



Date December 4, 2017

ABATEMENT OF PUBLIC NUISANCE AT 1234 MARTIN LUTHER KING JR. PKWY

WHEREAS, the property located at 1234 Martin Luther King Jr. Pkwy, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the structure (commercial building) in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders, Gerardo Perez and Alejandra Perez, were notified more than thirty days ago to repair or demolish the structure (commercial building) 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 structure (commercial building) on the real estate legally described as The North 20 feet of Lot 302 and all of Lots 303, 304 and 305 in UNIVERSITY LAND COMPANY'S 2nd ADDITION TO UNIVERSITY PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1234 Martin Luther King Jr. Pkwy, 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 structure.

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

FORM APPROVED:

Jessica D. Spoden, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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

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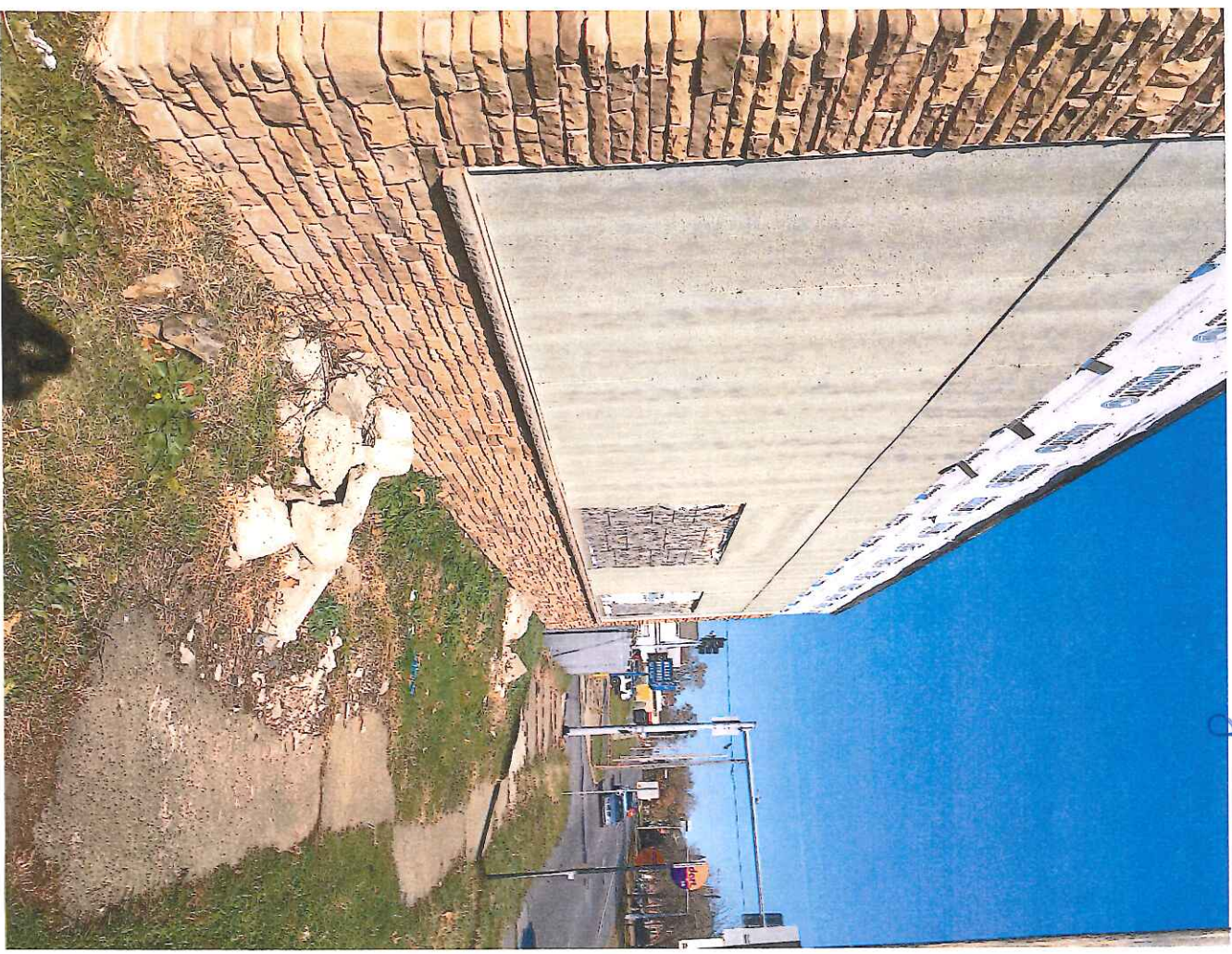
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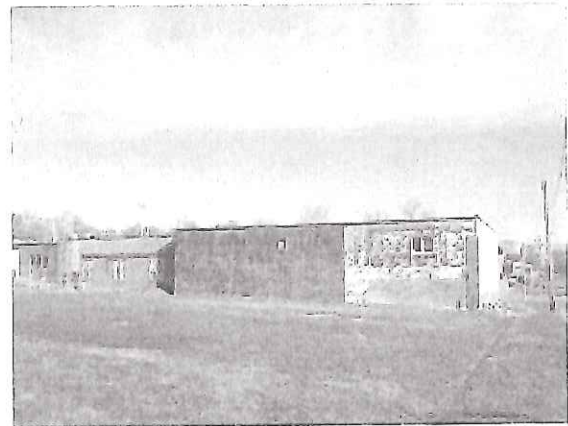
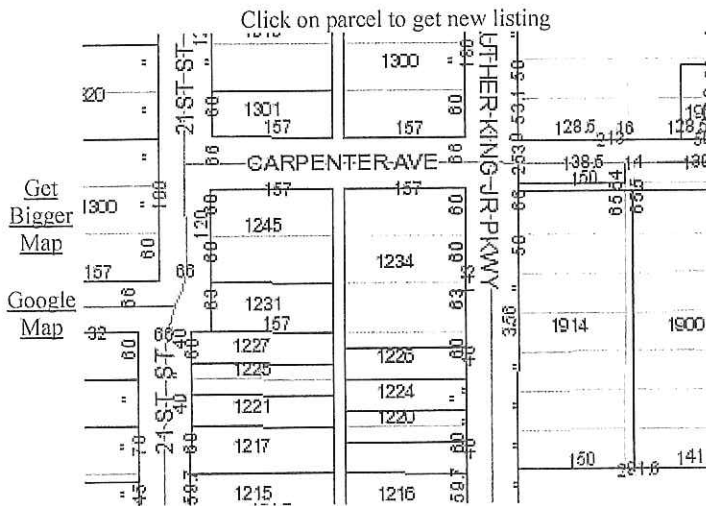


