



Roll Call Number

Agenda Item Number

33D

Date April 8, 2019

ABATEMENT OF PUBLIC NUISANCE AT 825 41ST STREET

WHEREAS, the property located at 825 41st 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, Kathleen M. Essex, was notified more than thirty days ago to repair or demolish the main structure and as of this date has 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 11 and a strip of ground 7 feet wide immediately east of and adjacent thereto in ECKEL'S PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 825 41st 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
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

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.

Mayor

City Clerk

825 41st st

top



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2019/03/29 09:50:44

825 41st St

top



2019/03/29 09:50:29

top

825 41st st



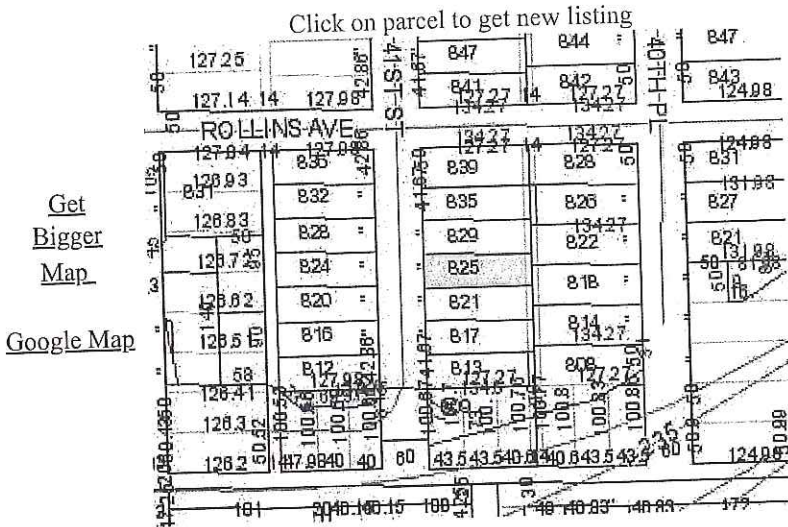
2019/03/29 09:50:17

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Polk County Assessor Iowa

[[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
090/01813-000-000	7824-06-160-004	0507	DM51/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address				City State Zipcode	
825 41ST ST				DES MOINES IA 50312-2609	



Approximate date of photo 12/05/2016

Mailing Address
KATHLEEN M ESSEX 825 41ST ST DES MOINES, IA 50312-2609

Legal Description
7 F E OF & ADJ & LOT 11 ECKELS PLACE

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	ESSEX, KATHLEEN M	1985-05-14	5454/334	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	25,500	80,000	0	105,500

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

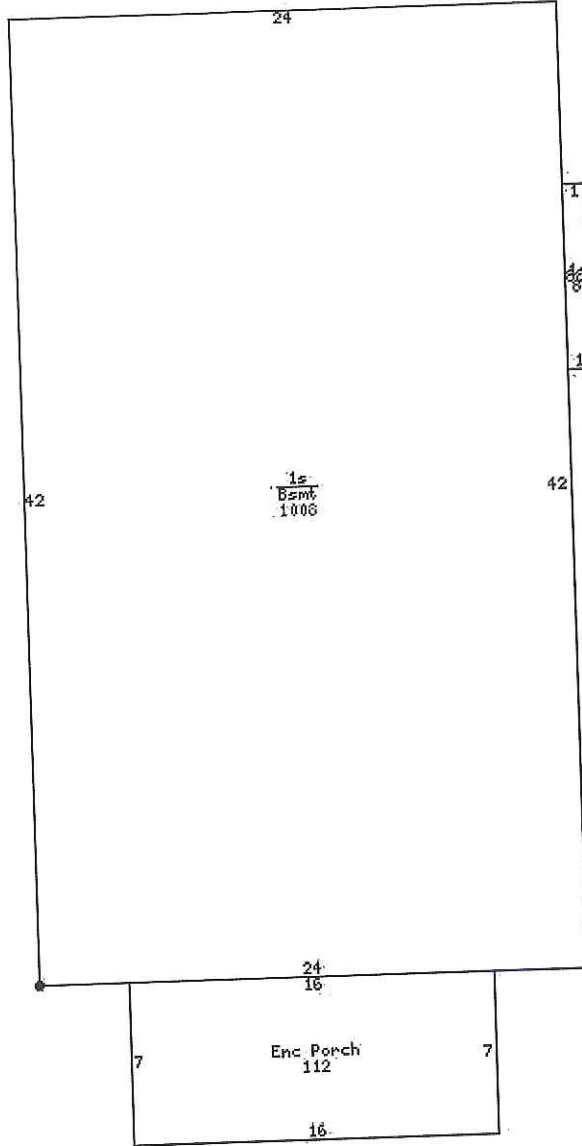
Taxable Value Credit	Name	Number	Info
Homestead	ESSEX, KATHLEEN M	31980	

