



Roll Call Number

Agenda Item Number
BDH 1-B

Date July 14, 2014

WHEREAS, the property located at 1426 4th Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the fire-damaged structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder Frank E Weinstein and Contract Buyers Eba Nieto and Javier Nieto were notified more than thirty days ago to repair or demolish the structure and as of this date have 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 structure on the real estate legally described as The North 45 feet of Lot 5 of the Official Plat of Lots 51 and 52 of the Official Plat of SE ¼ Section 34, Township 79 North, Range 24, West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1426 4th 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				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

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

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

City Clerk



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

BDH 1-B

DATE OF NOTICE: April 7, 2014

DATE OF INSPECTION: March 27, 2014

CASE NUMBER: COD2014-01729

PROPERTY ADDRESS: 1426 4TH ST

LEGAL DESCRIPTION: N 45 F LT 5 OP LTS 51 & 52 OP SE 1/4 SEC 34-79-24

JAVIER NIETO
Contract Buyer
1420 4TH ST
DES MOINES IA 50314-3208

EBA NIETO
Contract Buyer
1420 4TH ST
DES MOINES IA 50314-3208

FRANK E WEINSTEIN
Title Holder
1420 1ST AVE NE
CEDAR RAPIDS IA 52402-5020

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

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

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

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

BDH 1-B

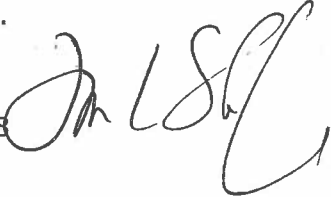
Appropriate building permits may be required for those violations noted in the "Special Requirements" section on the notice. Should you have questions regarding permits, contact the Permit and Development Center at (515) 283-4200. All work performed by a contractor or you must be completed in a workmanlike 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: 4/7/2014

MAILED BY: JDH

Areas that need attention: 1426 4TH ST

<u>Component:</u>	Shingles Flashing	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	
<u>Comments:</u>			
<u>Component:</u>	Electrical Service	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with National Electrical Code	<u>Location:</u>	
<u>Comments:</u>	Electrical permit and final inspection required for compliance.		
<u>Component:</u>	Electrical System	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with National Electrical Code	<u>Location:</u>	
<u>Comments:</u>	Electrical permit and final inspection required for compliance.		
<u>Component:</u>	Exterior Walls	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	
<u>Comments:</u>	Building permit and final inspection required for compliance.		
<u>Component:</u>	Floor Joists/Beams	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	
<u>Comments:</u>	Building permit and final inspection required for compliance.		
<u>Component:</u>	Interior Walls /Ceiling	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with Int Residential Code	<u>Location:</u>	
<u>Comments:</u>	Building permit and final inspection required for compliance.		
<u>Component:</u>	Mechanical System	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance, Uniform Mechanics Code	<u>Location:</u>	
<u>Comments:</u>	Mechanical permit and final inspection required for compliance.		
<u>Component:</u>	Plumbing System	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with Uniform Plumbing Code	<u>Location:</u>	
<u>Comments:</u>	Plumbing permit and final inspection required for compliance.		

<u>Component:</u>	Roof	<u>Defect:</u>	Fire damaged	BDH 1-B
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>		
<u>Comments:</u>	Building permit and final inspection required for compliance.			
<u>Component:</u>	Soffit/Facia/Trim	<u>Defect:</u>	Fire damaged	
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>		
<u>Comments:</u>				
<u>Component:</u>	Windows/Window Frames	<u>Defect:</u>	Fire damaged	
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>		
<u>Comments:</u>	Building permit and final inspection required for compliance.			
<u>Component:</u>	Waste Lines	<u>Defect:</u>	Improperly Installed	
<u>Requirement:</u>	Compliance with Uniform Plumbing Code	<u>Location:</u>		
<u>Comments:</u>	Plumbing permit and final inspection required for compliance.			

