



Roll Call Number

Agenda Item Number

27B

Date May 6, 2019

ABATEMENT OF PUBLIC NUISANCE AT 129 E 33rd STREET

WHEREAS, the property located at 129 E 33rd 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, Jose Martinez, and Mortgage Holder, Neighborhood Finance Corporation, 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 Lots 34, 35, and 36 in GEORGE P. CURRAN'S ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 129 E 33rd 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:

Luke DeSmet, 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



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

27B

DATE OF NOTICE: February 13, 2019

DATE OF INSPECTION: August 20, 2018

CASE NUMBER: COD2018-06872

PROPERTY ADDRESS: 129 E 33RD ST

LEGAL DESCRIPTION: LOTS 34, 35 & 36 GEORGE P CURRANS ADD

JOSE MARTINEZ
Title Holder
3812 79TH ST
URBANDALE IA 50322

NEIGHBORHOOD FINANCE CORPORATION
Mortgage Holder
NEIGHBORHOOD FIN. CORP., R.A.
1912 6TH AVE
DES MOINES IA 50314

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.

Chris Reindl
(515) 283-4797



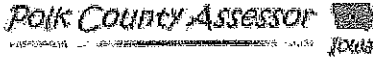
Nid Inspector

DATE MAILED: 2/13/2019

MAILED BY: JDH

Areas that need attention: 129 E 33RD ST

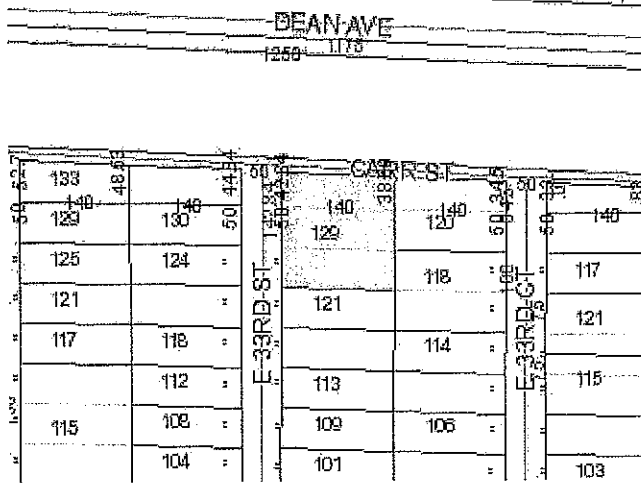
Component:	Accessory Buildings	Defect:	Unknown
Requirement:		Location:	Garage
Comments:	The garage in its current condition does not constitute a public nuisance. However, if the primary structure is demolished and no primary structure is immediately built on the property, the garage must be demolished as well because it is an accessory use only pursuant to Des Moines Municipal Code Section 134-343		
Component:	Electrical Service	Defect:	Fire damaged
Requirement:	Electrical Permit	Location:	Main Structure Throughout
Comments:			
Component:	Exterior Walls	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:			
Component:	Flooring	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:			
Component:	Roof	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:			
Component:	Mechanical System	Defect:	Smoke Damage
Requirement:	Mechanical Permit	Location:	Main Structure Throughout
Comments:			



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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
050/00611-001-000	7823-06-329-001	0795	DM19/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
129 E 33RD ST			DES MOINES IA 50317-7308		

Click on parcel to get new listing



[Get Bigger Map](#)

[Google Map](#)



Approximate date of photo 11/13/2006

Mailing Address
JOSE MARTINEZ 129 E 33RD ST DES MOINES, IA 50317-7308

Legal Description
LOTS 34, 35 & 36 GEORGE P CURRANS ADD

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	MARTINEZ, JOSE	2004-10-28	10796/214	90.40

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Assmt Roll	Residential	Full	7,100	34,400	0	41,500
Current	Residential	Full	5,900	37,800	0	43,700

