation Properties LLC
agent for owners
Bernie Van Til- agent for Kingsway Cathedral

Thoughts for the proposed demolition

- Note # 1 This SUBJECT Building is NOT a Historical Landmark SITE test Statement of Significance
 - #1 PEOPLE —Famous Person lived or did something here
 - #2 ARCHITECTURE -Famous DESIGN or Person who Built IT
 - #3 HISTORICAL - Structure is very special in its own way

Subject Site would not meet the test... it is just old
- # 2 This Building IS in a HISTORICAL DISTRICT AREA
 - Part of a grouping
 - Not a stand alone Site

Request for Commission Action


Your Rules for proposed demolition

Certificate of Appropriateness

- #1 Advertise that it is FOR SALE at the fixed up cost price
 - " purchase agrees to preserve and rehabilitate the bldg"
 - A We put our sign up OCT 31 -06
 - B Price is \$4,500,000 to \$5,200,000 fixed up
 - * subject to use & ADA cost & Final Bid cost
 - C No written offers as of today
- #2 Willingness to MOVE it at cost if they fixed up
 - " MOVE to preserve and rehabilitate the bldg"
 - NOT WORKABLE A IT would not make the move --fall down
 - B Cost will be very high
 - C Very Big how would it be done? Roads + weight?
- #3 Publish Notice of
 - other options ?? None have come forward
 - other uses ?? We will not sell for Bar
 - WE Need DOT\$\$\$ We will not sell for NightClub
 - WE Need City \$\$\$ Why???? The cost is the COST before ADA +++
 - Best use is a Church and you would not rehab but build NEW
- #4 Affirmative vote for public safety
 - A Waived as it must come down or fall down ?? Danger
 - SAVE something B Salvage NOW, what we can save or everything could be lost
 - C Church has right to Enjoy Property Rights or use equity
 - D 30 days to finish with City Attorney to
 - #1 Pay in and when?
 - #2 Proceed with legal action for damages

Example Iowa City St Patrick's Church Demo started this week

49B

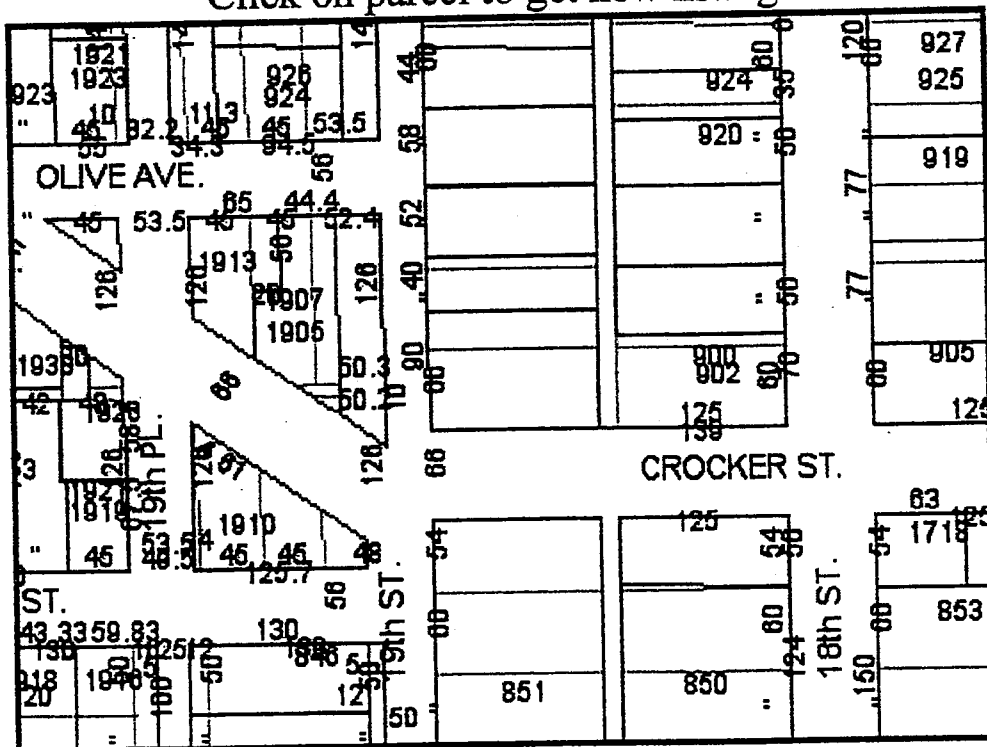
Polk County Assessor 
JANUARY

[[Home](#)] [[General Query](#)] [[Legal Query](#)] [[HomeOwner Query](#)] [[Book Query](#)] [[Res Sales Query](#)] [[Comm Sales Query](#)] [

<u>District/Parcel</u>	GeoParcel	Map Nbhd
030/00375-000-000	7824-05-261-006	0034 DM88/Z
School District	Tax Increment Finance District	Bond/Fire/Sew
1/Des Moines		
<u>Street Address</u>		City Stat
901 19TH ST	---	DES MO

Click on parcel to get new listing

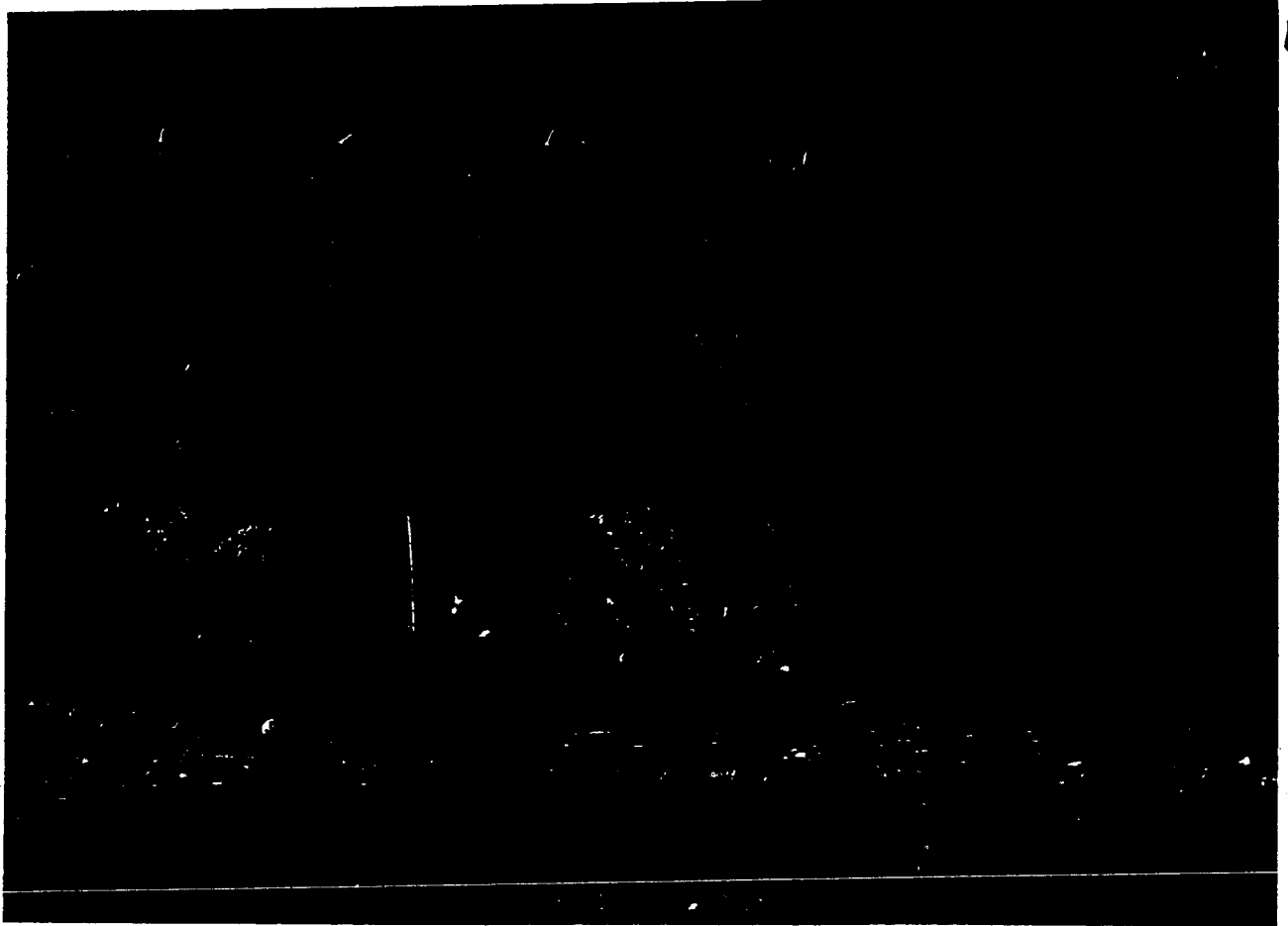
[Get Bigger Map](#)



App

13

49B



49B

**Confidential Fax
Preservation Properties, LLC**

To:

@

Date: _____

FROM:

Preservation Properties LLC

Bernard Van Til

Managing Director

237-0567

Fax (515) 237-0566

Capital Square Building Suite 245

400 Locust Street

Des Moines IA 50309

Subject:
Message:

Urgent:

FYI:

Please reply:

Read & Destroy:

Attached

This is Page _____ of _____ pages sent.

If this information was sent to you in error, please call 515-237-0567 and return notice by fax at 515-037-0566 and destroy the material or information received. Thanks

49B

DEC - 6

**Kingsway Cathedral Inc a non profit
Bernie Van Til - Real Estate Consultant
and agent for the owner
email: sendmeyourstuff@msn.com
Suite 245 Capital Square Bldg 400 Locust Street
Des Moines IA 50309
515-237-0567 phone**

COPY

December, 4th 2006

Jason Van Essen, AICP
Senior City Planner
Planning and Urban Design Division
Community Development Department
City of Des Moines, Iowa
602 Robert D. Ray Drive
Des Moines, IA 50309-1881
jmvanessen@dmgov.org

REF: **Kingsway Cathedral "church bldg" issues
Certificate of Appropriateness**

Dear Mr. Van Essen and Members of the Board

Thank you for your time the past months as we work through the process of how to proceed on the building known as the Kingsway Cathedral.

First, let me say this Certificate of Appropriateness has nothing to do with the 2 story building to the east known as 900 18th street. We will address this site under a separate application. Given what we know, this building is still savable at this time.

This application for Certificate of Appropriateness is to start the process of removing the church building. It is clear that several steps were missed when the I-235

TABLE OF CONTENTS

Report	1
Background	4
Findings	
Structural significant or dangerous	
Esthetic damage	
Window damage	5
Opinions	
General	
On going destructive stresses	
Elastic limit	
Structural significant or dangerous	
Esthetic damage	
Window damage	7
Conclusions	8
Recommendations	
<hr/>	
Appendix	-10
List of damage and possible causes	11
List of windows and doors and damage	24
Photographs	27
<hr/>	
Cross	28
Elevations	30
Ceiling, arches and columns	39
Esthetic	72
Windows	125

In this case, in addition to the common six stress producing items above there is the specter of a sub-movement item, vibration, that is over and above normal movements anticipated. Implosions, pile driving, building demolition, heavy traffic, construction and many other activities can induce this new item. This new item can cause a structural element to exceed its elastic limit and crack. This new item can augment any or all of the above common stress producing items and in combination cause a structural element to crack or fail. Many construction activities produce this new item, vibration, and they don't necessarily blend to make one vibration, they are additive to make a crescendo of vibration.

Structurally significant or dangerous

The following numbers correspond to the same numbered items in the FINDINGS section.

