



Roll Call Number

Agenda Item Number

BDH 1-D

Date December 8, 2008

WHEREAS, the property located at 5805 New York Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure and garage structure in their present conditions constitute not only a menace to health and safety but are also a public nuisance; and

WHEREAS, the Titleholder JP Morgan Chase Bank NA as Trustee for the MLMI Surf Trust Series 2005-BC3 was notified by personal service more than thirty days ago to repair or demolish the structure and as of this date has failed to abate the nuisance.

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

The main structure and garage structure on the real estate legally described as LOT 5 HANNAH PLACE, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 5805 New York Avenue has previously been declared a public nuisance;

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

Moved by _____ to adopt.

FORM APPROVED:



Vicky Long Hill, Assistant City Attorney

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

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

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

City Clerk



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

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DATE OF NOTICE: September 9, 2008

DATE OF INSPECTION: August 26, 2008

CASE NUMBER: COD2008-06116

PROPERTY ADDRESS: 5805 NEW YORK AVE

LEGAL DESCRIPTION: LOT 5 HANNAH PLACE

JP MORGAN CHASE BANK
Title Holder
CT CORPORATION SYS. REG. AGENT
818 WEST SEVENTH ST
LOS ANGELES CA 90017

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

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

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

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

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

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

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

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

Richard Bright

(515) 283-4248

Richard Bright
Nid Inspector

DATE MAILED: 9/9/2008

MAILED BY: KMN

Areas that need attention: 5805 NEW YORK AVE

Component: Wiring	Defect: Improperly Installed
Requirement: Electrical Permit	Location: Garage
Comments:	
Component: Exterior Doors/Jams	Defect: In poor repair
Requirement:	Location: Garage
Comments:	
Component: Foundation	Defect: In poor repair
Requirement: Building Permit	Location: Main Structure
Comments:	
Component: Windows/Window Frames	Defect: In poor repair
Requirement: Building Permit	Location: Main Structure
Comments:	
Component: Exterior Doors/Jams	Defect: In poor repair
Requirement: Building Permit	Location: Main Structure
Comments:	
Component: Stairs/Stoop	Defect: In poor repair
Requirement: Building Permit	Location: Main Structure
Comments:	
Component: Interior Stairway	Defect: In poor repair
Requirement: Building Permit	Location: Throughout
Comments:	
Component: Interior Walls /Ceiling	Defect: In poor repair
Requirement: Building Permit	Location: Throughout
Comments:	

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Component: Smoke Detectors
Requirement: Building Permit
Defect: In poor repair
Location: Throughout
Comments:

Component: Electrical System
Requirement: Electrical Permit
Defect: In poor repair
Location: Throughout
Comments:

Component: Exterior Walls
Requirement: Building Permit
Defect: In poor repair
Location: Main Structure
Comments:

Component:
Requirement:
Defect:
Location: Basement
Comments: No access- entry required for a full & complete inspection

Component: Plumbing System
Requirement: Plumbing Permit
Defect: In poor repair
Location: Throughout
Comments:

Component: Mechanical System
Requirement: Mechanical Permit
Defect: In poor repair
Location: Throughout
Comments:

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Polk County Assessor 

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District/Parcel	GeoParcel	Ma	Nbhd	Jurisdiction	Status
100/05835-000-000	7925-25-428-026	0220	DM63/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
I/Des Moines					
Street Address			City State Zipcode		
5805 NEW YORK AVE			DES MOINES IA 50322-3645		



Approximate date of photo 11/22/2005

Mailing Address
WILSHIRE CREDIT CORPORATION 14523 SW MILLIKAN WAY STE 200 BEAVERTON, OR 97005-2352

Legal Description
LOT 5 HANNAH PLACE

Ownership	Name	Transfer	Book/Page	RevStamps
Title Holder #1	JP MORGAN CHASE BANK	07/23/2008	12726/345	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	27,000	95,100	0	122,100
Market Adjusted Cost Report Estimate Taxes Polk County Treasurer Tax Information Pay Taxes						

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Taxable Value Credit	Name	Number	Info
Homestead	PETERSEN, ROBIN L.	170811	

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District	7800	Residential

Source: City of Des Moines Community Development Published: 11/25/2008 Contact: Planning and Urban Design 515 283-4200

Land					
SQUARE FEET	7,800	FRONTAGE	60	DEPTH	130
ACRES	0.1790	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence 1					
OCCUPANCY	SF/Single Family	RE ID TYPE	FA/1 Story with Finished Attic	BLDG STYLE	CC/Cape Cod
YEAR BUILT	1954	# FAMILIES	1	GRADE	4
GRADE ADJUST	+00	CONDITION	AN/Above Normal	TSFLA	1,166
MAIN LV AREA	864	ATTIC FINISH	302	BSMT AREA	864
OPEN PORCH	208	FOUNDATION	C/Concrete Block	EXT WALL TYP	MT/Metal Siding
ROOF TYPE	GB/Gable	ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air
AIR COND	100	BATHROOMS	1	BEDROOMS	3
ROOMS	6				

