



**Roll Call Number**

**Agenda Item Number**

44A

**Date** December 17, 2018

**ABATEMENT OF PUBLIC NUISANCE AT 1117 26<sup>th</sup> STREET**

WHEREAS, the property located at 1117 26<sup>th</sup> Street, 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, Brad Podray, and the Mortgage Holder, Fidelity Bank, 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.

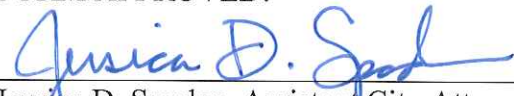
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure on the real estate legally described as Lot 32 in DRAKE UNIVERSITY'S SECOND ADDITION to the City of 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 1117 26<sup>th</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 structure.

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

FORM APPROVED:

  
Jessica D. Spoden, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE	
COWNIE						<p>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.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.</p>
BOESEN						
COLEMAN						
GATTO						
GRAY						
MANDELBAUM						
WESTERGAARD						
TOTAL						
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](mailto:polkweb@assess.co.polk.ia.us)

Location					
Address	1117 26TH ST				
City	DES MOINES	Zip	50311	Jurisdiction	Des Moines
District/Parcel	030/01436-000-000	Geoparcels	7824-05-103-009	Status	Active
School	Des Moines	Nbhd/Pocket	DM95/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Mark Patterson, CAE, CCIM, ICA 515-286-3148		

**Map and Current Photos - 1 Record**

Click on parcel to get a new listing

1124	26TH ST	1137	1126
		1123	
122		1121	
120		1117	
1118		1113	1108
1112		1109	
1108		1107	
			1104

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

Photo Processed on 2014-04-04 a

**Historical Photos****Ownership - 1 Record**

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	PODRAY, BRAD	2018-06-21	16972/532

**Legal Description and Mailing Address**

LOT 32 DRAKE UNIVERSITY 2ND ADD	BRAD PODRAY 400 WALNUT ST STE 1002 DES MOINES, IA 50309-2217
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**Current Values**

Type	Class	Kind	Land	Bldg	Total
2018 Value	Multi-Residential	Full	\$11,400	\$101,600	\$113,000
		Adj	\$11,400	\$65,100	\$76,500
Assessor Adjustments to Value					



Type		Class	Kind	Land	Bldg	Total
<u>Urban Revitalization Plan</u> <u>4A</u>		Multi-Residential	2010-2019	-\$0	-\$36,500	-\$36,500
Zoning - 1 Record						
Zoning	Description			SF	Assessor Zoning	
R1-60	One Family, Low Density Residential District				Residential	
City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)						
Land						
Square Feet	6,144	Acres	0.141	Frontage	48.0	
Depth	128.0	Topography	Blank	Shape	Rectangle	
Vacancy	Blank	Unbuildable	Blank			
Residences - 1 Record						
Residence #1						
Occupancy	Conversion	Residence Type	2 Stories Plus	Year Built	1891	
Year Remodel	1971	Number Families	6	Grade	4+00	
Condition	Normal	Total Square Foot Living Area	3130	Main Living Area	1268	
Upper Living Area	1256	Attic Finished Area	606	Basement Area	1102	
Exterior Wall Type	Wood Siding	Roof Type	Hip	Roof Material	Asphalt Shingle	
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	6	

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## Sales - 6 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
SMIKER PROPERTIES LLC	PODRAY, BRAD	<u>2018-06-07</u>	\$132,500	Deed	<u>16972/532</u>
LENAGHAN LODGING LLC	SMIKER PROPERTIES LLC	<u>2016-10-19</u>	\$115,000	Deed	<u>16233/854</u>
LOCKSTEP LLC	LENAGHAN LODGING LLC	<u>2016-01-08</u>	\$115,000	Deed	<u>15875/36</u>
LOCKSTEP 2, LLC	1117 26TH ST, LLC	<u>2011-09-02</u>	\$120,000	Contract	<u>13979/614</u>
STATE RESOURCES CORP.	M & M DES MOINES PROPERTIES, LLC	<u>2008-12-09</u>	\$167,000	Deed	<u>12882/195</u> Multiple Parcels
EDWARD J. NAHAS	NATE JONES	<u>1988-01-04</u>	\$40,000	Contract	<u>5822/469</u>

## Appeals - 1 Record

Year	Type	Case #	Status	Appellant
2008	PAAB	<u>08-77-0175</u>	Dismissed	CRITELLI PROPERTIES, LLC

## Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
SMIKER PROPERTIES LLC	PODRAY, BRAD	2018-06-07	2018-06-21	Warranty Deed	<u>16972/532</u>
LENAGHAN LODGING LLC	SMIKER PROPERTIES LLC	2016-10-19	2016-10-20	Warranty Deed Corporate	<u>16233/854</u>
LOCKSTEP LLC	LENAGHAN LODGING LLC	2016-01-08	2016-01-21	Warranty Deed Corporate	<u>15875/36</u>
LOCKSTEP 3 LLC	LOCKSTEP LLC	2015-06-23	2015-06-30	Quit Claim Deed	<u>15638/726</u>
1117 26TH ST LLC	LOCKSTEP 3 LLC	2014-08-01	2014-08-06	Quit Claim Deed	<u>15281/61</u>
LOCKSTEP LLC	LOCKSTEP 3 LLC	2013-05-10	2013-06-13	Assignment of Contract	<u>14829/820</u>
LOCKSTEP LLC	LOCKSTEP 3 LLC	2013-05-10	2013-05-17	Quit Claim Deed	<u>14791/38</u>
LOCKSTEP 2, LLC	LOCKSTEP, LLC	2012-08-27	2012-08-30	Quit Claim Deed	<u>14418/558</u>