1. In comparing a picture taken in February 2002 where the cross appears to be vertical to a similar picture in the appendix numbered 101-0108_IMG.JPG taken in February 2003 where the cross is leaning, it would suggest that the current leaning condition of the cross occurred in the last year. It also reinforces the suggestion from the Engineer that the cross should be removed.
2. The bow in the top of the east wall does not have any cracks associated with it to show failure stress. This condition may have built that way or developed when the Church was rebuilt after the fire. Ideally this wall should be vertical.
3. The bulge at the parapet in the south wall is allowed by the breaking of the bond between the wythes (a vertical column of brick) of brick. There are associated horizontal mortar, brick bond distress and discoloration indicating water may have been an influencing factor. This wall, in this area will have to be rebuilt. This is a failed wall and it is more susceptible to other influence, such as vibration, that could aid in bringing this wall down.
4. The bulge at the parapet in the south bell tower wall is allowed by the breaking of the bond between the wythes of brick. There are associated horizontal mortar, brick bond distress and discoloration indicating water may have been an influencing factor. This wall, in this area will have to be rebuilt. This is a failed wall and it is more susceptible to other influences, such as vibration, that could help bringing this wall down.
5. The bulge at the parapet in the west bell tower wall is allowed by the breaking of the bond between the wythes of brick. There are associated horizontal mortar, brick bond distress and discoloration indicating water may have been an influencing factor. This wall, in this area will have to be rebuilt. This is a failed wall and it is more susceptible to other influences, such as vibration, that could help bring this wall down.

Frosted or plain glass windows	23
Doors	8

25. Of the 40 stained glass windows, the following arbitrary rating were made:

Good	2
Fair	3
Poor	34
Bad	1

26. Of the six bowed profile stained glass windows, most are bowed inward particularly the ones on the west side of the structure.

27. The eight wavy profile stained glass windows are on all sides of the structure.

28. The 18 broken stained glass windows are throughout the structure. This means segments are partially gone.

29. The ten stained glass windows with missing segments are throughout the structure.

30. The 19 stained glass windows with cracked segments are throughout the structure.

31. The eight stained glass windows with voids have segments and comes that have separated leaving an opening in the windowpanes.

32. The eight stained glass windows with comes damaged are throughout the structure.

33. The water-damaged windowsills, which is common, go back to the mismanagement of utilities, ventilation and humidity.

CONCLUSION

It would be folly to suggest that all the damage this structure has experienced was due to the construction activity. Any structure 100-years old having withstood the ravages of time, variable maintenance and the indignities of multiple restorations, will show its scars. However, it would be just as ludicrous to suggest that the vibrations from the myriad of construction activities and the resulting heavy traffic had no influence on the documented accelerated deterioration of a frail old structure considering the sheer volume and duration of the activity.

If the fallen plaster, off the east arch, is attributed to the vibration and vibration is a good candidate. Indeed there are only two candidates, fatigue and vibration. The candidacy of fatigue is diminished due to the fact no other plaster fell and all the plaster should have about the same amount of fatigue. That leaves vibration as a prime cause. This would suggest that vibration would be a good candidate for exacerbating the cracking of plaster throughout the structure.

If the bulges in the brick walls were in existence before the last year of intense construction activity, vibration is a good candidate for making those bulges worse. Only a little friction and gravity are holding these walls up. If the bulges did not exist prior to the intense construction activity, they do now and the vibration would be a prime candidate for initiating these bulges.

If all the above damage in these more resilient elements of the structure, brick and plaster, is attributed to vibration from the intense construction activity the most frail element, the stained glass, cannot be excluded from possibly experiencing further damage. Indeed if any element is likely to have had its existing damage exacerbated it is the stained glass.

It is curious that there is a serious cracking around the west end of the curved beam in the basement, there is a serious crack in the west main arch and there a serious bow inward in the west large stained glass window in both pane and frame. This would tend to suggest that something detrimental was happening west of the Church. Indeed there was something detrimental happening west of the Church, over one-year of intense construction activity. To make matters worse, the construction activity is not finished.

RECOMMENDATIONS

- Before any action is taken to correct, demolish, remove or restore all-appropriate safety and hazardous precautions should be taken.

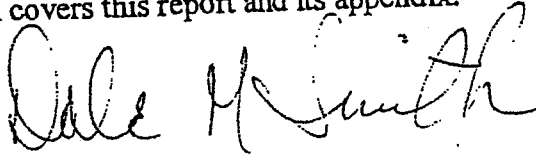
- The cross should be removed. Only after adequate safety precautions are taken. It should be restored and replaced after it is determined that the support in the top of the bell tower is adequate. Caution should also be used during its removal, in that the quality of the support and roof of the bell tower may have been compromised.

- The stained glass should be removed and restored. Only after adequate safety precautions are taken.
- The bulges in the outside brick walls should be repaired. Only after adequate safety precautions are taken.
- The interior main arches should be repaired. Only after adequate safety precautions are taken. If and when this is done, it would be a good time to look inside at the structural material to insure that it has not been damaged.
- The interior plaster should be repaired. Only after adequate safety precautions are taken.
- The interior paint should be restored. Only after adequate safety precautions are taken.

CERTIFICATION

I hereby certify that I did this investigation, wrote this report and I am a duly Registered Professional Engineer under the laws of the State of Iowa. My license expires December 31, 2003. This certification covers this report and its appendix.

Dale M. Smith, P.E.
Reg. 5425



DAMAGE LISTS

**KINGSWAY CATHEDRAL
DAMAGE STUDY
LOCATION OF DAMAGE
SANCTUARY LEVEL**

No.	Building/Room	Date

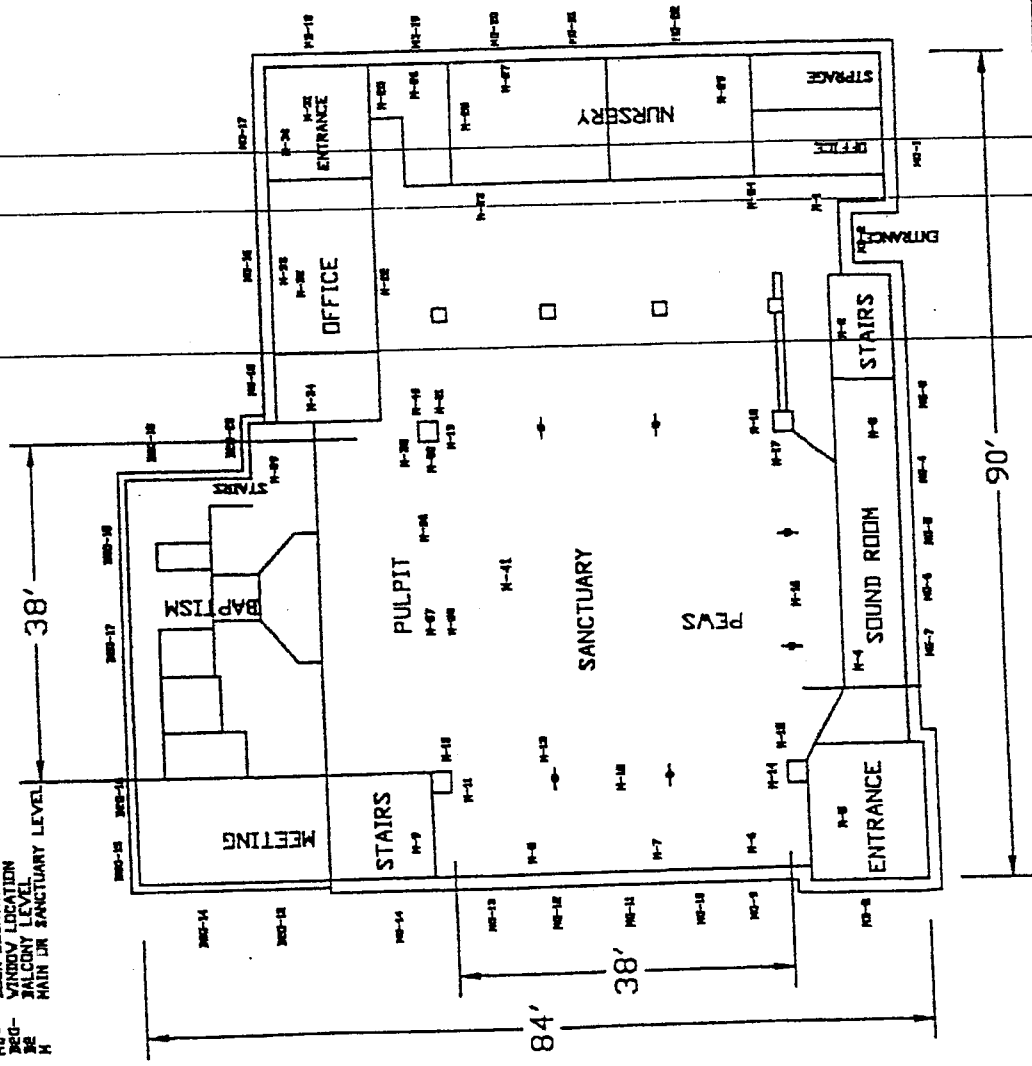
DALE K. SMITH
Technical Services
P.O. Box 67
Des Moines, Iowa 50314
315-883-0868

Prepared for:
Kingsway Cathedral
Damage Study
1911 N. Crocker Streets
Des Moines, Iowa 50314

KINGSWAY
18 FEB 68
7A SHOWN



LEGEND
 DL-- DAMAGE LOCATION
 VC-- WINDOW LOCATION
 DO-- DOOR LOCATION
 VDC-- WINDOW LOCATION
 BAL-- BALCONY LEVEL
 M-- MAIN OR SANCTUARY LEVEL



03/05/2003

KINGSWAY CATHEDRAL
Damage study

28	B-28	E class rm	Broken and fallen plaster above windows Paint peeling off ceiling, rough repair work	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
29	B-29	SE class rm	Ceiling plaster cracked, peeling paint	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
30	B-30	Sunday school area	Ceiling wall board not flat, has sags	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
31	B-31	S class rm	Metal columns (4 1/2") above 7 1/2x7 1/2" timber columns, posts cracked, vertical, not square	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
32	B-32	W class rm	Curved beam has shear cracks at W support, bottom crack 6' long, beam appear to be alright elsewhere	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
33	B-33	E class rm	Joint between wall and floor joists appear to be alright	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Confidential Material

Dale Smith Technical Services

Improvement costs to repair building

\$3,914,051

KINGSWAY COST [estimate]

DALE M. SMITH Technical Services

HAZARDOUS CONTINGENCIES
WASTE

NO.	ITEM	UNIT	UNIT COST	QUANTITY	RATE/DUR	TOTAL INCL O&P	SUM	HAZARDOUS CONTINGENCIES WASTE
100	GENERAL REQUIREMENTS							
100 0150	Architect fees		25%				390162.75	
100 1100	Engineering		15%				234097.65	
200	PRICE & PAYMENT							
200 0150	Contingencies		25%				390163	

NO.	ITEM	UNIT	UNIT COST	QUANTITY	RATE/DUR	TOTAL INCL O&P	SUM	HAZARDOUS CONTINGENCIES WASTE
400	FACTORS							
400 Factors								
500	Job conditions		1%					
1300	ADMINISTRATIVE REQUIREMENTS							
150	Permits		3.55%					
350	Insurance		8%					
400	Main office							
500	Mark-up							
620	O&P							
700	Field personnel	1 wk		52	2650		137800	

NO.	ITEM	UNIT	UNIT COST	QUANTITY	RATE/DUR	TOTAL INCL O&P	SUM	HAZARDOUS CONTINGENCIES WASTE
1500	TEMPORARY FACILITIES							
800	Utilities	CSF flr/MC	32.5					
1520	CONSTRUCTION FACILITIES							
300	trailer	ea/mo						

NO.	ITEM	UNIT	UNIT COST	QUANTITY	RATE/DUR	TOTAL INCL O&P	SUM	HAZARDOUS CONTINGENCIES WASTE
1530	TEMPORARY CONSTRUCTION							
1540	SCAFFOLDING							
750 090	exterior,	CSF/mo	79	60		9480		
750 0800	interior	CCF/mo	6.85	617		12679.35		
							22159.35	

