



**Date** June 26, 2017

**ABATEMENT OF PUBLIC NUISANCE AT 3213 E 42<sup>nd</sup> STREET**

WHEREAS, the property located at 3213 E 42<sup>nd</sup> Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the garage structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, Joseph C Pray, and Mortgage Holder, CIT Group, Inc f/k/a INDYMAC Bank, F.S.B., were notified by personal service more than thirty days ago to repair or demolish the garage structure and as of this date have failed to abate the nuisance.

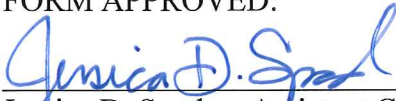
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The garage structure on the real estate legally described as Lot 57 in PATRICIA ANN ESTATES PLAT No. 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3213 E 42<sup>nd</sup> 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(s) 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 garage structure.

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
\_\_\_\_\_  
Jessica D. Spoden, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



top

3213 E. 42<sup>nd</sup> St



06/19/2017




top

3213 E. 42<sup>nd</sup> St





38D

**Polk County Assessor** 

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<b>District/Parcel</b>	<b>GeoParcel</b>	<b>Map</b>	<b>Nbhd</b>	<b>Jurisdiction</b>	<b>Status</b>
<b>060/07596-575-000</b>	<b>7923-28-251-002</b>	0853	DM01/D	DES MOINES	ACTIVE
<b>School District</b>	<b>Tax Increment Finance District</b>	<b>Bond/Fire/Sewer/Cemetery</b>			
1/Des Moines					
<b>Street Address</b>			<b>City State Zipcode</b>		
<b>3213 E 42ND ST</b>			<b>DES MOINES IA 50317-4037</b>		

Click on parcel to get new listing

152	4158	4162	4166	4168	4170	4200	4205	4212	4218	4224	4230	423
"	"	65	67	68	69	80	88	88	88	72.5	72.5	70
E OVID AVE												
62.5	"	62.5	63	64	65	66	67	68	69	70	71	72
4153	4159	4160	4161	4162	4163	4203	4209	4210	4211	4212	4213	4214
		202.7	78.1			125	125			120	120	120
		3200	202.84			3213	3212			3213	120	120
		3215				3207	3206				3207	120
		202.88				3201	3200				3201	120
		3210				3113	3112				3113	120
		203.12				3107	3106				3107	120
		3202										
		203.28										



Approximate date of photo 03/22/2011

<b>Mailing Address</b>
JOSEPH C PRAY 3213 E 42ND ST DES MOINES, IA 50317-4037

<b>Legal Description</b>
LOT 57 PATRICIA ANN ESTS PLAT 2

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	PRAY, JOSEPH C	1995-05-26	7199/955	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Assmt Roll	Residential	Full	26,300	86,800	0	113,100
Current	Residential	Full	24,200	81,600	0	105,800

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

Taxable Value Credit	Name	Number	Info
Homestead	PRAY, JOSEPH C	32135	

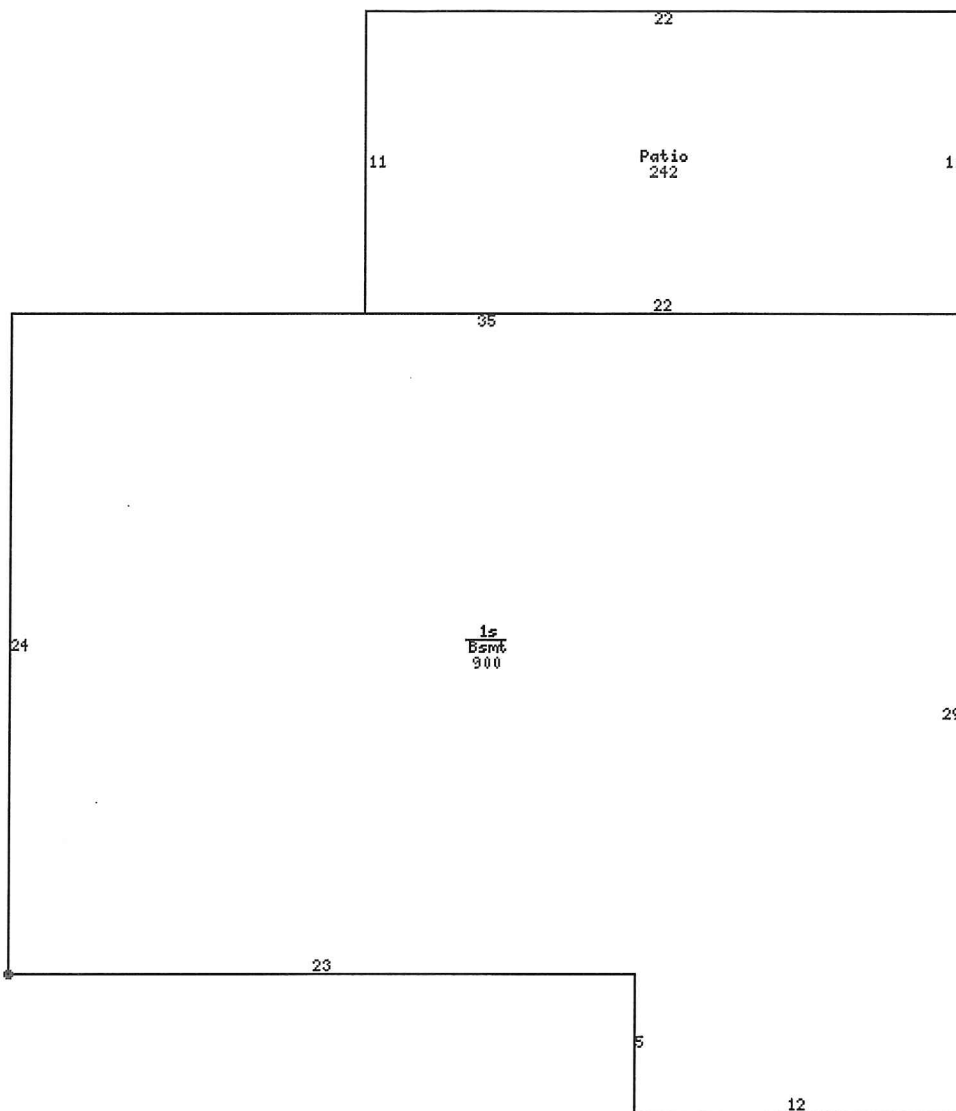
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Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential
<b>Source:</b> City of Des Moines Community Development <b>Published:</b> 2012-03-20 <b>Contact:</b> Planning and Urban Design 515 283-4182			