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**Polk County Assessor** 

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<b>District/Parcel</b>	<b>GeoParcel</b>	<b>Map</b>	<b>Nbhd</b>	<b>Jurisdiction</b>	<b>Status</b>
080/06695-002-000	7924-33-456-024	0155	DM75/Z	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>		
1234 MARTIN LUTHER KING JR PKWY			DES MOINES IA 50314		



Approximate date of photo 03/17/2017  
 Click on photo to see all 2 photos

<b>Mailing Address</b>
GERARDO PEREZ 4115 SE 13TH ST DES MOINES, IA 50315-3734

<b>Legal Description</b>
N 20F LT 302 & ALL LTS 303, 304 & 305 UNIVERSITY LAND COS 2ND ADDITION

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	PEREZ, GERARDO	2014-11-20	15390/614	
Title Holder #2	PEREZ, ALEJANDRA			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Commercial	Full	76,500	7,500	0	84,000

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

Zoning	Description	SF	Assessor Zoning
C-2	General Retail and Highway Oriented Commercial District		Highway Commercial

Source: City of Des Moines Community Development **Published:** 2012-03-20 **Contact:** Planning and Urban Design  
515 283-4182

**Land**

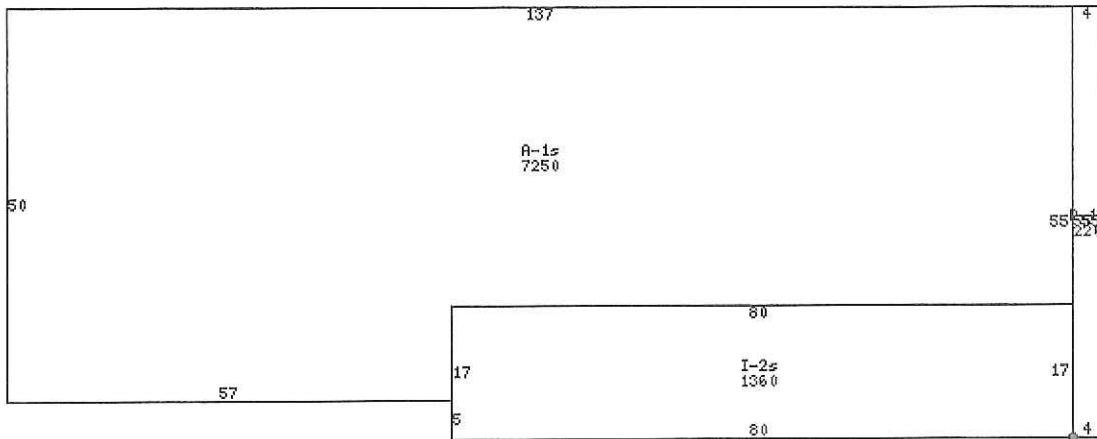
<b>SQUARE FEET</b>	31,871	<b>FRONTAGE</b>	203.0	<b>DEPTH</b>	157.0
<b>ACRES</b>	0.732	<b>SHAPE</b>	RC/Rectangle	<b>TOPOGRAPHY</b>	B/Blank

**Commercial Summary**

<b>OCCUPANCY</b>	37/Auto Repair Shop	<b>WEIGHTED AGE</b>	1942	<b>STORY HEIGHT</b>	2
<b>LAND AREA</b>	31,871	<b>GROSS AREA</b>	8,610	<b>FINISH AREA</b>	0
<b>BSMT UNFIN</b>	0	<b>BSMT FINISH</b>	0	<b>NUMBER UNITS</b>	0

**Csection # 101**

<b>SECT MULTIPL</b>	1	<b>OCCUPANCY</b>	37/Auto Repair Shop	<b>FOUNDATION</b>	CN/Concrete
<b>SUBMERGED</b>	N/No	<b>EXT WALL</b>	SS/Siding/Shingle	<b>INSULATION</b>	Y/Yes
<b>ROOF</b>	F/Flat	<b>ROOF MATERL</b>	B/Built-up	<b>COVERED AREA</b>	220
<b>COVER QUAL</b>	BN/Below Normal	<b>WIRING</b>	A/Adequate	<b>PLUMBING</b>	A/Adequate
<b>TOTAL ST HT</b>	2	<b>FRAME TYPE</b>	FR/Frame	<b>FIREPRF CNST</b>	N/No
<b>BLDG CLASS</b>	4/Frame, Concrete Blk, Tile, Tilt Up	<b>TOT SCT AREA</b>	8,610	<b>GRND FL AREA</b>	7,250
<b>PERIMETER</b>	384	<b>GRADE</b>	5	<b>GRADE ADJUST</b>	+00
<b>YEAR BUILT</b>	1942	<b>CONDITION</b>	PR/Poor		
<b>COMMENT</b>	I=2S CB ADD, P=COVERED AREA				



<b>Cgroup # 101 1</b>					
<b>USE CODE</b>	506/Auto Repair Shop	<b>BASE STORY</b>	1	<b>NUM STORIES</b>	1
<b>TOT GRP AREA</b>	7,250	<b>BASE FL AREA</b>	7,250	<b>HEATING</b>	C/Central
<b>AIR COND</b>	Y	<b>EXHAUST SYS</b>	N/No		

<b>Cgroup # 101 2</b>					
<b>USE CODE</b>	506/Auto Repair Shop	<b>BASE STORY</b>	1	<b>NUM STORIES</b>	1
<b>TOT GRP AREA</b>	1,360	<b>BASE FL AREA</b>	1,360	<b>HEATING</b>	C/Central
<b>AIR COND</b>	N	<b>EXHAUST SYS</b>	N/No		

<b>Detached # 101</b>					
<b>OCCUPANCY</b>	FNC/Fence	<b>CONSTR TYPE</b>	CL/Chain Link	<b>MEASCODE</b>	D/Dimensions
<b>MEASURE1</b>	230	<b>MEASURE2</b>	6	<b>GRADE</b>	4



<b>YEAR BUILT</b>	1987	<b>CONDITION</b>	NM/Normal
<b>OTHER</b>	W/3 BARBS		

<b>Detached # 201</b>					
<b>OCCUPANCY</b>	FNC/Fence	<b>CONSTR TYPE</b>	CL/Chain Link	<b>MEASCODE</b>	D/Dimensions
<b>MEASURE1</b>	277	<b>MEASURE2</b>	7	<b>GRADE</b>	3
<b>YEAR BUILT</b>	1999	<b>CONDITION</b>	PR/Poor		