NO.	ITEM	UNIT	UNIT COST	QUANTITY	RATE/DUR	TOTAL INCL O&P	SUM	HAZARDOUS CONTINGENCIES WASTE
1590	EQUIPMENT RENTAL							
400 0180	aerial lift	ea/d	274	60		16440		
400 0550	air compressor	ea/d	177.8	60		10668		
400 0950	air hammers (2)	ea/d	28.4	30		852		
400 1960	flood lights (2)	ea/d	23.4	60		1404		
400 2050	lift	ea/d	241.4	30		7242		
400 6410	toilet	ea/d	13.65	365		4982.25		

DALE M. SMITH Technical Services

KINGSWAY COST [estimate]

	ea/d	1300	2	2600	44188.25
1840 FACILITY OPERATION					
2200 SITE PREPARATION					
875 1000 masonry demolition	cf	1.96			
Selective demolition			1423		1166.86
310 0200 ceiling dry wall	sf	0.82	11890		11176.6
310 1000 ceiling plaster	sf	0.94	1423		782.65
310 1200 ceiling suspended	sf	0.55			
310 2000 ceiling wood	sf	0.86	4		65.6
340 0500 door single	ea	16.4	225		290.25
380 3820 floor	sf	1.29	40000		13200
carpet	sf	0.33	1581		137547
pews	lf	87	78		1181.7
390 5500 framing, truss	lf	15.15	378		793.8
620 3080 millwork, trim	lf	2.1	1500		1560
690 3000 roofing, flat	sf	1.04	1250		1775
roof, framing	sf	1.42	2160		4916
690 4000 roofing, shingles, gable	sf	2.28	1040		16536
720 0400 disposal	cy	15.9	52		41860
730 0840 rubbish handling	ea/wk	805			72800
740 0100 dumping charges	ton	70 40x26			
walls & partitions			1003		8425.2
840 0100 brick	cf	8.4	25250		20705
840 3000 plaster	sf	0.82	5330		1758.9
840 1000 drywall	sf	0.33			
window			799		55930
850 5020 remove & reset > 50 sf	ea	70			392470.6
UTILITY SERVICES					
electricity, telephone					
SITE IMPROVEMENTS					
PLANTINGS					

KINGSWAY COST [estimate]

DALE M. SMITH Technical Services

4050 MASONRY									
650 0900	masonry wall 8"	sf	18.9	1003	18956.7				
420 0020	grouting	lf	1.97	500	985				
	arch		18.9	10	189				
	lucK pointing	sf	5.6	4050	22680				42810.7

5050 BASIC MATERIALS & METHODS

STEEL									
	ceiling supports	clf	120	16.32	1958.4				
	gutters								

6050 WOOD

	framing, beams, girders	lf	3.25	120	390				
	framing, ceiling	lf	1.29	1134	1462.86				
	partitions	lf	11.95	404	565.6				
	subfloor	sf	1.4	1063	3359.08				
550 0202	trusses, flat	bft	3.16	1372	4335.52				
	trusses, gable, roof	bft	3.16						
FINISH									
	molding, base	lf	3.78	378	1428.84				
	molding, trim	lf	4.98	378	1882.44				
	molding, door, window	lf							
	Truss connector plates	ea	45.5	40	1820				17202.74

7100 DAMPPROOFING & WATERPROOFING

	membrane waterproofing	sf	1.26	5500	6930				
	insulation	sq	142	21.6	3067.2				
	shingles	sq	193	21.8	4207.4				
	roofing	sf	3.36	654	2197.44				
	flashing	lf	5.05	210	1060.5				
	downspouts	lf	5.3	80	424				17886.54
650	gutters								

WINDOWS & DOORS

	door	ea	131	4	524				
	door frames	ea	485	4	1940				

KINGSWAY COST [estimate]

DALE M. SMITH Technical Services

16050 ELECTRICAL

200 amp service
lighting
wiring

ea	4925	4925
ea	161	7245
clf	72.5	7250

19420 1152223.4

1779172

2761827.693

2931395.
3914051.

TOTAL

Labor, materials, O&P
 Labor, materials, hazardous waste, O&P.
 Labor, materials, contingencies, O&P
 Labor, materials, contingencies, hazardous waste, O&P

\$ 3,914,051

HAB

49B

[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
030/00375-000-000	7824-05-261-006	0034 DM88/Z	DES MOINES	ACTIVE

School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery
1/Des Moines		

Street Address

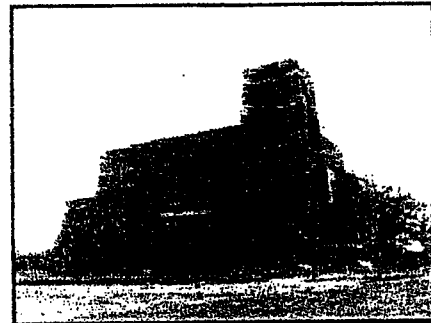
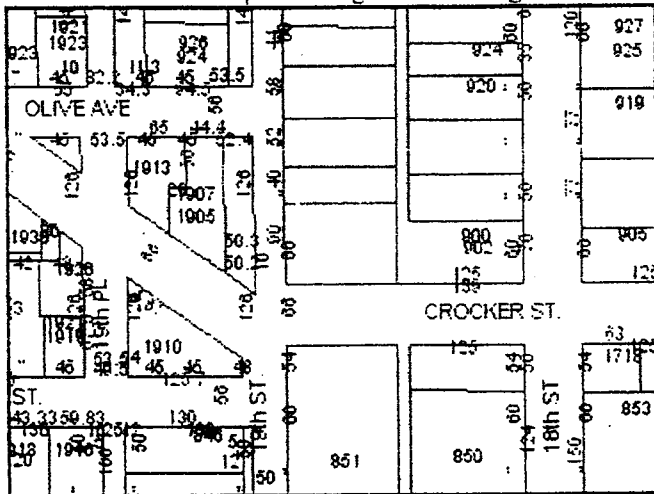
901 19TH ST

City State Zipcode

DES MOINES IA 50314

Click on parcel to get new listing

Get Bigger Map



Approximate date of photo 01/13/2004

Mailing Address

KINGSWAY CATHEDRAL
900 18TH ST
DES MOINES, IA 50314-1179

Legal Description

LT 71 & S 1/2 LT 72 T E BROWNS ADD

<u>Ownership</u>	Name	Transfer	Book/Page	RevStamps
Title Holder #1	KINGSWAY CATHEDRAL	12/12/1978	4869/890	

<u>Assessment</u>	Class	Kind	Land	Bldg	AgBd	Total

Current	Commercial Exempt	Full	15,000	806,000	0	821,000
		Adj	0	0	0	0
Exemption	A1/Churches	F/Full	15,000	806,000	0	Year 1983
	<u>Estimate Taxes</u>	<u>Polk County Treasurer Tax Information</u>		<u>Pay Taxes</u>		

Zoning	Description	SF	Assessor Zoning
NPC	Neighborhood Pedestrian Commercial District	10982	Commercial
*Condition	Docket no 14361		

Source: City of Des Moines Community Development Published: 11/17/2006 Contact: Planning and Urban Design 515 283-4200

Land

SQUARE FEET	10.982	FRONTAGE	90	DEPTH	120
ACRES	0.2520	SHAPE	RC/Rectangle	TOPOGRAPHY	B/Blank

Commercial Summary

OCCUPANCY	30/Private School	WEIGHTED AGE	1963	STORY HEIGHT	1
LAND AREA	10,982	GROSS AREA	6.750	FINISH AREA	6.750
BSMT UNFIN	0	BSMT FINISH	0	NUMBER UNITS	0

Csection # 101

OCCUPANT KINGSWAY CATHEDRAL CHURCH

SECT MULTIPL	1	OCCUPANCY	30/Private School	FOUNDATION	CN/Concrete
EXT WALL	BV/Brick Veneer	INSULATION	N/No	ROOF	G/Gable
ROOF MATERL	S/Shingle	WIRING	A/Adequate	PLUMBING	A/Adequate
TOTAL ST HT	1	FRAME TYPE	FR/Frame	FIREPRF CNST	N/No
BLDG CLASS	3/Brick Veneer	TOT SCT AREA	6,750	GRND FL AREA	6,750

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2005	<u>Assessment Roll</u>	Commercial Exempt	Full	15,000	806,000	0	821,000
			Adj	0	0	0	0
2003	<u>Assessment Roll</u>	Commercial Exempt	Full	13,000	753,000	0	766,000
			Adj	0	0	0	0
2001	<u>Assessment Roll</u>	Commercial Exempt	Full	12,080	710,000	0	722,080
			Adj	0	0	0	0
1999	Assessment Roll	Commercial Exempt	Full	11,000	710,000	0	721,000
			Adj	0	0	0	0
1995	Assessment Roll	Commercial Exempt	Full	11,000	689,000	0	700,000
			Adj	0	0	0	0
1995	Was Prior Year	Commercial Exempt	Full	10,000	656.100	0	666.100
			Adj	0	0	0	0

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

HAB

CITY OF DES MOINES HISTORIC PRESERVATION COMMISSION
STAFF REPORT AND RECOMMENDATION
Wednesday, December 20, 2006

AGENDA ITEM #1

20-2007-5.24

Applicant: Kingsway Cathedral Inc. (owner) represented by Bernie Van Til (agent).

Location: 901 19th Street (Sherman Hill Historic District).

Requested Action: Demolition of the Kingsway Cathedral building.

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to remove the church building to prepare the site for redevelopment. The parcel the church building is located on is part of a larger site owned by the applicant. The applicant owns 10 of the 12 parcels located on the city block bounded by Olive Street to the north, 18th Street to the east, Crocker Street to the south, and 19th Street to the west.

The applicant recently requested the vacation and conveyance of the segment of 19th Street between Olive Street and Crocker Street, and has requested to purchase excess land from the Martin Luther King Jr. Parkway project to the west of 19th Street to assemble with the Kingsway Cathedral site. The application indicates a redevelopment plan has not been developed at this time, but they intend to have a plan developed in time to allow for Spring 2007 construction.

The Plan & Zoning Commission forwarded a recommendation to the City Council that 19th Street be vacated on the condition that the vacation shall not occur until a development plan is submitted for the redevelopment of the right-of-way and the adjoining land, and that an agreement is reached for the sale of the right-of-way. On December 4, 2006 the City Council received and filed the Plan & Zoning Commission's recommendation and referred the request to the City Managers to provide a report regarding the Plan for the area.

- 2. Site Description:** The subject parcel measures 90' x 120' and contains a 6,750 square foot church building that was built in 1901.
- 3. Sanborn Map:** The 1891 and 1901 maps show the footprint of a smaller church building that was replaced by the existing church. The 1920 and 1957 maps generally show the footprint of the existing church building.
- 4. Relevant COA History:** None.
- 5. Additional Information:** The applicant has submitted portions of a structural report on the condition of the church building and a building repair estimate prepared by the same engineer. The application also references a lawsuit filed by the Kingsway

Cathedral against the City of Des Moines and the Iowa Department of Transportation (IDOT). Below is a summary of the lawsuit and its status.

Kingsway Cathedral brought a lawsuit against the City and the Iowa Department of Transportation (IDOT) claiming that the cathedral was so damaged by the vibrations from the construction of I-235 and M.L. King, Jr. Parkway that the City/IDOT should be compelled to initiate eminent domain proceedings, because the actions were, in effect, a taking of the cathedral. The City and IDOT moved to dismiss, claiming that under the established principles of eminent domain law, the plaintiff's only remedy for any damages to its building caused by vibrations from the nearby road construction project is in tort, i.e. an action for damages. On appeal, the Supreme Court agreed that any damages that may have resulted from construction activities did not amount to a taking, and therefore, the Court reversed the district court and remanded for an order dismissing the inverse condemnation claim. The lawsuit is still pending.

The City Building Official indicates the City has no evidence that the building is an imminent threat and that the concerns that have resulted in the fencing of the property revolve around their structural engineer's opinion regarding the building's condition, specifically with the decay of the parapet masonry joints and the stained glass windows.