Polk County Assessor 

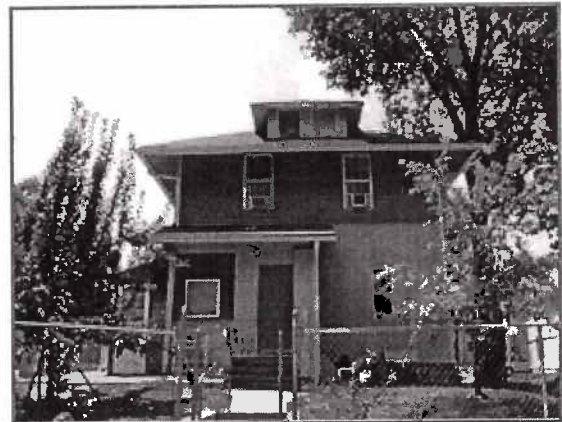
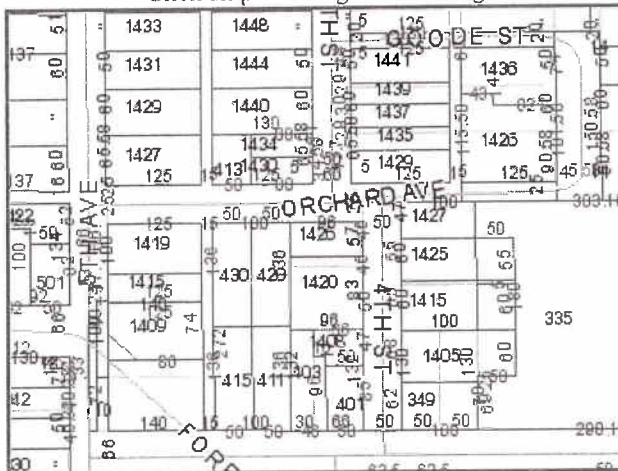
[[Home](#)] [[General Query](#)] [[Legal Query](#)] [[HomeOwner Query](#)] [[Book/Page Query](#)] [[Commercial Query](#)] [[Res Sales Query](#)] [[Comm Sales Query](#)] [[Help](#)]

District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
080/08079-000-000	7924-34-433-007	0137	DM79/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
1426 4TH ST			DES MOINES IA 50314-3208		

Click on parcel to get new listing

[Get Bigger Map](#)

[Google Map](#)



Approximate date of photo 07/17/2013

Mailing Address
JAVIER NIETO 1426 4TH ST DES MOINES, IA 50314-3208

Legal Description
N 45 F LT 5 OP LTS 51 & 52 OP SE 1/4 SEC 34-79-24

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	WEINSTEIN, FRANK E	2005-10-05	11325/275	
Contract Buyer #1	NIETO, JAVIER	1999-09-09	8317/53	
Contract Buyer #2	NIETO, EBA			

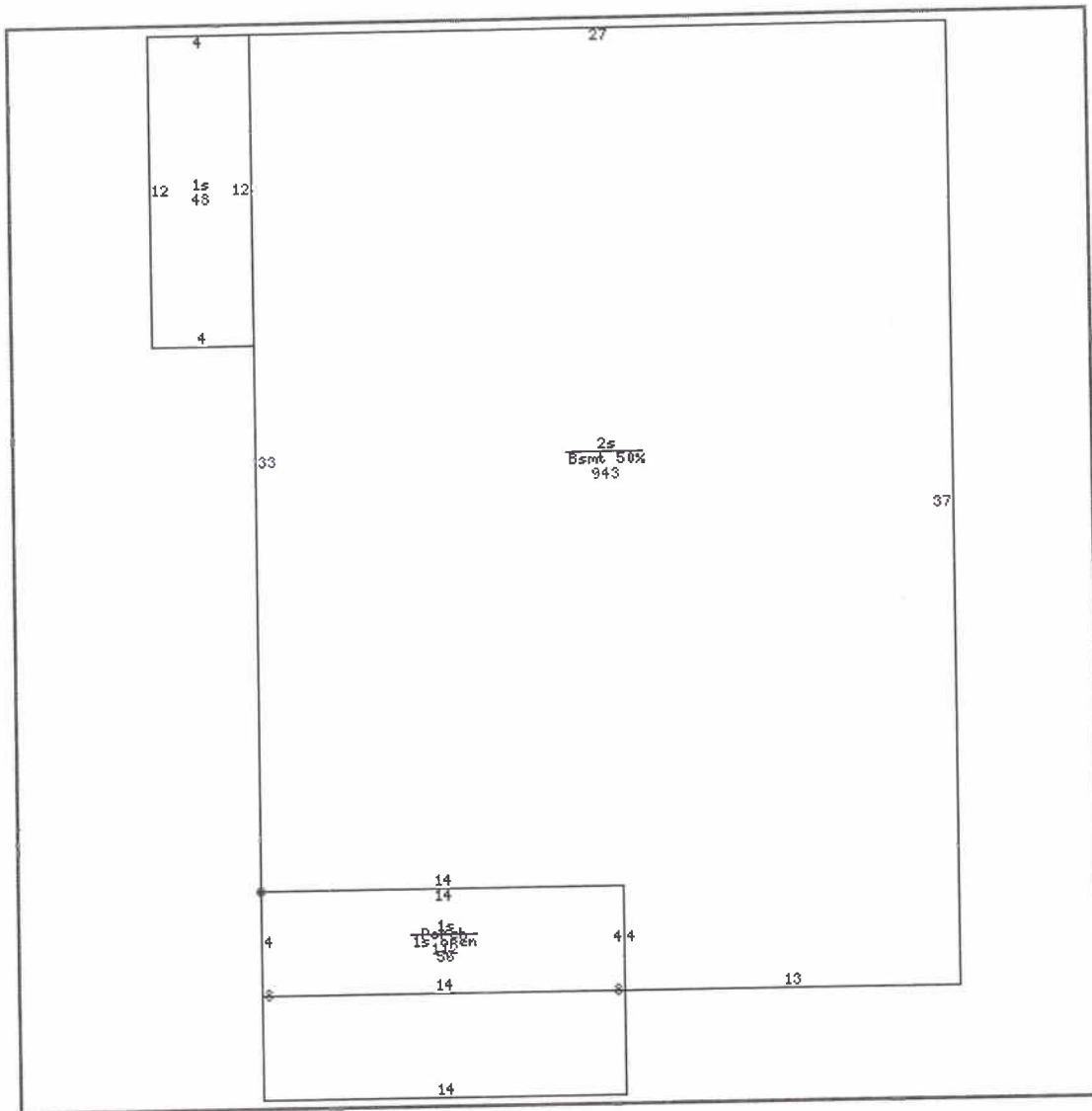
Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	3,400	46,700	0	50,100

