

Date..... December 17, 2007

RESOLUTION SCHEDULING PUBLIC HEARING ON APPEAL FROM  
THE DENIAL OF A CERTIFICATE OF APPROPRIATENESS FOR THE  
DEMOLITION OF THE BUILDING AT 901 19th STREET KNOWN  
AS THE KINGSWAY CATHEDRAL

WHEREAS, Preservation Properties, L.L.C., represented by Bernie Van Til, Manager, seeks a Certificate of Appropriateness for the demolition of the building known as the Kingsway Cathedral at 901 19th Street, in the Sherman Hill Historic District; and,

WHEREAS, on February 26, 2007, by Roll Call No. 07-373, the City Council affirmed a decision by the Historic Preservation Commission to deny a Certificate of Appropriateness for the demolition of the building; and,

WHEREAS, the decision of the City Council was based in part upon a finding that no material evidence had been presented to demonstrate that a good faith effort had been made to market the building for renovation and reuse, and to address this deficiency the City Council referred the matter to the City Manager to solicit proposals for preservation and renovation of the property; and,

WHEREAS, the City Manager caused a Request for Offers to be published in the Des Moines Register on March 28, April 28, May 28, June 28, July 28 and August 28, in both the legal notices and real estate classified advertisements sections of the Des Moines Register seeking offers to purchase the building for rehabilitation and reuse; and,

WHEREAS, no offers for the purchase of the building were received in response to the published notice, and Preservation Properties, L.L.C., subsequently renewed its application for a Certificate of Appropriateness for the demolition of the building; and,

WHEREAS, on November 28, 2007, the Historic Preservation Commission voted 8-0 in support of a motion to deny the application for a Certificate of Appropriateness; 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; NOW THEREFORE,

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

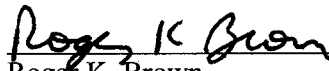
( continued )

Date December 17, 2007

1. The appeal by Preservation Properties, L.L.C., is hereby down set for a public hearing before the City Council on January 28, 2008, at 5:00 p.m., in the Council Chambers, at City Hall, Des Moines, Iowa.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached all in accordance with §362.3 of the Iowa Code at least 4 and no more than 20 days before the hearing date.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
 Roger K. Brown

Assistant City Attorney

C:\Rog\Historic\Appeals\Kingsway\RC - Set Hearing.doc

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

**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

MOTION CARRIED

APPROVED

.....  
 Mayor

December 4, 2007

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 # 20-2008-5.22)

Dear Mr. Van Til:

On November 28, 2007 the City of Des Moines Historic Preservation Commission, in accordance with the City of Des Moines Historic Preservation Ordinance approved the following motion denying your request to demolish the church building by a vote of 8-0.

“Denial of the request based on information from staff and other professionals regarding the condition of the building that seem to conflict and do not provide a clear and detailed picture of the building’s condition. Approval of forwarding a communication to the City Council indicating the Commission’s belief that demolition should not be considered for 6 months in light of the confusion regarding the asking price and other details; that the owner should be encouraged to market the property with an “as is” price based on an appraisal with clear documentation as to what is included in the sale price; and that the owner make the building more assessable to potential buyers.”

The Commission also stated that a detailed demolition and salvage plan needs to be submitted as part of any future consideration of demolition.

If you believe the Commission’s action was arbitrary or capricious you may appeal their decision 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 December 18, 2007.

Please contact me at 283-4147 or at [jmvanessen@dmgov.org](mailto: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) 283-4192

ALL-AMERICA CITY 1948, 1976, 1981

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

Tuesday, December 04, 2007

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

REF: Kingsway Cathedral Property  
2<sup>nd</sup> Certificate of Appropriateness

Dear Mr. Clark:

The 2<sup>nd</sup> Certificate of Appropriateness submitted to the City Historic Preservation Commission to start the orderly salvage and demolition of Kingsway Cathedral was denied Wednesday November 28<sup>th</sup>. This letter is notice we appeal the Commission's decision to the City Council, pursuant to §58-31(f) of the Des Moines Municipal Code.