Land					
SQUARE FEET	7,875	FRONTAGE	63.0	DEPTH	125.0
ACRES	0.181	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	RN/Ranch
YEAR BUILT	1977	# FAMILIES	1	GRADE	4
GRADE ADJUST	+00	CONDITION	NM/Normal	TSFLA	900
MAIN LV AREA	900	BSMT AREA	900	FIN BMT AREA	460
FIN BMT QUAL	AV/Average	PATIO AREA	242	FOUNDATION	C/Concrete Block
EXT WALL TYP	VN/Vinyl Siding	ROOF TYPE	GB/Gable	ROOF MATERL	A/Asphalt Shingle
HEATING	A/Gas Forced Air	AIR COND	100	BATHROOMS	1
BEDROOMS	3	ROOMS	4		

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Detached # 101					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	24	MEASURE2	24	STORY HEIGHT	1
GRADE	4	YEAR BUILT	1977	CONDITION	BN/Below Normal

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
INDELICATO, PENELOPE	PRAY, JOSEPH C	1991-05-24	43,000	D/Deed	6409/728

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2015	Assessment Roll	Residential	Full	24,200	81,600	0	105,800
2013	Assessment Roll	Residential	Full	23,600	81,200	0	104,800
2011	Assessment Roll	Residential	Full	23,600	82,000	0	105,600
2009	Assessment Roll	Residential	Full	24,500	84,600	0	109,100
2007	Assessment Roll	Residential	Full	24,500	84,600	0	109,100

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2005	<u>Assessment Roll</u>	Residential	Full	24,000	68,200	0	92,200
2003	<u>Assessment Roll</u>	Residential	Full	21,810	63,870	0	85,680
2001	<u>Assessment Roll</u>	Residential	Full	19,610	56,720	0	76,330
1999	Assessment Roll	Residential	Full	11,680	58,910	0	70,590
1997	Assessment Roll	Residential	Full	10,930	55,110	0	66,040
1995	Board Action	Residential	Full	9,930	50,070	0	60,000
1995	Assessment Roll	Residential	Full	9,930	54,070	0	64,000
1993	Board Action	Residential	Full	8,650	47,120	0	55,770
1993	Assessment Roll	Residential	Full	8,650	50,680	0	59,330
1991	Assessment Roll	Residential	Full	8,130	47,640	0	55,770
1991	Was Prior Year	Residential	Full	8,130	43,220	0	51,350

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](mailto:polkweb@assess.co.polk.ia.us)





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

38D

**DATE OF NOTICE:** March 1, 2017

**DATE OF INSPECTION:** August 04, 2016

**CASE NUMBER:** COD2016-04257

**PROPERTY ADDRESS:** 3213 E 42ND ST

**LEGAL DESCRIPTION:** LOT 57 PATRICIA ANN ESTS PLAT 2

JOSEPH C PRAY  
Title Holder  
3213 E 42ND ST  
DES MOINES IA 50317

CIT GROUP, INC. F/K/A INDYMAC BANK, F.S.B.  
Mortgage Holder  
C/O CT CORPORATION  
111 EIGHTH AVENUE  
NEW YORK NY 10011

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 60-192 and 60-191 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. The violations noted must be corrected within 30 days from date of 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.

Justin S. Denning  
(515) 237-1484

Nid Inspector



DATE MAILED: 3/1/2017

MAILED BY: JDH

**Areas that need attention:** 3213 E 42ND ST

<b>Component:</b> Roof	<b>Defect:</b> Holes or major defect
<b>Requirement:</b> Building Permit	<b>Location:</b> Garage
<b>Comments:</b>	
<b>Component:</b> Exterior Walls	<b>Defect:</b> Deteriorated
<b>Requirement:</b> Building Permit	<b>Location:</b> Garage
<b>Comments:</b> Walls	
<b>Component:</b> Exterior Doors/Jams	<b>Defect:</b> Deteriorated
<b>Requirement:</b> Building Permit	<b>Location:</b> Garage
<b>Comments:</b> Siding&doors	
<b>Component:</b> Exterior Walls	<b>Defect:</b> Excessive rot
<b>Requirement:</b> Permit Required	<b>Location:</b> Garage
<b>Comments:</b>	
<b>Component:</b> Roof	<b>Defect:</b> Water Damage
<b>Requirement:</b> Compliancpe with Int Residential Code	<b>Location:</b> Garage
<b>Comments:</b>	
<b>Component:</b> Incompatible Breaker Panel	<b>Defect:</b> See Comments
<b>Requirement:</b> Electrical Permit	<b>Location:</b> Garage
<b>Comments:</b>	
<b>Component:</b> Shingles Flashing	<b>Defect:</b> Three Layers Max
<b>Requirement:</b> Compliancpe with Int Residential Code	<b>Location:</b> Garage
<b>Comments:</b>	