[Market Adjusted Cost Report](#) [Estimate Taxes](#) [Polk County Treasurer Tax Information](#) [Pay Taxes](#)

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential
Source: City of Des Moines Community Development Published: 2012-03-20 Contact: Planning and Urban Design 515 283-4182			

Land					
SQUARE FEET	4,320	FRONTAGE	45.0	DEPTH	96.0
ACRES	0.099	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	CV/Conversion	RESID TYPE	S2/2 Stories	BLDG STYLE	ET/Early 20s
YEAR BUILT	1906	YEAR REMODEL	1986	# FAMILIES	2
GRADE	4	GRADE ADJUST	+10	CONDITION	VP/Very Poor
TSFLA	1,990	MAIN LV AREA	991	UPPR LV AREA	999
BSMT AREA	472	OPEN PORCH	112	FOUNDATION	B/Brick
EXT WALL TYP	VN/Vinyl Siding	ROOF TYPE	H/Hip	ROOF MATERL	A/Asphalt Shingle
HEATING	A/Gas Forced Air	AIR COND	0	BATHROOMS	2
XTRA FIXTURE	1	BEDROOMS	4	ROOMS	7



<u>Seller</u>	<u>Buyer</u>	<u>Sale Date</u>	<u>Sale Price</u>	<u>Instrument</u>	<u>Book/Page</u>
WININGER, JOHN	NIETO, JAVIER	<u>1999-09-03</u>	56,500	C/Contract	8317/53
WININGER, MARIBEL E NKA JOHNSON, MARIBEL	KEY REALTY, INC.	<u>1999-06-29</u>	12,000	C/Contract	8259/55
WININGER, MARIBEL E KNA JOHNSON, MARIBEL	PRIVIA, RICHARD	<u>1998-08-06</u>	30,000	C/Contract	7978/699

<u>Year</u>	<u>Type</u>	<u>Status</u>	<u>Application</u>	<u>Permit/Pickup Description</u>
Current	U/Pickup	TW/To Work	2014-06-25	RV/Review Value CHECK CONDITION
1999	U/Pickup	CP/Complete	1999-02-25	RV/REVAL
1988	P/Permit	CP/Complete	1981-07-15	Remodel Or Demolish