It has been brought to staff's attention by Jack Porter of the State Historical Society of Iowa that the property might be eligible for a grant from the National Trust of Historic Preservation for the preparation of a preservation plan that would clearly identify the potential reuse of the building and obstacles.

II. DEMOLITION REVIEW CRITERIA

Section 58-31 of the City's Historical Preservation Ordinance states the following with regard to the demolition of structures in the local historic districts.

Sec. 58-31. Certificate of appropriateness required.

(d) When an application involves the proposed demolition of a building which is defined by the district's National Register nomination to be either a pivotal or contributing structure, the commission shall not issue a certificate of appropriateness until the following conditions have been satisfied:

- (1) The city shall advertise that the owner will entertain offers from any person or governmental agency desiring

to purchase such building and the lot upon which it stands, provided the prospective purchaser agrees to preserve and rehabilitate the building in accordance with the recommended procedures in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

- (2) When it has been determined by the commission that such building must be moved to mitigate adverse impact, in lieu of the requirements of subsection (d)(1) of this section, the city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building, provided the prospective purchaser agrees to cause such building to be moved by a professional mover in accordance with the recommended approaches in the Department of the Interior's "Moving Historic Buildings."
- (3) The city shall publish such advertisement in a newspaper of general circulation within the city, in both a legal notice and a classified advertisement, once a month for three months for contributing structures and once a month for six months for pivotal structures.
- (4) Upon the affirmative vote of a majority of the full membership of the commission, the advertising requirements of this subsection (d)(3) of this section may be waived when such waiver is determined to be in the public interest.

If the conditions of this subsection have been satisfied and no entity has purchased the building for purpose of rehabilitating or moving it, the commission shall consider the demolition proposal at its next regularly scheduled meeting.

The Kingsway Cathedral was identified as a "Pivotal Structure" in the 1976 nomination of the Sherman Hill Historic District to the National Register of Historic Places.

The application indicates the owner is marketing the church building for reuse at \$4.5M to \$5.2M including renovations. This marketing effort consists of a "for sale by owner"

sign that is posted on the subject property. The applicant indicates they have received 15 calls with 3 of them being serious prospects. The applicant has not received any good faith offers. The submitted construction estimate indicates it would cost \$3,914,051 to completely repair the exterior and interior of the building. The property has a tax assessed value of \$821,000 according to the Polk County Assessor's website.

III. STAFF RECOMMENDATION

Staff believes the applicant has not demonstrated that the church building is an imminent threat for structural failure or that all avenues for rehabilitation have been explored. Staff further believes that given the building is identified as a "Pivotal Structure" on the district's nomination to the National Register of Historic Places that all reasonable avenues should be explored to analysis the renovation potential of the church building.

Based upon the information available at this time, staff recommends denial of the requested Certificate of Appropriates and that the Commission sends a communication to the City Council requesting they direct the City Manager to implement applicable provisions of Section 58-31 of the City Code.

HAB

CITY OF DES MOINES
HISTORIC PRESERVATION COMMISSION
MEETING SUMMARY

DATE: December 20, 2006
TIME: 5:30 P.M.
PLACE: City Council Chambers
City Hall, 400 Robert D. Ray Drive

COMMISSIONERS PRESENT: Susan Holderness (Chair), Mary Reavely (Vice Chair), Shirley Shaw, York Taenzer, Scotney Fenton, Teresa Schneider and Elaine Estes.

COMMISSIONERS ABSENT: Sinda Berry, and Danelle Stamps.

STAFF PRESENT: Jason Van Essen, Senior City Planner

SUMMARY OF AGENDA ITEM #1

Request from Kingsway Cathedral Inc. (owner) represented by Bernie Van Til (agent) for the demolition of the church building at 901 19th Street located in the Sherman Hill Historic District. (20-2007-5.24)

Chair Susan Holderness: Read the description of the item from the agenda.

Jason Van Essen: Provided background information orienting the Commission to the subject property, presented the staff report and staff recommendation.

Susan Holderness: Asked the applicant to address the Commission.

Bernie Van Til, Preservation Properties, 2808 Virginia Place, Des Moines: Introduced himself as an agent for the owner and represented their interest.

Bernie Van Til: Stated he understood the historic rehabilitation process and explained he was hired for his experience with several historic rehabilitation projects in the community. Stated he was requesting the Commission grant final approval of the request at their January 17, 2007 meeting to allow time for him to work with the City and arrange a final funding agreement. Stated his client is in the process of suing the City and that they need to step forward or okay the removal of the building because time is of the essence. Explained his client needs to reclaim the equity in the property, as they are paying for a building they cannot use. Explained the end project costs to repair the church does not equal the end value. Stated the only reasonable and responsible action is to save what they can now by an orderly salvage process.

York Taenzer: Asked how long he has had the property listed and noted that he was aware of an offer that had been made for the property 6-to-9 months ago.

Bernie Van Til: Stated he did not have it listed and that he is agent for the owner. Further stated that to his knowledge that offer was withdrawn because the individual determined they would not be able to do what they wanted with the building.

Presented an engineer's report that indicated the building could be repaired for approximately \$3,914,000. Stated this does not include elevators, restrooms and ramps to meet ADA requirements. These additions increase the estimate to \$4,624,000. Presented possible funding sources including Historic Tax Credits and City, State and Insurance settlements from the pending lawsuit. Stated the City's portion would be between \$1.7M and \$2.3M and that the State's would be approximately \$1M. Discussed the higher cost associated with repairing the building versus building a new church for the congregation. Discussed the merits of the historic significance of the Kingsway Cathedral and suggested it was not significant enough to be individually listed. Stated they posted a for sale sign on October 31, 2006 in an attempt to address the advertisement requirements of the Certificate of Appropriateness process for demolition. Noted they have not received any written offers to date. Stated the owner will not sell the property for use as a bar or nightclub.

Stated the buildings mortar was in poor condition and disagreed with the staff report. Asked the Commission to approve the demolition for the safety of the public and to allow for the orderly salvage of elements of the building. Stated the Church has the right to enjoy their property rights and to use their equity. Stated by acting tonight the Commission would have 30 days to finish with the City Attorney to work out a plan where they start paying something solid or continue with legal action for damages. Questioned the appropriateness of the historic district boundaries.

Elaine Estes: Asked if the Church had made any attempts to stabilize the building.

Bernie Van Til: Stated he is not aware of everything the Church has done but stated the Church went to the City early with their concerns about the neighboring road construction project's impact on the building.

Susan Holderness: Asked if anyone in the audience wished to speak on the item.

Bob Mickle, 1711 Woodland Avenue: Stated he has lived in the neighborhood for 32 years and has watched the rejuvenation of the area. Explained he is the president of the Neighborhood Investment Corporation, which invests in older neighborhoods and up to 50% of any net income they make is turned back to the neighborhood to maintain the vitality of the neighborhood. He offered the example of the Mickle Center, which is being used as a neighborhood resource center for non-profits that provide social services for low/mod income people. It presently has approximately 25 offices there. They have also built a 54 unit low/mod income property at the corner of 15th and Woodland that has fulfilled a need in the neighborhood. They have also just built and opened a low/mod income apartment building in East Village with 115 rental apartments. The Neighborhood Investment Corporation is interested in what can be done to save and rejuvenate old buildings. Stressed that the Kingsway Cathedral is a pivotal structure at the north end of the Sherman Hill neighborhood and he strongly recommended that the Commission follow the staff recommendation, which is set forth in the ordinance for serious consideration for doing everything possible to save a pivotal structure. Noted some of the information the application referred to has not been made available to the public and if any of that information is used as part of their decision, he requested they defer their decision until that information could be made available to the public.

Jack Porter, 815 18th Street: Indicated he is a long-time resident of the Sherman Hill neighborhood, is employed by the Historical Society of Iowa as a Preservation Consultant, is a member of the Sherman Hill Neighborhood Board and serves as Vice-President of the Neighborhood Investment Corporation. Noted the NIC Board decided to attend the meeting to support the staff recommendation, but their interest is to immediately seek both neighborhood meeting to get the word out in the neighborhood and also take some immediate action to seek grants to hire a consultant to

look at the building and develop a preservation plan. Stated this would be important in determining the validity of rehabilitation costs presented by the applicant. Suggested the feasibility of preserving the building to be a key issue and noted it would be not be good to have the building remain vacant without a reuse that would be compatible with both the building and the neighborhood. Reminded the Commission that the building plays a key role in greeting people to both the downtown area and to the Sherman Hill District. Asked the Commission to consider staff's recommendation and allow them time to look at alternatives for the preservation of the building.

Susan Holderness: Asked if there was anyone else wishing to speak on the item. Noted there was none and asked the Commission if they had any questions or comments.

Shirley Shaw: Stated she was opposed to the demolition of the church. Noted it was one of the first churches of the Open Bible and is a beautiful building.

York Taenzer: Stated as long as he has lived the neighborhood he has not observed any building maintenance being preformed. Further stated he was supportive of the staff recommendation.

Mary Reavley: Stated she believes that adequate due diligences has not been preformed, such as exploring grant opportunities and that the applicant has failed to stabilize the building. Further stated she supports the staff recommendation.

Susan Holderness: Stated this request seems rushed and that time needs to be taken to explore alternatives, such as those mentioned by Mr. Mickle and Mr. Porter.

Mary Reavley: Stated the neighborhood is concerned with this gateway area and that what is done in this area should be appropriate as it is a welcoming view to the neighborhood and City.

Elaine Estes: Asked the Chair if it would be appropriate to table the issue to give the neighborhood time to investigate opportunities.

Mary Reavley: Stated she did not think the item needed to be tabled and that they should deny it and move forward.

York Taenzer: Stated if we moved the staff recommendation then all the processes for exploring alternatives will be available.

Susan Holderness: Asked the applicant if he had any final comments.

Bernie Van Til: Suggested the cross on the top of the building was taken down because it was falling down and seemed to be dangerous, and that it was an appropriate action to take. Secondly, the for sale sign was posted recently but the property being available for sale should not be a surprise. Anyone can make an offer at any time. This has gone on long enough as far as the Church is concerned and we are interested in proceeding. The building has been vacant with fencing around it for some time. If someone in the community had wanted to do something, they could have called. Stated he believes the community is aware of the property's availability and noted he was available for any reuse meetings and explained they are interested in a rehabilitation project, but that it has to be realistic and there has to be money to do it. Noted Commissioner Taenzer mentioned maintenance and explained he would be happy to visit with the Commission regarding maintenance issues and what's been done. Stated it's very clearly the applicant's view that this building was used

up until the time they blew the up bridges. It is very clear in terms of the timeline and objected to the suggestion that this is the result of a maintenance issue.

Mary Reavley: Stated she did not think that the debate about maintenance was the issue for the Commission at this time.

Bernie Van Til: Asked if that meant she agreed that maintenance was fairly good up until the time of the near by roadwork.

Mary Reavley: Stated that she did not know.

Bernie Van Til: Stated the building was in use up until the time of the road construction.

York Taenzer: Moved the staff recommendation.

Mary Reavley: Seconded the motion.

Susan Holderness: Asked if there were any additional questions or comments from the Commission.

