



Roll Call Number

Agenda Item Number

29 B

Date September 24, 2018

ABATEMENT OF PUBLIC NUISANCE AT 1228 E 36th COURT

WHEREAS, the property located at 1228 E 36th Court, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the 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, Kate Israel Trust, and Mortgage Holder, Bank of America, N.A., were notified more than thirty days ago to repair or demolish the main 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 main structure on the real estate legally described as LOT 288, GRAY'S WOODS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1228 E 36th Court, 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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

Polk County Assessor

111 Court Avenue #195
Des Moines, IA 50309-0904

(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	1228 E 36TH CT				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	060/05844-000-000	Geoparcels	7923-32-477-040	Status	Active
School	Des Moines	Nbhd/Pocket	DM13/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northeast Des Moines	Appraiser	Victor Scaglione 515-286-3898		

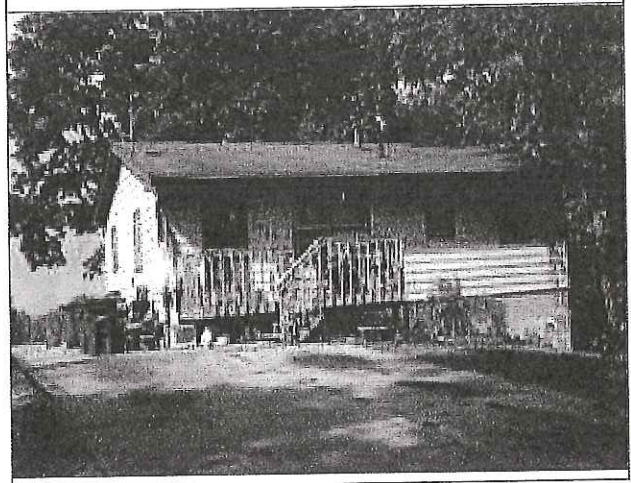
Map and Current Photos - 1 Record

Click on parcel to get a new listing

1235	1234	E 36TH CT	1235
1231			1231
1227	1228		1227
1223	1222		1223
1219	1218		1219

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

Photo Processed on 2013-09-27 a



Historical Photos

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	COMER (TRUSTEE), ROCHELL	2009-11-05	13266/970
Title Holder	2	KATE ISRAEL TRUST		

Legal Description and Mailing Address

LOT 288 GRAYS WOODS

ROCHELL COMER (TRUSTEE)
216 E BENTON ST
WINTERSET, IA 50273

Current Values

Type	Class	Kind	Land	Bldg	Total
2018 Value	Residential	Full	\$11,100	\$71,500	\$82,600

Market Adjusted Cost Report

Zoning - 1 Record

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

Land

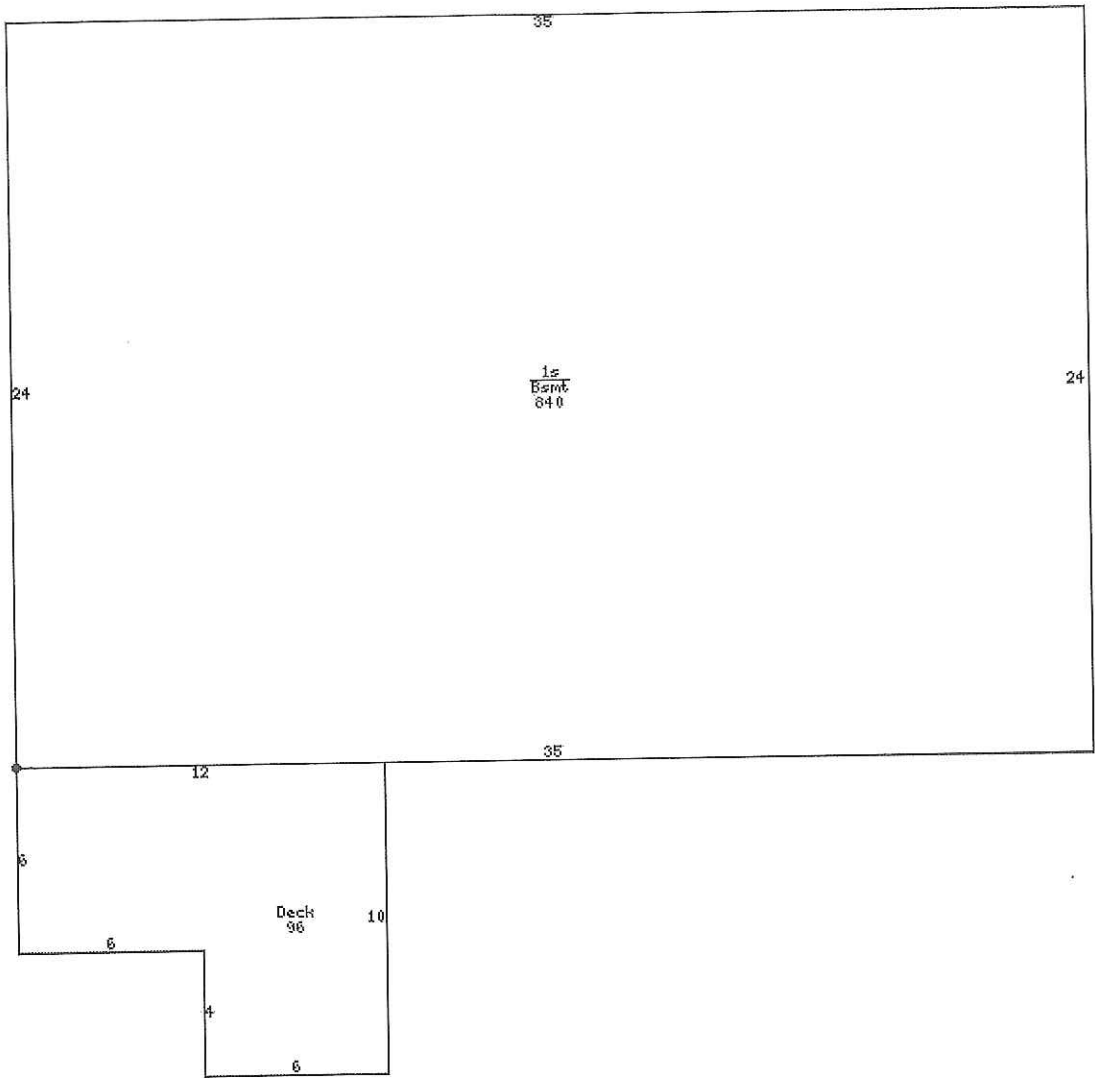
Square Feet	6,000	Acres	0.138	Frontage	50.0
Depth	120.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	1 Story	Building Style	Ranch
Year Built	1971	Number Families	1	Grade	4+00
Condition	Below Normal	Total Square Foot Living Area	840	Main Living Area	840
Basement Area	840	Deck Area	96	Foundation	Concrete Block
Exterior Wall Type	Metal Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	1
Bedrooms	3	Rooms	5		