## Permits - 6 Records

Year	Type	Permit Status	Application	Description
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Year	Type	Permit Status	Application	Description
2010	Pickup	Complete	2010-03-02	review value/abatement filed
2010	Pickup	Complete	2008-06-03	review value/board of review
2009	Pickup	Partial	2008-06-03	review value/board of review
1990	Permit	No Add	1987-12-29	alterations
1989	Permit	Pass	1987-12-29	alterations
1988	Permit	Pass	1987-12-29	alterations

## Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2017	<u>Assessment Roll</u>	Multi-Residential	Full	\$11,400	\$101,600	\$113,000
			Adj	\$11,400	\$65,100	\$76,500
2015	<u>Assessment Roll</u>	Multi-Residential	Full	\$9,500	\$92,500	\$102,000
			Adj	\$9,500	\$56,000	\$65,500
2013	<u>Assessment Roll</u>	Commercial Multiple	Full	\$9,500	\$81,500	\$91,000
			Adj	\$9,500	\$50,500	\$60,000
2011	<u>Assessment Roll</u>	Commercial Multiple	Full	\$9,500	\$81,500	\$91,000
			Adj	\$9,500	\$50,500	\$60,000
2010	<u>Assessment Roll</u>	Commercial Multiple	Full	\$9,500	\$87,000	\$96,500
			Adj	\$9,500	\$50,500	\$60,000
2009	<u>Assessment Roll</u>	Commercial Multiple	Full	\$9,500	\$50,500	\$60,000
2008	<u>Board Action</u>	Commercial Multiple	Full	\$9,500	\$110,500	\$120,000
2007	<u>Assessment Roll</u>	Commercial Multiple	Full	\$9,500	\$110,500	\$120,000
2006	<u>Assessment Roll</u>	Commercial Multiple	Full	\$8,600	\$111,400	\$120,000
2005	<u>Assessment Roll</u>	Commercial Multiple	Full	\$8,600	\$87,200	\$95,800
2003	<u>Assessment Roll</u>	Commercial Multiple	Full	\$7,500	\$76,500	\$84,000
2001	<u>Assessment Roll</u>	Commercial Multiple	Full	\$7,070	\$52,900	\$59,970
1999	Assessment Roll	Commercial Multiple	Full	\$7,000	\$52,900	\$59,900
1995	Assessment Roll	Commercial Multiple	Full	\$6,800	\$49,000	\$55,800
1993	Assessment Roll	Commercial Multiple	Full	\$6,440	\$46,660	\$53,100
1993	Was Prior Year	Commercial Multiple	Full	\$6,440	\$32,890	\$39,330

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



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

44A

**DATE OF NOTICE:** August 22, 2018

**DATE OF INSPECTION:** June 19, 2018

**CASE NUMBER:** COD2018-04804

**PROPERTY ADDRESS:** 1117 26TH ST

**LEGAL DESCRIPTION:** LOT 32 DRAKE UNIVERSITY 2ND ADD

FIDELITY BANK  
Mortgage Holder  
177 S JORDAN CREEK PKWY  
BRUCE GREENFIELD, PRESIDENT  
WEST DES MOINES IA 50266

BRAD PODRAY  
Title Holder  
400 WALNUT ST STE 1002  
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 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: 8/22/2018

MAILED BY: EJB

**Areas that need attention:** 1117 26TH ST

<b><u>Component:</u></b>	Electrical System	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Electrical Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Exterior Walls	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Windows/Window Frames	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Brick Chimney	<b><u>Defect:</u></b>	Cracked/Broken
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>	Basement		

<b><u>Component:</u></b>	Electrical Receptacles	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Electrical Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Furnace	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Plumbing Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Floor Joists/Beams	<b><u>Defect:</u></b>	Deteriorated
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>	Basement		

<b><u>Component:</u></b>	Foundation	<b><u>Defect:</u></b>	Deteriorated
<b><u>Requirement:</u></b>	Engineering Report	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			



<b><u>Component:</u></b>	Foundation	<b><u>Defect:</u></b>	Deteriorated
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Interior Stairway	<b><u>Defect:</u></b>	Smoke Damage
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Interior Walls /Ceiling	<b><u>Defect:</u></b>	Smoke Damage
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Mechanical System	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Mechanical Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Exterior Stairs	<b><u>Defect:</u></b>	Deteriorated
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>	Rear 2nd Egress		

<b><u>Component:</u></b>	Plumbing System	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Plumbing Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Smoke Detectors	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	Water Heater	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Plumbing Permit	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>	Vent Pipe		

<b><u>Component:</u></b>	Soffit/Facia/Trim	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

<b><u>Component:</u></b>	See Comments	<b><u>Defect:</u></b>	Cracked/Broken
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>	Apt. # 5 Knock Out Panel - Not to Be Used		

<b><u>Component:</u></b>	Exterior Stairs	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>	May Need Engineering Report		

<b><u>Component:</u></b>	See Comments	<b><u>Defect:</u></b>	
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>	<p>The garage or shed in its current condition does not constitute a public nuisance. However, if the primary structure is demolished and no primary structure is immediately built on the property, the garage must be demolished as well because it is an accessory use only pursuant to Des Moines Municipal Code Section 134-343.</p>		



top

1117 26th St



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2018/12/04 10:38:23



top

1117 26th St



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2018/12/04 10:37:56



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1117 26<sup>th</sup> St



2018/12/04 10:37:11



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1117 26th St



2018/12/04 10:36:48



top

1117 26<sup>th</sup> St



06.19.2018 13:57

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