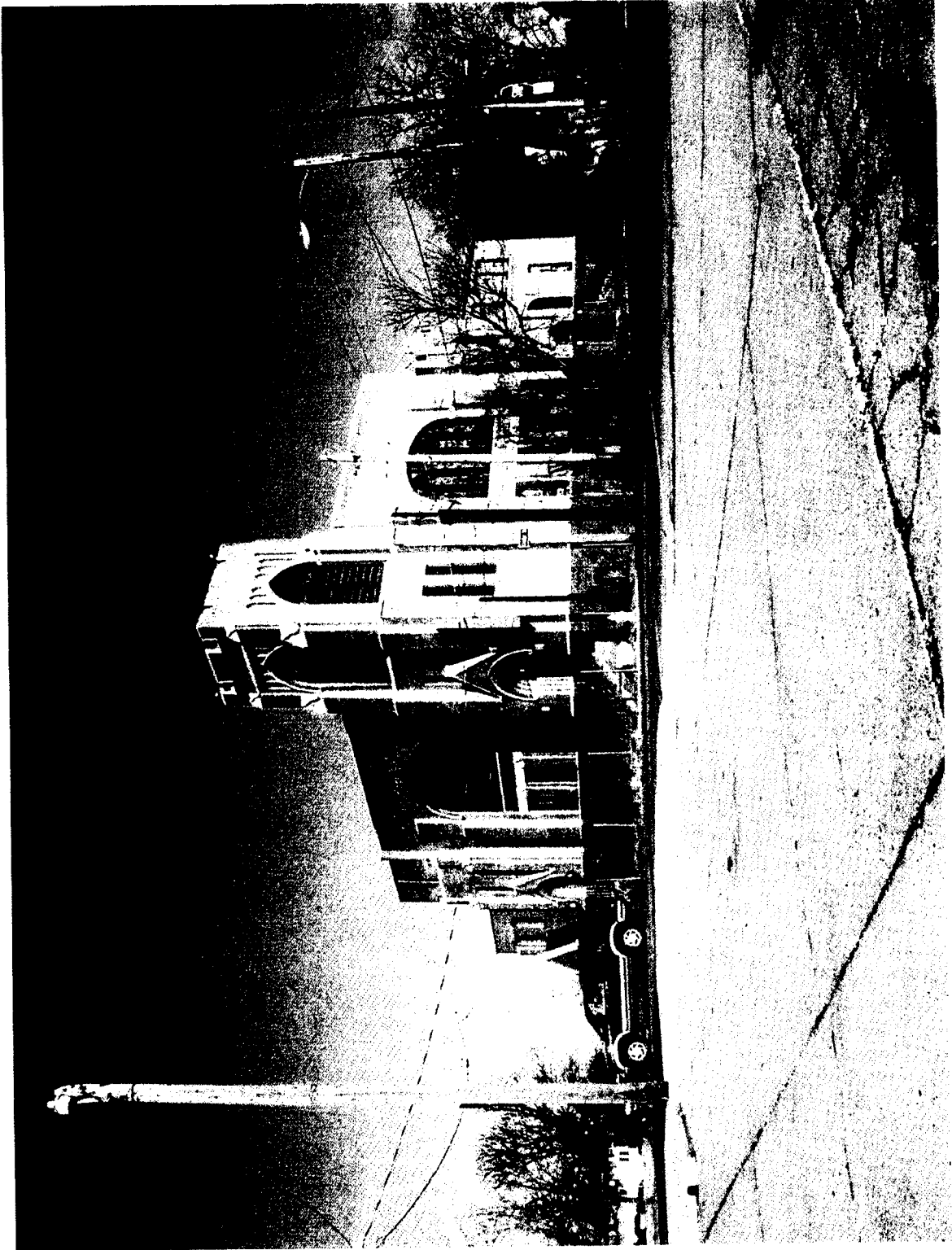
ACTION OF THE COMMISSION:

Denial of the requested Certificate of Appropriates and that the Commission send a communication to the City Council requesting they direct the City Manager to implement applicable provisions of Section 58-31 of the City Code.

VOTE: A vote of 7-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Holderness	X			
Reavely	X			
Berry				X
Estes	X			
Fenton	X			
Schneider	X			
Shaw	X			
Stamps				X
Taenzer	X			

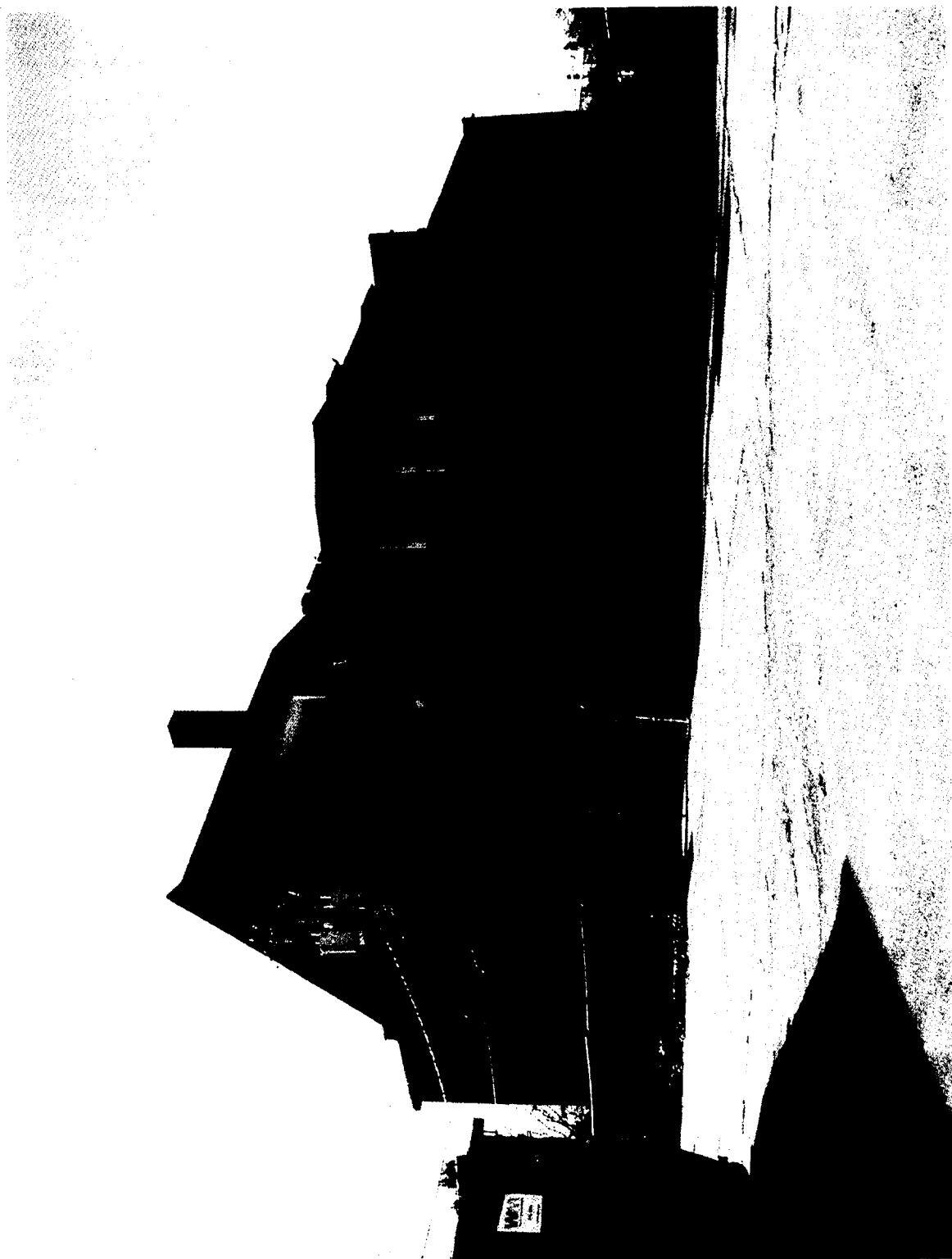
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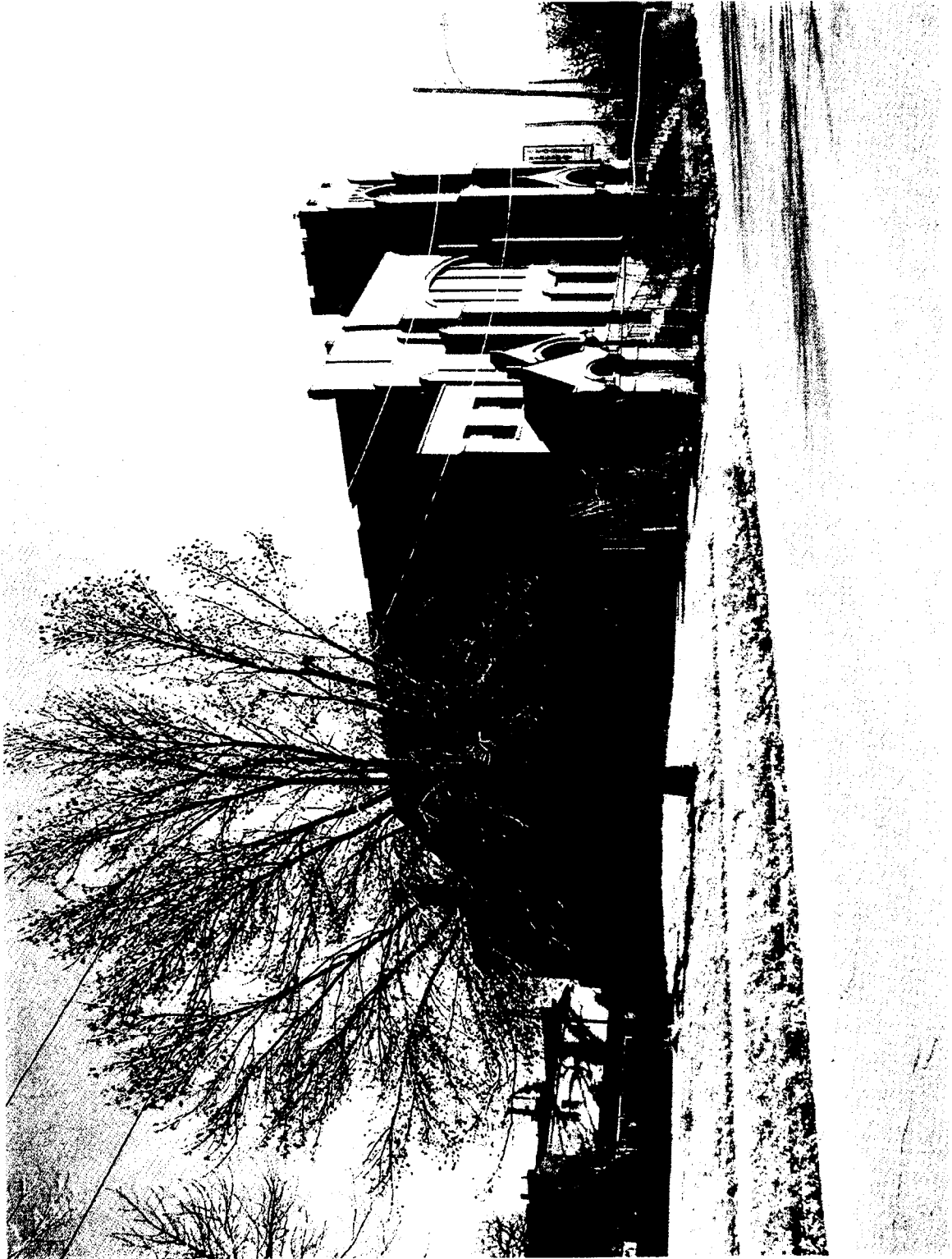
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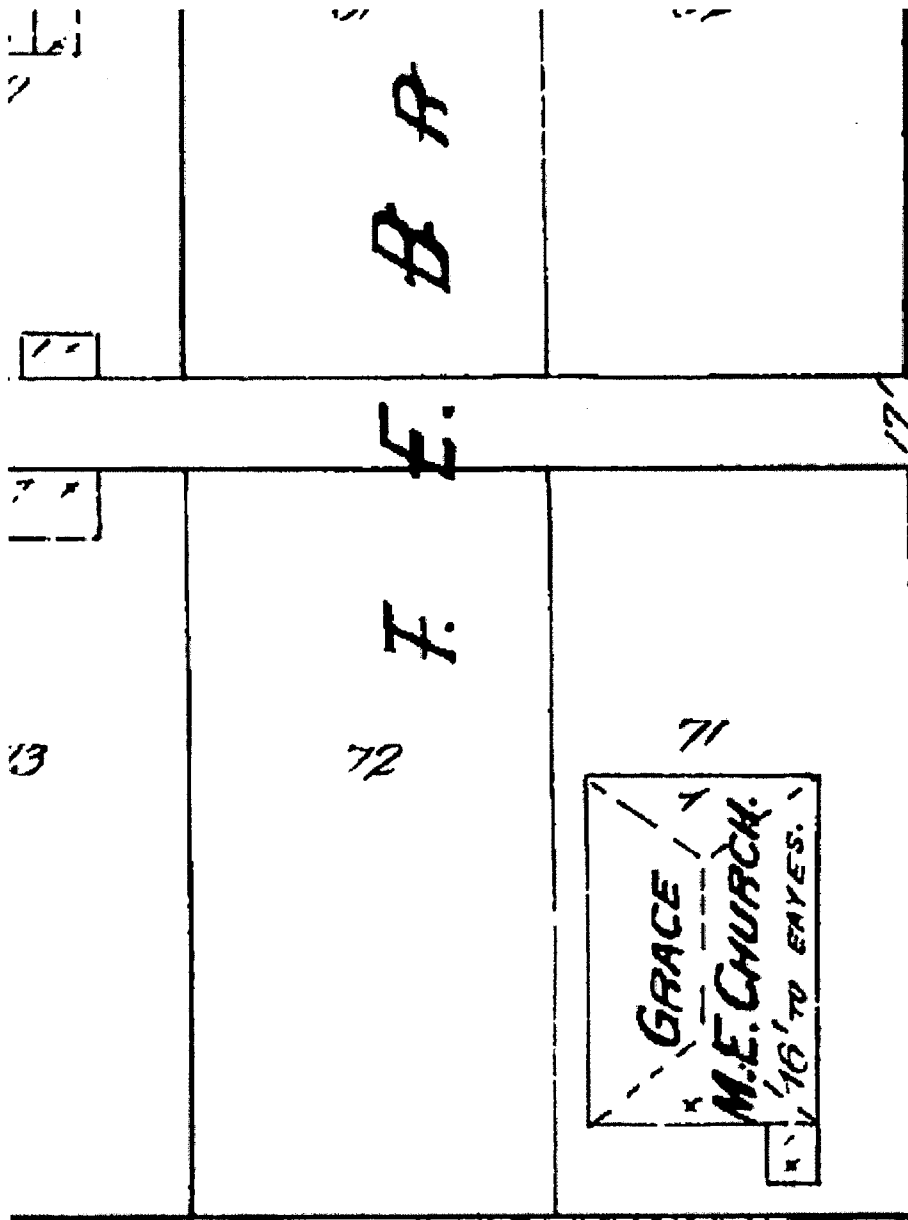
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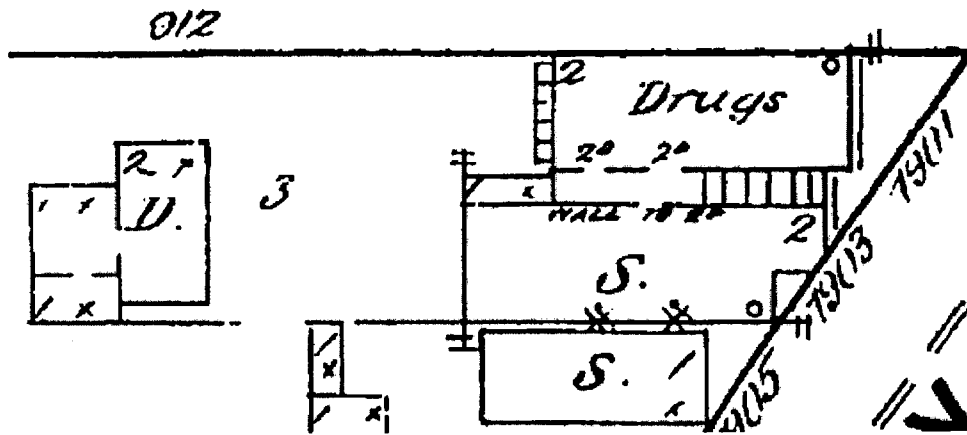