The 1<sup>st</sup> request was denied subject to the following:

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 requirements in Section 58-31(d) of the Des Moines Municipal Code: resulted in


- The City Clerk did 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 (s) 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
- Tours were made available for interested parties per the rules established under agreement with the city for buyer (s) to rehabilitate the Kingsway Cathedral to an economic use. We also made available the Dale Smith PE report for the copy or reproduction cost. We confirmed our estimated cost of rehab was \$4.5 to \$5 million. Therefore, no church or new use could support that unreasonable cost or debt coverage.
- After the above notices and on site sign postings, **No offers were received, for any amount** for the purchase, preservation and rehabilitation of the building.

Therefore: With no offers received for the rehabilitation, funding of the improvements and cost of the building **this is credible, convincing and persuasive evidence that it is not feasible to rehabilitate** the Kingsway Cathedral to an economic use.

We followed the rules and did the time. We now request approval of the Certificate of Appropriateness submitted to the City Historic Preservation Commission to start the orderly salvage and demolition of Kingsway Cathedral following the recommendations of the City Staff

.Please put this item on the City agenda for the next meeting December 17<sup>th</sup> 2007. If you have any questions just call me at 237-0567.

Sincerely:

  
Bernie Van Til, Consultant  
Preservation Properties LLC

Attachments:

Request for offers  
September 18<sup>th</sup> email confirmation from Roger Brown of no offers  
Nov 7<sup>th</sup> tour issues

CC with 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

### REQUEST FOR OFFERS

NOTICE IS HEREBY GIVEN, that the City Council of the City of Des Moines, Iowa, is soliciting offers on behalf of the owners of the building at 901 - 19th Street, commonly known as the Kingsway Cathedral Building, from any person or governmental agency desiring to purchase such building and the lot upon which it stands. Any bidder must agree to preserve and rehabilitate the building in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings; the Des Moines Historic Preservation Ordinance; and the Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts. The property will be conveyed with a deed restriction prohibiting the use of the existing building for the sale or consumption of beer and liquor.

The subject property is more specifically described as follows: Lots 71 through 76, T.E. Brown's Addition to Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Offers should be addressed to Kingsway Cathedral, an Iowa non-profit corporation, as owner of the property. To be considered, four copies of the offer must be delivered to the City of Des Moines – LEGAL Dept, Attn: Roger Brown , 400Robert D. Ray Drive, Des Moines, Iowa, by 2 p.m. on \_\_\_\_\_, 2007. Opportunity to inspect the interior of the building may be limited to potential buyers who are supervised by their own licensed professional engineer or architect, or by their own contractor with a demonstrated experience in the renovation of historic structures.

**Instructions for publication:**

Publish in a newspaper of general circulation as a legal notice and as a classified advertisement, once a month for six months. The deadline for offers shall be on the first business day more than 30 days after the 6th publication of the notice.



sendmeyourstuff@msn.com

Printed: Tuesday, December 4, 2007 9:09 AM

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**From :** Brown, Roger K. <RKBrown@dmgov.org>  
**Sent :** Tuesday, September 18, 2007 7:46 AM  
**To :** "Bernie Van Til" <sendmeyourstuff@msn.com>  
**CC :** "Van Essen, Jason M." <JMVanessen@dmgov.org>, <TFSporer@SporerLaw.com>, <tim@hoganlawoffice.net>  
**Subject :** Kingsway Cathedral

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I am in receipt of the letter from Bernie Van Til stating that no written offers to purchase the Kingsway Cathedral site have been received, and that only one group requested a tour of the building.

If you desire to seek a permit for the demolition of the building, the next step is to renew your application to the Historic Preservation Commission for a Certificate of Appropriateness for such action.

Upon application, the Historic Preservation Commission will reconsider your request for the demolition of the building in light of the apparently unsuccessful attempt to solicit offers for the purchase and rehabilitation of the building.