Year	Type	Status	Application	Permit/Pickup Description
Current	P/Permit	TW/To Work	2017-07-21	RD/Fix Damage MISC Cost Estimate 1000
Current	P/Permit	TW/To Work	2015-03-04	AL/Alterations WAREHOUSE Cost Estimate 5000
Current	P/Permit	TW/To Work	2012-10-16	AL/Alterations WAREHOUSE Cost Estimate 500
2017	P/Permit	PA/Pass	2015-03-04	AL/WAREHOUSE
2017	P/Permit	PA/Pass	2012-10-16	AL/WAREHOUSE
2016	P/Permit	PA/Pass	2015-03-04	AL/WAREHOUSE
2016	P/Permit	PA/Pass	2012-10-16	AL/WAREHOUSE
2015	U/Pickup	NA/No Add	2015-03-13	RV/TREND
2015	P/Permit	PP/Pass/Partial	2012-10-16	AL/WAREHOUSE

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2017	Assessment Roll	Commercial	Full	76,500	7,500	0	84,000
2015	Assessment Roll	Commercial	Full	63,900	13,600	0	77,500

[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  
PERMIT AND DEVELOPMENT CENTER  
COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF DES MOINES, IOWA**

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**DATE OF NOTICE: June 29, 2017**

**DATE OF INSPECTION: May 05, 2017**

**CASE NUMBER: COD2017-03141**

<b>LEGAL INTEREST HOLDERS:</b>	
<b>Title Holder</b>	GERARDO PEREZ & ALEJANDRA PEREZ 4115 SE 13TH ST DES MOINES, IA 50315-3734

**PROPERTY ADDRESS:** 1234 MARTIN LUTHER KING JR PKWY  
**LEGAL DESCRIPTION:** N 20F LT 302 & ALL LTS 303, 304 & 305 UNIVERSITY LAND COS 2ND ADDITION

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 structure currently constitutes not only a menace to health and safety, but is also a public nuisance. Accordingly, the structure will be placarded as unsafe to occupy pursuant to the Municipal Code of the City of Des Moines and the Code of Iowa.

If not occupied at the present time, the structure is to remain vacant and unoccupied until occupancy is authorized by this office. If the structure is occupied, it must be vacated immediately. In accordance with Chapter 26-157 (fka 26-277) of Des Moines Municipal code, this structure is deemed unsafe, and creates a public nuisance threatening to the health and safety of the public.

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. Permits must be obtained from this department prior to commencing any repairs or demolition. Inspections must be requested and approved in accordance with the code and our policies.

**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 283-4200. **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 an agreement voluntarily authorizing the City to do so. However, you will be responsible for all costs associated with the abatement of the public nuisance. The City may seek a personal judgment against you for the costs of removal and assess those costs against the property.

**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 Permit and Development Center.**

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



Russell L. Legler  
Building Inspector  
Permit and Development Center  
Ph: 515-283-4219

DATE MAILED: 6/29/2017

MAILED BY: RLL



**Areas that need attention:** 1234 MARTIN LUTHER KING JR PKWY

<b>ID/Entered:</b> 2017/05/08 06:49:28.0760	<b>Complied:</b>
<b>Component:</b> Exterior Walls	<b>Defect:</b> Exposed
<b>Requirement:</b> Compliance with International Building Co	<b>Location:</b> Throughout
<b>Comments:</b> finish installing siding and paint	
<hr/>	
<b>ID/Entered:</b> 2017/05/08 06:51:10.7030	<b>Complied:</b>
<b>Component:</b> Roof	<b>Defect:</b> Inadequate wall covering
<b>Requirement:</b> Compliance with International Building Co	<b>Location:</b> Throughout
<b>Comments:</b> finish installing top flashing at roof to wall	
<hr/>	
<b>ID/Entered:</b> 2017/05/08 06:45:29.0000	<b>Complied:</b>
<b>Component:</b> Windows/Window Frames	<b>Defect:</b> Deteriorated
<b>Requirement:</b> Compliance with International Building Co	<b>Location:</b> Throughout
<b>Comments:</b> install windows to a weather tight cond.	