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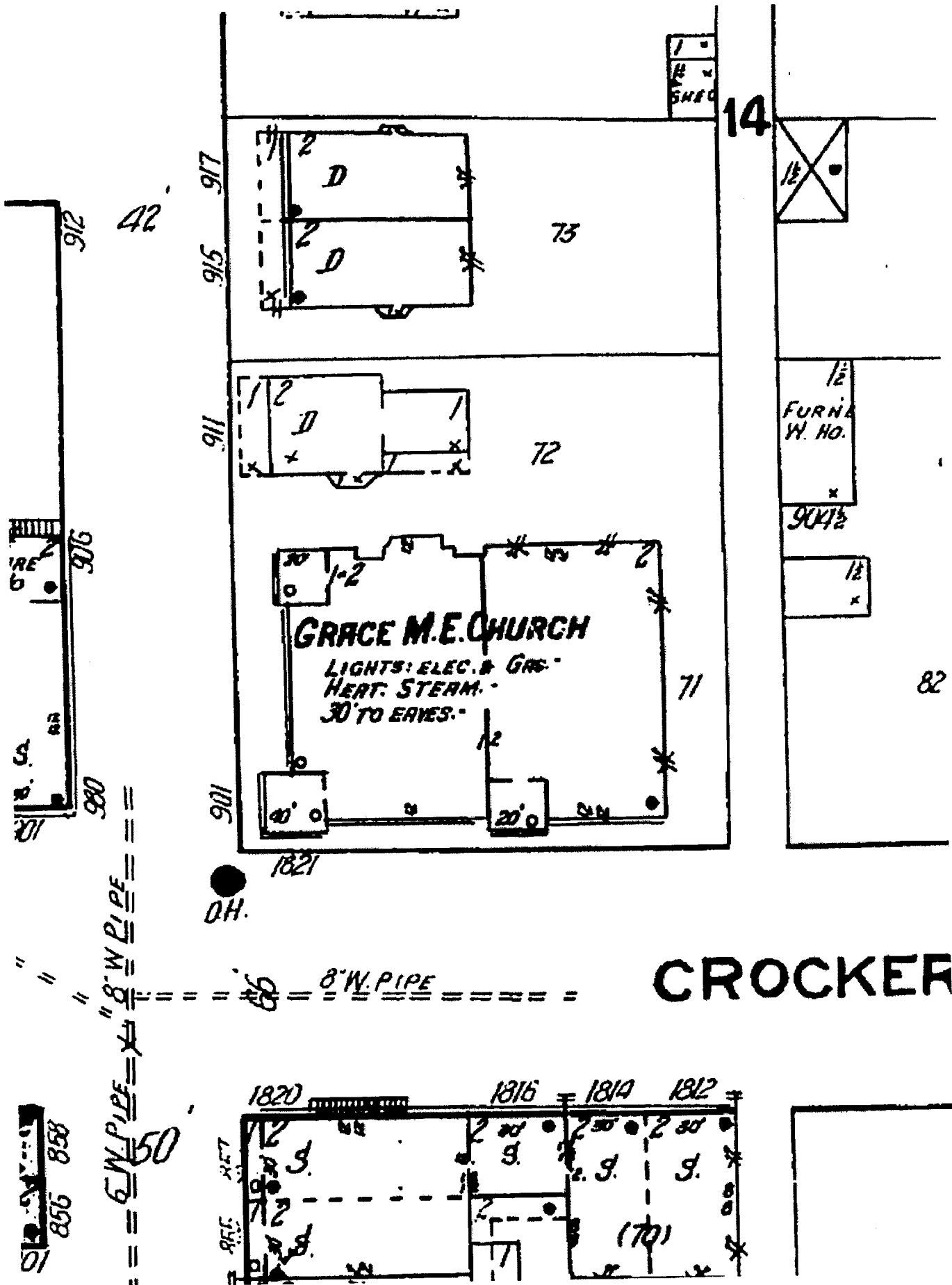
CRO

W. 19TH



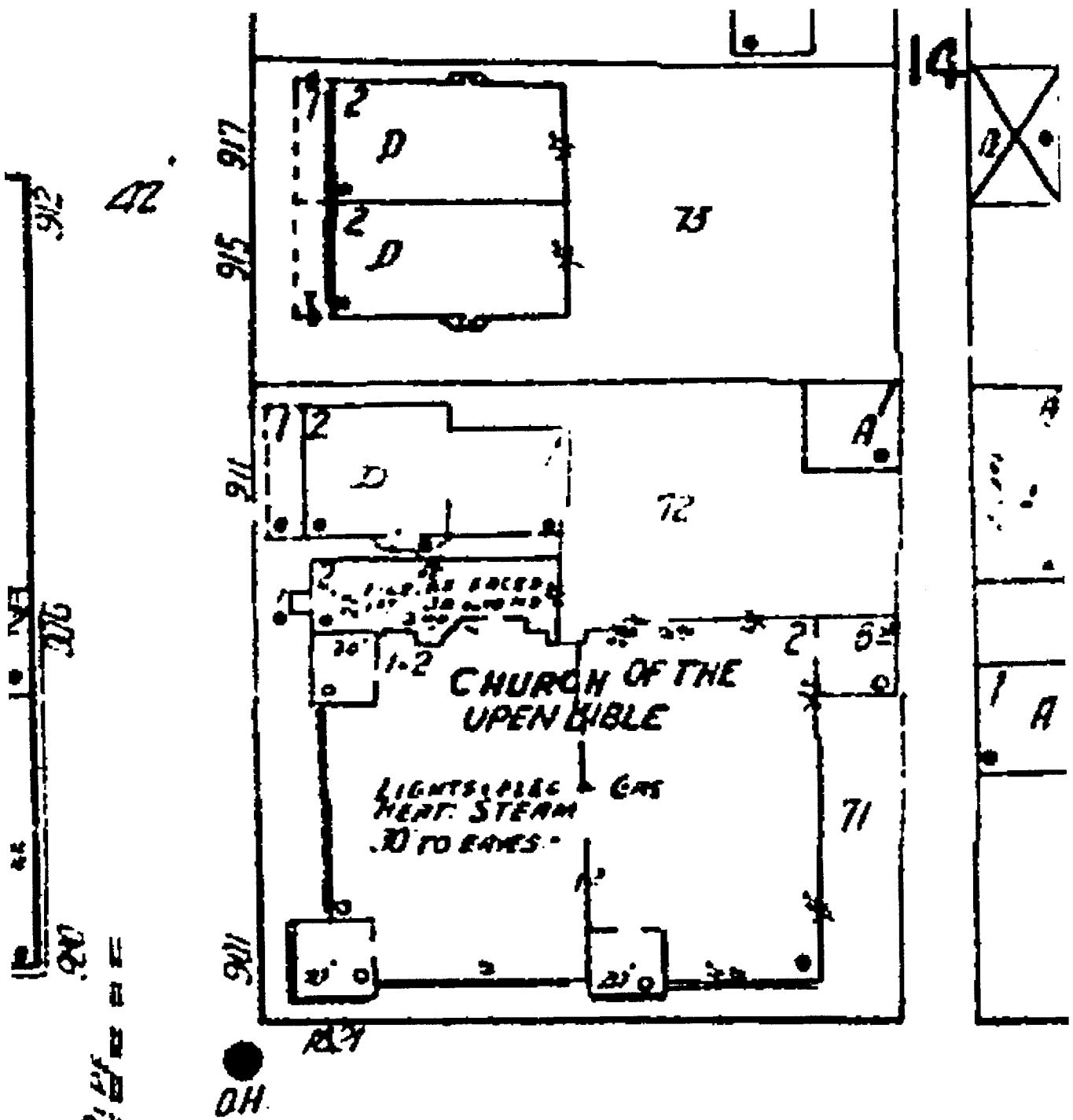
70'

177'



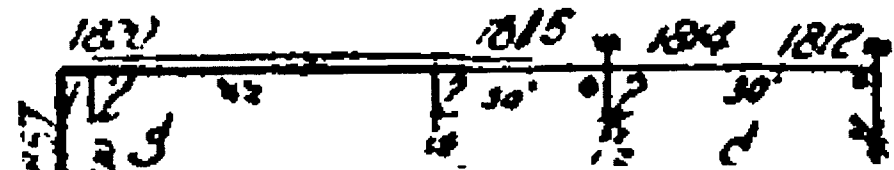
CROCKER

40B



CROCK

Handwritten notes and symbols on the left side of the map, including a vertical line with 'A.B.' and other markings.