Thank you for your cooperation in this matter.

Roger K. Brown, Assistant City Attorney  
City Hall - Legal Department  
400 Robert D. Ray Drive  
Des Moines, IA 50309  
Phone: 515/283-4541  
Fax: 515/237-1643  
E-Mail: RKBrown@dmgov.org



sendmeyourstuff@msn.com

Printed: Tuesday, December 4, 2007 9:05 AM

**From :** Brown, Roger K. <RKBrown@dmgov.org>  
**Sent :** Wednesday, November 7, 2007 2:10 PM  
**To :** <SendMeYourStuff@msn.com>, <TFSporer@SporerLaw.com>, <tim@hoganlawoffice.net>  
**CC :** "Van Essen, Jason M." <JMVanessen@dmgov.org>, "Ludwig, Michael G." <MGLudwig@dmgov.org>, "Delafield, Phil M." <PMDelafield@dmgov.org>  
**Subject :** Kingsway Cathedral - Inspection of building

On October 26, 2007, Phil Delafield and Tim Monson toured the Kingsway Cathedral Building. Phil Delafield is the City Permit and Development Center Administrator. Tim Morson is a Structural Engineer from Shuck Britson Associates retain by the City to help Mr. Delafield evaluate the condition of the building,

Mr. Delafield reports that plaster has fallen and will likely continue falling from the ceiling, that some building elements such as portions of the balconies appear to be unstable, and that the floors are obstructed in places with broken glass, fallen plaster and debris.

Mr. Van Til has requested that the Historic District Commission tour the Kingsway Cathedral Building in preparation for considering an application for the demolition of the building. However, that request is conditioned by the building owners upon the requirement that everyone who enters the building sign a **BUILDING ACCESS, RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF RISK AND INDEMNITY AGREEMENT** whereby the owners of the building are released from all responsibility and liability for any injuries or damages resulting from the condition of the building or the conduct of the tour.

Under these circumstances the City will not sponsor or condone a tour of the building by the Historic Preservation Commission. The members of the Historic Preservation Commission will be instructed that they are not to enter into the building in their capacity as members of the Commission. The City of Des Moines will not assume responsibility or liability for the safety of the members of the Historic Preservation Commission under these circumstances.

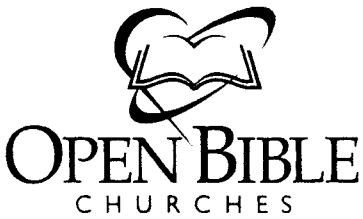
Upon your request, Mr. Delafield will be available to discuss his observations and opinions of the condition of the building. If an application for a Certificate of Appropriateness is filed with the Historic Preservation Commission for the demolition of the Kingsway Cathedral Building, Mr. Delafield will be made available to speak to the Commission regarding those observations and opinions.

Please feel free to contact me if you have any questions regarding the above.

Roger K. Brown, Assistant City Attorney  
City Hall - Legal Department  
400 Robert D. Ray Drive  
Des Moines, IA 50309  
Phone: 515/283-4541  
Fax: 515/237-1643  
E-Mail: RKBrown@dmgov.org



20A



JEFF FARMER  
PRESIDENT

November 16, 2007

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

REF: **Kingsway Cathedral building**  
**Certificate and Permit for Demolition**

Dear Mr. Van Essen:

This short note is to encourage you and the City Historical Community Board Members to approve the requested Kingsway Cathedral demolition permit. Recently I and interested church members toured the building which resulted to two thoughts. First, was the wonderful memories of worship along with our personal journey which happened in the life of this church building. Second, we have an interest in saving some artifacts and items for our archives and developing a church museum in Eugene, Oregon.

Frankly, ~~our concern is that the building will fall down and much of our historical past destroyed before it can be safely removed.~~ We have a letter with requested items to Mr. Smith and we have high hopes for saving some items precious only to our church. We would ask you act prudently to insure saving parts of our past.

In His service

Jeff Farmer