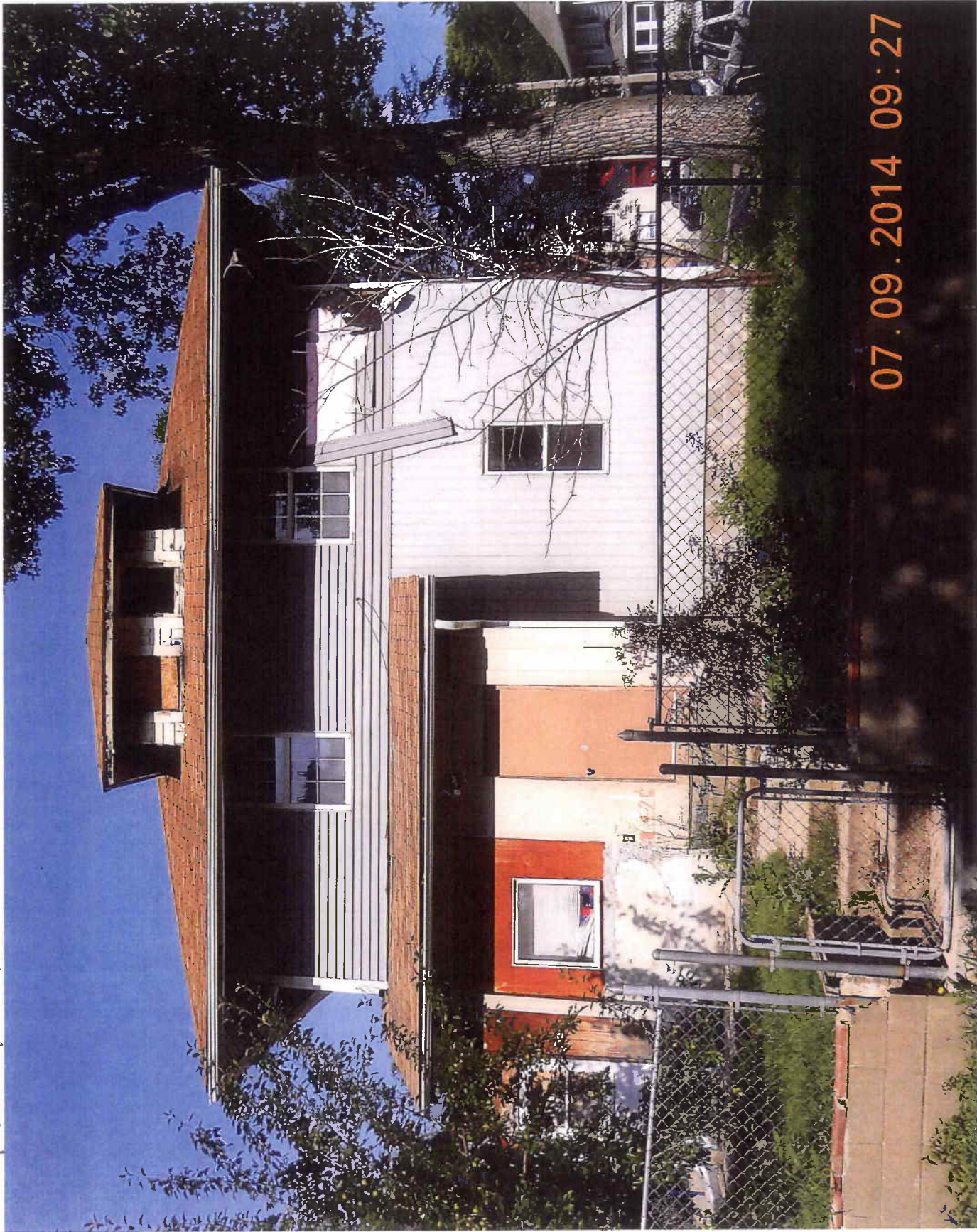
<u>Year</u>	<u>Type</u>	<u>Class</u>	<u>Kind</u>	<u>Land</u>	<u>Bldg</u>	<u>AgBd</u>	<u>Total</u>
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2013	<u>Assessment Roll</u>	Residential	Full	3,400	46,700	0	50,100
2011	<u>Assessment Roll</u>	Residential	Full	3,400	48,000	0	51,400
2009	<u>Assessment Roll</u>	Residential	Full	3,300	43,600	0	46,900
2007	<u>Assessment Roll</u>	Residential	Full	3,400	45,900	0	49,300
2005	<u>Assessment Roll</u>	Residential	Full	3,200	40,300	0	43,500
2003	<u>Assessment Roll</u>	Residential	Full	3,140	39,130	0	42,270
2001	<u>Assessment Roll</u>	Residential	Full	3,130	38,450	0	41,580
1999	<u>Assessment Roll</u>	Residential	Full	3,730	23,740	0	27,470
1997	<u>Assessment Roll</u>	Residential	Full	3,050	13,730	0	16,780
1995	<u>Assessment Roll</u>	Residential	Full	2,740	12,330	0	15,070
1989	<u>Assessment Roll</u>	Residential	Full	2,370	12,330	0	14,700

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

1426 4TH ST.



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1426 4TH ST



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