49B

DEC - 6

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
CITY OF DES MOINES
HISTORIC PRESERVATION COMMISSION

(To be filled out by the applicant)

File Number 20- 2007- 5.24

Address of the Property 901 19th Street

Legal Description of the Property Coop. Assoc. # 7624-05 - 261 - 006

Owner of the Property Kingsway, C. Hebra, Inc a non-profit

Owner's Phone Number: Home None Work 237-0567 Phone
237-0566 FAX

Applicant's Name, Address and Phone Number (if different from owner)

Current use of the property WAS CHURCH NOW YACHT

Approximate date structure was built 1901

Note the year any major alterations was completed and indicate source of data

I-235 work at ML King

see Dale Smith Technical Services

[Signature]
Applicant's Signature
For the owner

Dec 9-06
Date

To be filled out by staff:

Date of Historic Preservation Commission meeting 12.20.06

Received by [Signature] Date 12.6.06

Your application will be placed on the agenda for the next Commission meeting if it is received two weeks prior to the next regularly scheduled meeting date. Meetings are scheduled for the third Wednesday of each month.

NOTE: You are hereby advised that no work should commence on the above property until such time as the Historic Preservation Commission has issued a Certificate of Appropriateness

To be filled out by the Applicant

Separately describe each job to be performed on the exterior of the structure and/or property.

1a. What is being done? 1b. What materials are being used? 1c. What changes in appearance will there be?

see the Pat Smith report

2a. What is being done? 2b. What materials are being used? 2c. What changes in appearance will there be?

N/A 2c Remove building and replace it with new building

3a. What is being done? 3b. What materials are being used? 3c. What changes in appearance will there be?

N/A . 3c Remove Building

Attach drawings as described on page 2 to illustrate above described changes.

To be filled out by the Applicant (continued)

Separately describe each job to be performed on the exterior of the structure and/or property.

4a. What is being done? 4b. What materials are being used? 4c. What changes in appearance will there be?

Remove Bldg

5a. What is being done? 5b. What materials are being used? 5c. What changes in appearance will there be?

Remove Bldg as Step one

6a. What is being done? 6b. What materials are being used? 6c. What changes in appearance will there be?

N/A

Attach drawings as described on page 2 to illustrate above described changes.

**Kingsway Cathedral Inc a non profit
Bernie Van Til – Real Estate Consultant
and agent for the owner
email: sendmeyourstuff@msn.com
Suite 245 Capital Square Bldg 400 Locust Street
Des Moines IA 50309
515-237-0567 phone**

December, 4th 2006

Jason Van Essen, AICP
Senior City Planner
Planning and Urban Design Division
Community Development Department
City of Des Moines, Iowa
602 Robert D. Ray Drive
Des Moines, IA 50309-1881
jmvanessen@dmgov.org

**REF: Kingsway Cathedral “church bldg” issues
Certificate of Appropriateness**

Dear Mr. Van Essen and Members of the Board

Thank you for your time the past months as we work through the process of how to proceed on the building known as the Kingsway Cathedral.

First, let me say this Certificate of Appropriateness has nothing to do with the 2 story building to the east known as 900 18th street. We will address this site under a separate application. Given what we know, this building is still savable at this time.

This application for Certificate of Appropriateness is to start the process of removing the church building. It is clear that several steps were missed when the I-235 bridges at the ML King were demolished in such a way as to damage the church building. It is clear to me that the damage to the church was caused by the demolition of the bridges. As such, we have construction estimates for the repairs which are about \$3,914,051. A damage report is attached to this application which was completed by Dale Smith Technical Services dated March 6, 2003. The total report is not attached but the key information you need to see is attached.

To save the building we need the City of Des Moines and the Department of Transportation (DOT) to step up and pay for the damages they caused or allowed to happen to this building. Without that, we have to demolish the building. Let me also say this building should be taken down and not be allowed to fall down, as in on the street being a hazard to passersby.

Dale H. Smith

HAB

TECHNICAL SERVICES
P.O. BOX 67
DES MOINES, IOWA 50301
(515) 283-0069

REPORT

KINGSWAY CATHEDRAL

901 19th Street
Des Moines, Iowa 50314

Damage Study

6 March 2003

Confidential Material

Some pages were omitted from this report
As detail not needed for your purpose
In an effort to save some trees

TABLE OF CONTENTS

Report

Background	1
Findings	4
Structural significant or dangerous	
Esthetic damage	
Window damage	
Opinions	5
General	
On going destructive stresses	
Elastic limit	
Structural significant or dangerous	
Esthetic damage	
Window damage	
Conclusions	7
Recommendations	8

Appendix

List of damage and possible causes	11
List of windows and doors and damage	24
Photographs	27
Cross	28
Elevations	30
Ceiling, arches and columns	39
Esthetic	72
Windows	125

REPORT

On January 30, 2003, Rev. David Brown called DALE M. SMITH Technical Services and asked for a meeting to discuss damage to his church, KINGSWAY CATHEDRAL (the Church), 901 19TH Street, Des Moines, Iowa 50314. The meeting took place at the church on January 31, 2003, at 2:00 PM where the Rev. Brown, Mr. Wicker and Mr. Polson showed Dale M. Smith, P.E. (the Engineer), the damage in question and suggested that some of the damage may have been caused by the myriad of construction activities taken place in close proximity to the Church over the past year. It was agreed that further investigation was warranted

Subsequent to the above meeting on February 3, 2003, the Engineer send a letter to the Church suggesting that pedestrian traffic should not be allowed in the area of the pulpit, because of the potential of falling plaster, people should not be allowed in the balcony until its problems could be defined and outside, pedestrian traffic should be kept away from the south and west church walls because of the potential of falling bricks. The Church was closed and fenced off shortly thereafter.

The following are the results of the further investigation. This is an on going investigation and the enclosed lists are intended to be representative, not all-inclusive, comprehensive or exhaustive. As access is gained to new areas, additional comments will be made.

BACKGROUND

The Church is a 100-year old structure built in 1901. It is constructed of mass masonry, brick, with a foundation four wythes of brick wide. The central part of the structure is a four arch box atop large masonry columns or pillars. The interior has ornate plaster and the exterior walls have many stained glass windows. There has been at least one addition to the structure, the baptismal area to the north. There has been at least on fire in the structure with evidence from the basement to the rafters and trusses in the roof.

During the past year a myriad of construction activity took place in the general vicinity of the Church, primarily the reconstruction of Interstate 235 (I-235) and Martin Luther King Expressway (MLK). The construction activities included but were not limited to:

- Two bridges imploded

 - And subsequent clean-up

- Two new bridges were built complete with

 - Earthmoving

 - Pile driving and

 - Heavy equipment activity

- Two streets were demolished complete with pavement crushing

 - MLK

 - Cottage Grove

- The above two streets were rebuilt complete with

49B

Earthmoving
 Paving
 Heavy equipment activity
 Numerous buildings were demolished complete with
 Demolition
 Removal
 Heavy equipment activity
 Heavy truck activity

Due to all of the above activity there was an increase in vehicular traffic on the two streets, 19th Street (28-feet away) and Cottage Grove (22-feet away), immediately adjacent to the Church.

Indeed, that increased traffic included an increased number of heavy trucks.

During this period of intense construction activity a six-foot section of plaster fell from the bottom of the east arch crown in the sanctuary. Fortunately no one was injured by it caused the Rev. Brown and his congregation to look more critically at their structure in total. It appeared that there had been an increase in the rate of deterioration of the old building. In particular increases in the number of plaster cracks, sagging plaster, falling plaster, bows in stained glass windows, settling in stained glass windows and segments falling out of the stained glass windows.

FINDINGS

Structurally significant or dangerous

1. The cross atop the Church bell tower is leaning to the north.
2. The top of the peaked east wall of the Church has a pronounced bow outward; the wall is not vertical at the top.
3. At the parapet level in the south wall above the large stained glass window there is a bulge.
4. There is a bulge in the south bell tower wall at the parapet level.
5. There is a bulge in the west bell tower wall at the parapet level.
6. There is a bulge in the west wall of the Church above the large stained glass window.
7. A large area of the ceiling plaster above the pulpit has separated from its support and is sagging.
8. Six-feet of plaster fell from the bottom of the crown of the east arch and there are other cracks along the length of the arch.
9. The north arch has a serious crack at the east shoulder along with other cracks along the span of the arch.
10. The west arch has a serious crack at the north shoulder along with other cracks along the entire length.
11. The south arch has cracks along the entire length.
12. Both legs of the balcony have separated from the north columns and wall.
13. There is evidence of heating pipe insulation that has been breached.
14. The balcony guardrail is loose, wobbles at the touch.
15. The brick arch above the southeast basement window is broken.

Esthetic damage

16. In the appendix there are 108 items listed with unsightly or esthetic damage.
17. There are painted over decayed areas of plaster on all levels of the Church.
18. There are painted over cracks in plaster on all levels of the Church.
19. There are new cracks without paint on all levels of the Church.
20. There are new areas of decayed plaster on all levels of the Church.
21. There are large areas of fallen plaster on all levels of the Church.
22. There is evidence of moisture damage on all levels of the Church.
23. There are numerous areas of spalling, peeling, decaying and discolored paint on all levels of the Church.

Window damage

24. In the appendix, there is a list of seventy-one windows and doors in the Church, most with a problem.
25. There are 40 stain glass windows.
26. There are six stained glass windows that have a bow in the profile.
27. There are seven other stained glass windows that have a wavy profile, that is, the window is folding down on itself or settling.
28. There are 18 stained glass windows that are broken.
29. There are 10 stained glass windows that have segments missing.
30. There are 19 stained glass windows that have cracks.
31. There are eight stained glass windows with voids, that is, the comes and the segments are separated and there is an opening in the windowpane.
32. There are at least eight stained glass windows where there are missing, broken or deformed comes. The comes are the lead or zinc strips holding the glass in place.
33. Many of the windowsills have suffered damage from moisture that accumulated.

OPINIONS**General**

There are several stresses active in most structural members most of the time. They are:

- Expansion
- Contraction
- Shrinkage
- Creep

These are active internally. External items such as moisture and movement (movement caused by normal live and dead loads) can excite, aggravate, supplement or add to these internal stress producers.

As long as these stresses work within the elastic limit of the material, the material can move and return to it former shape and/or condition. As soon as the stresses in an element create enough movement internally to exceed the elastic limit, the material fractures, breaks, cracks and can not return to its former shape and/or condition. Any one of the above six stress producing items can, given the proper condition, produce enough movement internally to exceed the elastic limit and crack the member. Indeed, any combination of the above six stress producing items can cause enough movement to cause a member to crack.

In this case, in addition to the common six stress producing items above there is the specter of a sub-movement item, vibration, that is over and above normal movements anticipated. Implosions, pile driving, building demolition, heavy traffic, construction and many other activities can induce this new item. This new item can cause a structural element to exceed its elastic limit and crack. This new item can augment any or all of the above common stress producing items and in combination cause a structural element to crack or fail. Many construction activities produce this new item, vibration, and they don't necessarily blend to make one vibration, they are additive to make a crescendo of vibration.

Structurally significant or dangerous

The following numbers correspond to the same numbered items in the FINDINGS section.