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	5,587	FRONTAGE	41.0	DEPTH	134.0
ACRES	0.128	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	BG/Bungalow
YEAR BUILT	1923	# FAMILIES	1	GRADE	4
GRADE ADJUST	-10	CONDITION	NM/Normal	TSFLA	1,016
MAIN LV AREA	1,016	BSMT AREA	1,008	ENCL PORCH	112
FOUNDATION	C/Concrete Block	EXT WALL TYP	WS/Wood Siding	ROOF TYPE	GB/Gable
ROOF MATERL	A/Asphalt Shingle	FIREPLACES	1	HEATING	A/Gas Forced Air
AIR COND	100	BATHROOMS	1	BEDROOMS	2
ROOMS	5				

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Detached # 101					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	17	MEASURE2	30	STORY HEIGHT	1
GRADE	4	YEAR BUILT	1987	CONDITION	NM/Normal

Year	Type	Status	Application	Permit/Pickup Description
1988	P/Permit	CP/Complete	1985-08-27	New Garage

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2017	Assessment Roll	Residential	Full	25,500	80,000	0	105,500
2015	Assessment Roll	Residential	Full	23,200	66,700	0	89,900
2013	Assessment Roll	Residential	Full	21,600	62,400	0	84,000
2011	Assessment Roll	Residential	Full	21,600	62,500	0	84,100
2009	Assessment Roll	Residential	Full	21,400	62,300	0	83,700

3/27/2019

Polk/Des Moines Assessor - 090/01813-000-000 Listing

2007	Assessment Roll	Residential	Full	23,300	86,500	0	109,800
2005	Assessment Roll	Residential	Full	16,000	75,100	0	91,100
2003	Assessment Roll	Residential	Full	13,960	66,060	0	80,020
2001	Assessment Roll	Residential	Full	13,190	59,270	0	72,460
1999	Assessment Roll	Residential	Full	10,000	59,440	0	69,440
1997	Assessment Roll	Residential	Full	9,140	54,330	0	63,470
1995	Assessment Roll	Residential	Full	8,100	48,150	0	56,250
1993	Assessment Roll	Residential	Full	6,640	39,470	0	46,110
1991	Assessment Roll	Residential	Full	6,640	34,710	0	41,350
1991	Was Prior Year	Residential	Full	6,640	28,980	0	35,620

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Room 195, 111 Court Avenue, Des Moines, IA 50309
Phone 515 286-3140 / Fax 515 286-3386
polkweb@assess.co.polk.ia.us



33D

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

DATE OF NOTICE: January 10, 2019

DATE OF INSPECTION: December 10, 2018

CASE NUMBER: COD2018-09353

PROPERTY ADDRESS: 825 41ST ST

LEGAL DESCRIPTION: 7 F E OF & ADJ & LOT 11 ECKELS PLACE

KATHLEEN M ESSEX
Title Holder
825 41ST ST
DES MOINES IA 50312-2609

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.

Nid Inspector 

DATE MAILED: 1/10/2019

MAILED BY: KMD

Areas that need attention: 825 41ST ST

Component:	Electrical Service	Defect:	Fire damaged
Requirement:	Compliance with National Electrical Code	Location:	
Comments:	finalized permit required for repairs		
Component:	Floor Joists/Beams	Defect:	Fire damaged
Requirement:	Building Permit	Location:	
Comments:	finalized permit required for repairs		
Component:	Interior Walls /Ceiling	Defect:	Flame/Smoke Spread
Requirement:	Building Permit	Location:	
Comments:	finalized permit required for repairs		
Component:	Accessory Buildings	Defect:	See Comments
Requirement:	Permit Required	Location:	
Comments:	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.		
Component:	Exterior Walls	Defect:	Fire damaged
Requirement:	Permit Required	Location:	
Comments:	finalized demo permit required if removing structure		