



Roll Call Number

Agenda Item Number
BDH (A)

Date November 4, 2013

WHEREAS, the property located at 802 Lyon Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the fire-damaged main structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder SMS Investments III, LLC, was notified more than thirty days ago to repair or demolish the fire-damaged main structure and as of this date has failed to abate the nuisance.

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

The main structure on the real estate legally described as E 28.35F S 59.15F LOT 10 & W 8F S 59.15F LOT 11 BLK P GRIFFITHS ADD NO 2 TO EAST FT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 802 Lyon Street, has previously been declared a public nuisance;

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

Moved by _____ to adopt.

FORM APPROVED:



Vicky Long Hill, Assistant City Attorney

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

Mayor

City Clerk

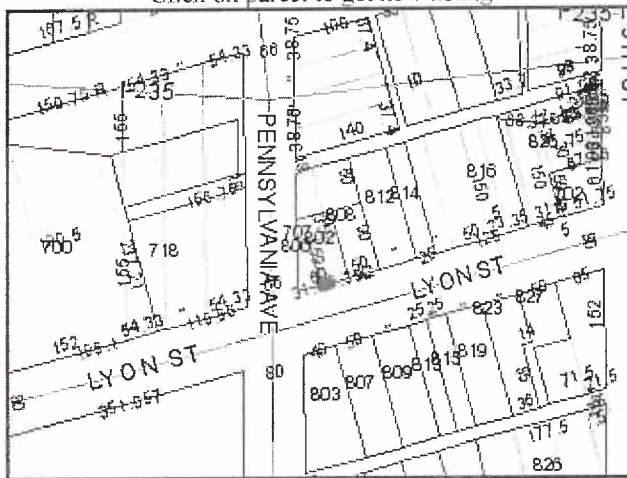
Polk County Assessor 

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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
040/02972-000-000	7824-03-178-004	0232	DM92/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
802 LYON ST			DES MOINES IA 50309		

Click on parcel to get new listing

[Get Bigger Map](#)
[Google Map](#)



Approximate date of photo 12/16/2004

Mailing Address
SMS INVESTMENTS III LLC 6829 N 12TH ST PHOENIX, AZ 85014-1109

Legal Description
E 28.35F S 59.15F LOT 10 & W 8F S 59.15F LOT 11 BLK P GRIFFITHS ADD NO 2 TO EAST FT DES MOINES

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	SMS INVESTMENTS III LLC	2012-07-24	14361/858	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Commercial Multiple	Full	9,400	47,100	0	56,500

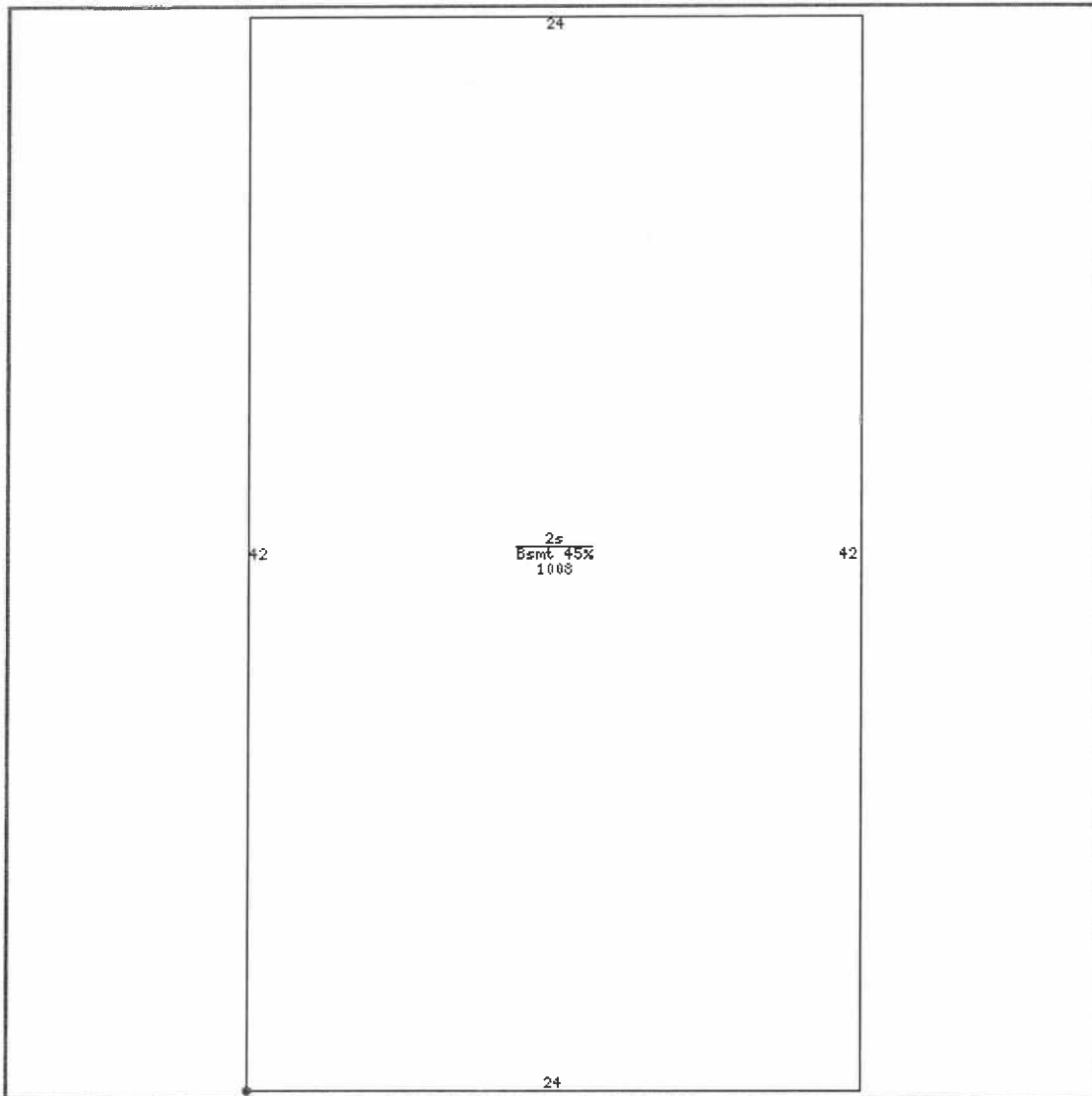
[Assessment Roll Notice](#) [Estimate Taxes](#) [Polk County Treasurer Tax Information](#) [Pay Taxes](#)