1. In comparing a picture taken in February 2002 where the cross appears to be vertical to a similar picture in the appendix numbered 101-0108_IMG.JPG taken in February 2003 where the cross is leaning, it would suggest that the current leaning condition of the cross occurred in the last year. It also reinforces the suggestion from the Engineer that the cross should be removed.
2. The bow in the top of the east wall does not have any cracks associated with it to show failure stress. This condition may have built that way or developed when the Church was rebuilt after the fire. Ideally this wall should be vertical.
3. The bulge at the parapet in the south wall is allowed by the breaking of the bond between the wythes (a vertical column of brick) of brick. There are associated horizontal mortar, brick bond distress and discoloration indicating water may have been an influencing factor. This wall, in this area will have to be rebuilt. This is a failed wall and it is more susceptible to other influence, such as vibration, that could aid in bringing this wall down.
4. The bulge at the parapet in the south bell tower wall is allowed by the breaking of the bond between the wythes of brick. There are associated horizontal mortar, brick bond distress and discoloration indicating water may have been an influencing factor. This wall, in this area will have to be rebuilt. This is a failed wall and it is more susceptible to other influences, such as vibration, that could help bringing this wall down.
5. The bulge at the parapet in the west bell tower wall is allowed by the breaking of the bond between the wythes of brick. There are associated horizontal mortar, brick bond distress and discoloration indicating water may have been an influencing factor. This wall, in this area will have to be rebuilt. This is a failed wall and it is more susceptible to other influences, such as vibration, that could help bring this wall down.

Frosted or plain glass windows	23
Doors	8

25. Of the 40 stained glass windows, the following arbitrary rating were made:

Good	2
Fair	3
Poor	34
Bad	1

26. Of the six bowed profile stained glass windows, most are bowed inward particularly the ones on the west side of the structure.

27. The eight wavy profile stained glass windows are on all sides of the structure.

28. The 18 broken stained glass windows are throughout the structure. This means segments are partially gone.

29. The ten stained glass windows with missing segments are throughout the structure.

30. The 19 stained glass windows with cracked segments are throughout the structure.

31. The eight stained glass windows with voids have segments and comes that have separated leaving an opening in the windowpanes.

32. The eight stained glass windows with comes damaged are throughout the structure.

33. The water-damaged windowsills, which is common, go back to the miss management of utilities, ventilation and humidity.

CONCLUSION

It would be folly to suggest that all the damage this structure has experienced was due to the construction activity. Any structure 100-years old having withstood the ravages of time, variable maintenance and the indignities of multiple restorations, will show its scars. However, it would be just as ludicrous to suggest that the vibrations from the myriad of construction activities and the resulting heavy traffic had no influence on the documented accelerated deterioration of a frail old structure considering the sheer volume and duration of the activity.

If the fallen plaster, off the east arch, is attributed to the vibration and vibration is a good candidate. Indeed there are only two candidates, fatigue and vibration. The candidacy of fatigue is diminished due to the fact no other plaster fell and all the plaster should have about the same amount of fatigue. That leaves vibration as a prime cause. This would suggest that vibration would be a good candidate for exacerbating the cracking of plaster throughout the structure.

If the bulges in the brick walls were in existence before the last year of intense construction activity, vibration is a good candidate for making those bulges worse. Only a little friction and gravity are holding these walls up. If the bulges did not exist prior to the intense construction activity, they do now and the vibration would be a prime candidate for initiating these bulges.

If all the above damage in these more resilient elements of the structure, brick and plaster, is attributed to vibration from the intense construction activity the most frail element, the stained glass, cannot be excluded from possibly experiencing further damage. Indeed if any element is likely to have had its existing damage exacerbated it is the stained glass.

It is curious that there is a serious cracking around the west end of the curved beam in the basement, there is a serious crack in the west main arch and there a serious bow inward in the west large stained glass window in both pane and frame. This would tend to suggest that something detrimental was happening west of the Church. Indeed there was something detrimental happening west of the Church, over one-year of intense construction activity. To make matters worse, the construction activity is not finished.

RECOMMENDATIONS

- Before any action is taken to correct, demolish, remove or restore all-appropriate safety and hazardous precautions should be taken.

- The cross should be removed. Only after adequate safety precautions are taken. It should be restored and replaced after it is determined that the support in the top of the bell tower is adequate. Caution should also be used during its removal, in that the quality of the support and roof of the bell tower may have been compromised.

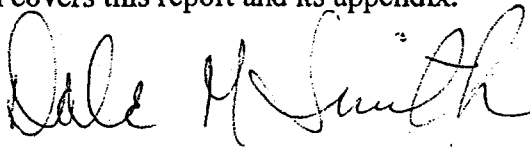
- The stained glass should be removed and restored. Only after adequate safety precautions are taken.
- The bulges in the outside brick walls should be repaired. Only after adequate safety precautions are taken.
- The interior main arches should be repaired. Only after adequate safety precautions are taken. If and when this is done, it would be a good time to look inside at the structural material to insure that it has not been damaged.
- The interior plaster should be repaired. Only after adequate safety precautions are taken.
- The interior paint should be restored. Only after adequate safety precautions are taken.

49B

CERTIFICATION

I hereby certify that I did this investigation, wrote this report and I am a duly Registered Professional Engineer under the laws of the State of Iowa. My license expires December 31, 2003. This certification covers this report and its appendix.

Dale M. Smith, P.E.
Reg. 5425



49B

DAMAGE LISTS

HQB

KINGSWAY CATHEDRAL
DAMAGE STUDY
LOCATION OF DAMAGE
SANCTUARY LEVEL

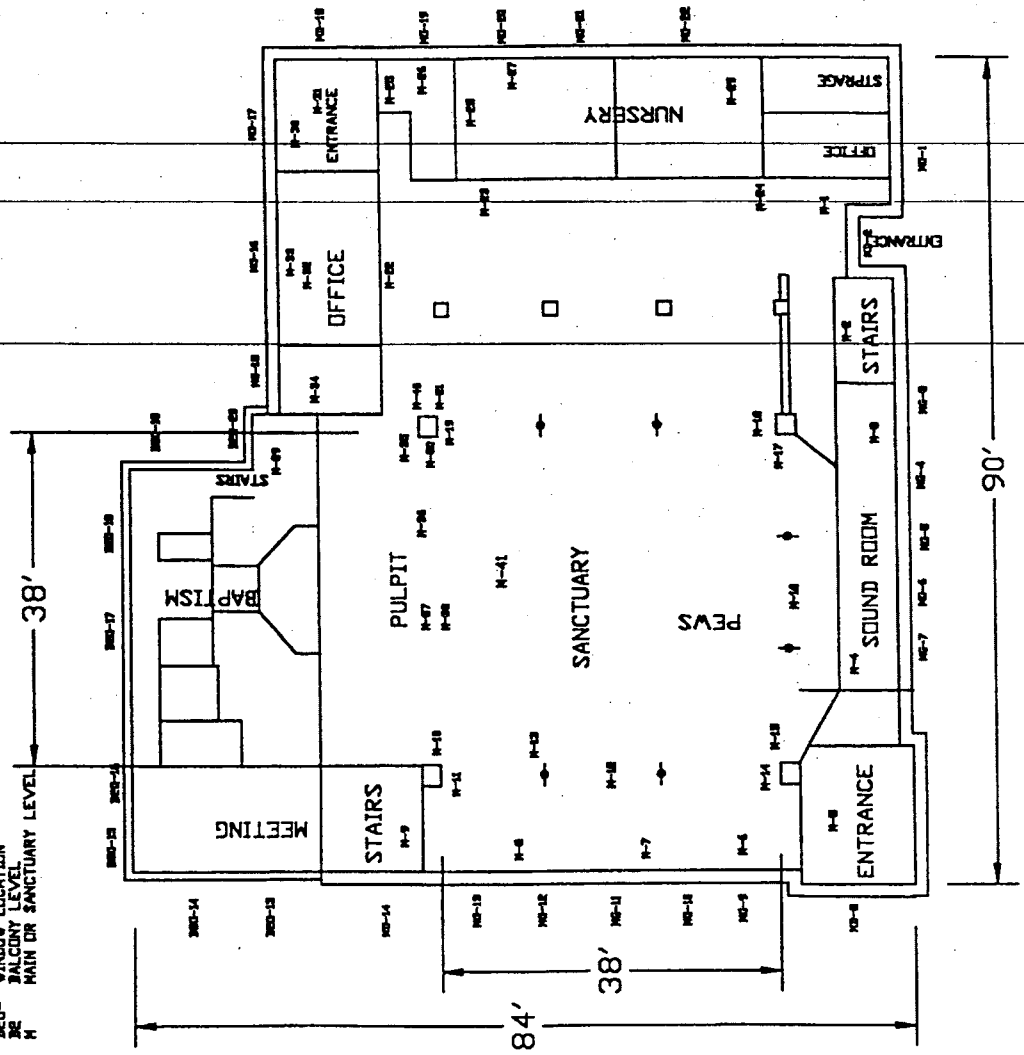
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KINGSWAY
18 FEB 03
73 SHOWN



- LEGEND
- ND- DAMAGE LOCATION
 - NO- WINDOW LOCATION
 - MO- DOOR LOCATION
 - MG- GLASS LOCATION
 - ME- BALCONY LEVEL
 - M- MAIN OR SANCTUARY LEVEL



DAMAGE BASEMENT (B) FLOOR TO CEILING

DAMAGE NO.	SITE NO.	LOCATION	DESCRIPTION	EXPANSION	CONTRACTION	SHRINKAGE	CREEP	POSSIBLE CAUSES	MOISTURE	MOVEMENT	VIBRATION	AS BUILT
1	B-1	S.E. restroom	Peeling ceiling paint, decaying, broken & missing plaster.	X				X	X			
2	B-2	S.E. stairwell	Plaster cracked, rough near floor, some paint covered					X	X			
3	B-3	S.E. office	Cracked plaster, rough, some paint covered damage at window sill	X				X	X			
4	B-4	S. class rm.	Lintel plaster broken window 2, fallen plaster	X				X	X			
5	B-5	S. class rm.	Fallen ceiling plaster, west end (3'x6') north center	X				X	X			
6	B-6	S. class rm.	W. timber column checked, both columns plumb but not square									X
7	B-7	S.W. restroom	Ceiling plaster fallen, cracked, decayed, damage at window	X				X	X			
8	B-8	S.W. restroom	Damage around window in plaster	X				X	X			
9	B-9	S.W. restroom	Plaster decay top of west wall	X				X	X			
10	B-10	SW stairwell	Plaster cracked, rough near floor, some covered with paint	X				X	X			
11	B-11	SW shower	Cracked plaster, rough, S. side window	X				X	X			
12	B-12	W class rm	Ceiling plaster fallen, cracked, decayed... damage to pipe insulation	X				X	X			X
13	B-13	W class rm	Cracked, fallen plaster around curved beam diagonal cracks in plaster side of curved beam	X				X	X			
14	B-14	W utility rm	Plaster cracked, rough, some repair	X				X	X			
15	B-15	W storage rm	Lintel plaster broken at window Mortar joint voids, some repair, wall 4 wythe relatively vertical	X				X	X			
16	B-16	Sunday school area	Metal columns not plumb, no distress posts could be steel, wrought iron, cast									X
17	B-17	Sunday school area	Plaster crack in bottom of curved beam, paint covered	X				X	X			X
18	B-18	N class rm	Ceiling plaster cracked									
19	B-19	N class rm	Decayed wall plaster mid S. wall paint covered									
20	B-20	NE office	Plaster cracks mid wall, ceiling, decay bottom window at sill	X				X	X			
21	B-21	N utility area	Foundation mortar joint voids ceiling cracks	X				X	X			
22	B-22	N utility area	Added support, 3 1/2"x3 1/2" timber column	X				X	X			X
23	B-23	N utility area	Broken brick arch between rooms	X				X	X			
24	B-24	N utility area	Water present in NE corner, walls, floor	X				X	X			
25	B-25	N utility area	Cracked plaster, peeling paint, ceiling, wall	X				X	X			
26	B-26	Kitchen	Moisture damage at window sill	X				X	X			
27	B-27	Kitchen										

49B