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Permits - 2 Records

Year	Type	Permit Status	Application	Description
Current	Permit	To Work	2017-12-14	fix damage/fire
2018	Permit	Pass	2017-12-14	fix damage/fire

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2017	<u>Assessment Roll</u>	Residential	Full	\$11,100	\$71,500	\$82,600
2015	<u>Assessment Roll</u>	Residential	Full	\$10,400	\$68,200	\$78,600
2013	<u>Assessment Roll</u>	Residential	Full	\$9,900	\$66,700	\$76,600
2011	<u>Assessment Roll</u>	Residential	Full	\$9,900	\$66,800	\$76,700
2009	<u>Assessment Roll</u>	Residential	Full	\$10,800	\$72,900	\$83,700
2007	<u>Assessment Roll</u>	Residential	Full	\$10,500	\$70,400	\$80,900
2005	<u>Assessment Roll</u>	Residential	Full	\$8,400	\$67,100	\$75,500
2003	<u>Assessment Roll</u>	Residential	Full	\$7,520	\$60,590	\$68,110
2001	<u>Assessment Roll</u>	Residential	Full	\$6,360	\$50,430	\$56,790
1999	Assessment Roll	Residential	Full	\$5,820	\$44,400	\$50,220
1997	Assessment Roll	Residential	Full	\$5,270	\$40,220	\$45,490

Yr	Type	Class	Kind	Land	Bldg	Total
1995	Assessment Roll	Residential	Full	\$4,570	\$34,860	\$39,430
1993	Board Action	Residential	Full	\$4,310	\$32,870	\$37,180
1993	Assessment Roll	Residential	Full	\$4,310	\$32,870	\$37,180
1990	Board Action	Residential	Full	\$4,310	\$29,490	\$33,800
1990	Assessment Roll	Residential	Full	\$4,310	\$33,190	\$37,500

This template was last modified on Sat Mar 4 12:31:48 2017 .

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

DATE OF NOTICE: December 20, 2017

DATE OF INSPECTION:

November 16, 2017

CASE NUMBER: COD2017-07387
PROPERTY ADDRESS: 1228 E 36TH CT
LEGAL DESCRIPTION: LOT 288 GRAYS WOODS

ROCHELL COMER AKA ROCHELL BERNLOHR(TRUSTEE)
Title Holder - KATE ISRAEL TRUST
216 E BENTON ST
WINTERSET IA 50273

BANK OF AMERICA, NA
Mortgage Holder
C T CORPORATION SYS., R.A.
400 E COURT AVE
DES MOINES IA 50309

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.

Neighborhood Inspection Division

(515) 283-4208

Nid Inspector



DATE MAILED: 12/20/2017

MAILED BY: JDH

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Areas that need attention: 1228 E 36TH CT

Component: Interior Walls /Ceiling	Defect: Fire damaged
Requirement: Building Permit	Location: Throughout
Comments:	

Component: Floor Joists/Beams	Defect: Fire damaged
Requirement: Building Permit	Location: Throughout
Comments: Per Fire Dept. 1st floor integrity is compromised	

Component: Roof	Defect: Fire damaged
Requirement: Building Permit	Location: Throughout
Comments:	

Component: Electrical Service	Defect: Fire damaged
Requirement: Electrical Permit	Location: Throughout
Comments:	

Component: Mechanical System	Defect: Fire damaged
Requirement: Mechanical Permit	Location: Throughout
Comments:	

Component: Plumbing System	Defect: Fire damaged
Requirement: Plumbing Permit	Location: Throughout
Comments:	

Component: Windows/Window Frames	Defect: Fire damaged
Requirement: Building Permit	Location: Throughout
Comments:	

Component: Flooring	Defect: Fire damaged
Requirement: Building Permit	Location: Throughout
Comments:	

<u>Component:</u>	Exterior Walls	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Throughout
<u>Comments:</u>			

<u>Component:</u>	Electrical System	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Electrical Permit	<u>Location:</u>	Throughout
<u>Comments:</u>			

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