Zoning	Description	SF	Assessor Zoning
R-4	Multiple Family Residential District		Multi-Family Residential
*Condition	Docket_no Capitol Dominance Overlay		
*Condition	Docket_no Gambling Games Prohibition		
*Condition	Docket_no Dontown Overlay District		
Source: City of Des Moines Community Development Published: 2012-03-20 Contact: Planning and Urban Design 515 283-4182			

Land					
SQUARE FEET	2,148	FRONTAGE	36.0	DEPTH	59.0
ACRES	0.049	SHAPE	RC/Rectangle	TOPOGRAPHY	B/Blank

Commercial Summary					
OCCUPANCY	1B/Apartment Conversion	WEIGHTED AGE	1887	STORY HEIGHT	2
LAND AREA	2,148	GROSS AREA	2,016	FINISH AREA	2,016
BSMT UNFIN	454	BSMT FINISH	0	NUMBER UNITS	4

Residence # 1					
OCCUPANCY	CV/Conversion	RESID TYPE	S2/2 Stories	YEAR BUILT	1887
# FAMILIES	4	GRADE	4	GRADE ADJUST	+00
CONDITION	NM/Normal	TSFLA	2,016	MAIN LV AREA	1,008
UPPR LV AREA	1,008	BSMT AREA	454	EXT WALL TYP	MS/Hardboard
ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air	AIR COND	0
BATHROOMS	4				



Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
DUVALL, THEODORE A	DUVALL, ROBERT LEO	1994-09- 02	2,700	D/Deed	7082/510

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2013	Assessment Roll	Commercial Multiple	Full	9,400	47,100	0	56,500
2011	Assessment Roll	Commercial Multiple	Full	9,400	47,100	0	56,500
2009	Assessment Roll	Commercial Multiple	Full	9,400	54,100	0	63,500
2007	Assessment Roll	Commercial Multiple	Full	9,400	54,100	0	63,500
2006	Assessment Roll	Commercial Multiple	Full	8,500	55,000	0	63,500
2005	Assessment Roll	Commercial Multiple	Full	8,500	42,300	0	50,800

2003	<u>Assessment Roll</u>	Commercial Multiple	Full	7,400	36,400	0	43,800
2001	<u>Assessment Roll</u>	Commercial Multiple	Full	6,980	24,300	0	31,280
1999	<u>Assessment Roll</u>	Commercial Multiple	Full	7,000	24,300	0	31,300
1995	<u>Assessment Roll</u>	Commercial Multiple	Full	6,800	22,500	0	29,300
1993	<u>Assessment Roll</u>	Commercial Multiple	Full	6,440	21,460	0	27,900
1993	Was Prior Year	Commercial Multiple	Full	6,440	16,890	0	23,330

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



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

BDH 1(A)

DATE OF NOTICE: January 9, 2013

DATE OF INSPECTION:

CASE NUMBER: COD2012-06433

PROPERTY ADDRESS: 802 LYON ST

LEGAL DESCRIPTION: E 28.35F S 59.15F LOT 10 & W 8F S 59.15F LOT 11 BLK P GRIFFITHS ADD NO 2 TO EAST FT
DES MOINES

SMS INVESTMENTS III, LLC

Title Holder

JONATHAN HOFFER - REG. AGENT

6829 N 12TH ST

PHOENIX AZ 85014

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.

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 (515) 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 (515) 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 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.

Jan L. Shafer

(515) 283-4008


Nid Inspector

DATE MAILED: 1/9/2013

MAILED BY: JDH

Areas that need attention: 802 LYON ST

Component:	Electrical System	Defect:	Fire damaged
Requirement:	Compliance with National Electrical Code	Location:	
Comments:	Permit and final inspection required for compliance.		
Component:	Plumbing System	Defect:	Fire damaged
Requirement:	Compliance with Uniform Plumbing Code	Location:	
Comments:	Permit and final inspection required for compliance.		
Component:	Mechanical System	Defect:	Fire damaged
Requirement:	Compliance, Uniform Mechanics Code	Location:	
Comments:	Permit and final inspection required for compliance.		
Component:	Exterior Walls	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	
Comments:	Permit and final inspection required for compliance.		
Component:	Roof	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	
Comments:	Permit and final inspection required for compliance.		
Component:	Interior Walls /Ceiling	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	
Comments:	Permit and final inspection required for compliance.		
Component:	Exterior Doors/Jams	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	
Comments:			
Component:	Soffit/Facia/Trim	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	
Comments:			