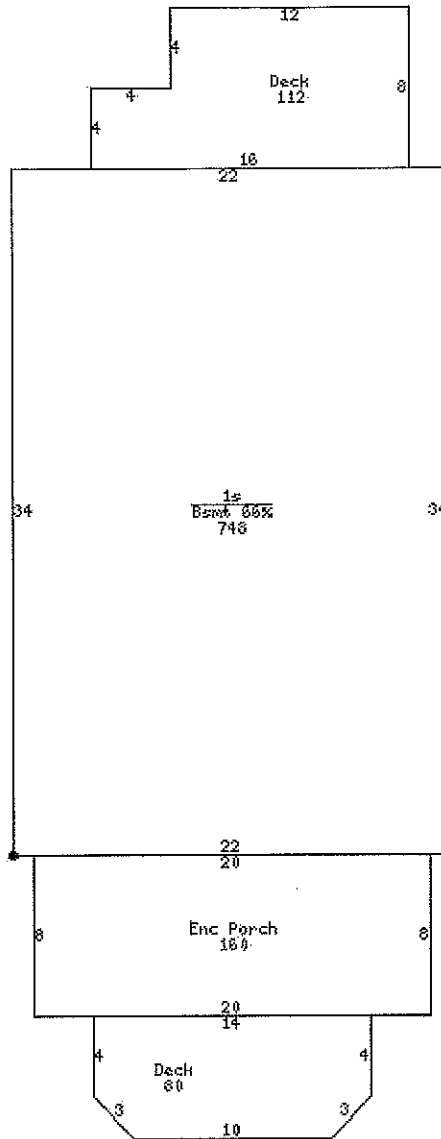
Assessment Roll Notice

Taxable Value Credit	Name	Number	Info
Homestead	MARTINEZ, JOSE	215768	

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	20,020	FRONTAGE	143.0	DEPTH	140.0
ACRES	0.460	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	BG/Bungalow
YEAR BUILT	1917	# FAMILIES	1	GRADE	5
GRADE ADJUST	+05	CONDITION	BN/Below Normal	TSFLA	748
MAIN LV AREA	748	BSMT AREA	494	ENCL PORCH	160
DECK AREA	192	FOUNDATION	C/Concrete Block	EXT WALL TYP	WS/Wood Siding
ROOF TYPE	GB/Gable	ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air
AIR COND	100	BATHROOMS	1	BEDROOMS	2
ROOMS	4				



Detached # 101					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	16	MEASURE2	20	STORY HEIGHT	1
GRADE	5	YEAR BUILT	1942	CONDITION	BN/Below Normal

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
JOHNSON, MYRA G	MARTINEZ, JOSE	2004-10-25	56,900	D/Deed	10796/214

Year	Type	Status	Application	Permit/Pickup Description
2006	P/Permit	CP/Complete	2005-05-13	AD/DECK (32 sf)

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2017	Assessment Roll	Residential	Full	5,900	37,800	0	43,700
2015	Assessment Roll	Residential	Full	5,600	35,800	0	41,400

2013	<u>Assessment Roll</u>	Residential	Full	6,500	34,200	0	40,700
2011	<u>Assessment Roll</u>	Residential	Full	6,200	40,200	0	46,400
2009	<u>Assessment Roll</u>	Residential	Full	6,100	39,200	0	45,300
2007	<u>Assessment Roll</u>	Residential	Full	6,100	38,700	0	44,800
2006	<u>Assessment Roll</u>	Residential	Full	8,200	40,800	0	49,000
2005	<u>Assessment Roll</u>	Residential	Full	8,200	40,000	0	48,200
2003	<u>Assessment Roll</u>	Residential	Full	6,690	32,940	0	39,630
2001	<u>Assessment Roll</u>	Residential	Full	11,220	28,470	0	39,690
1999	Assessment Roll	Residential	Full	3,070	21,690	0	24,760
1997	Assessment Roll	Residential	Full	2,660	18,810	0	21,470
1995	Assessment Roll	Residential	Full	2,390	16,900	0	19,290
1994	Assessment Roll	Residential	Full	2,240	15,830	0	18,070
1994	Was Prior Year	Residential	Full	2,240	15,830	0	18,070

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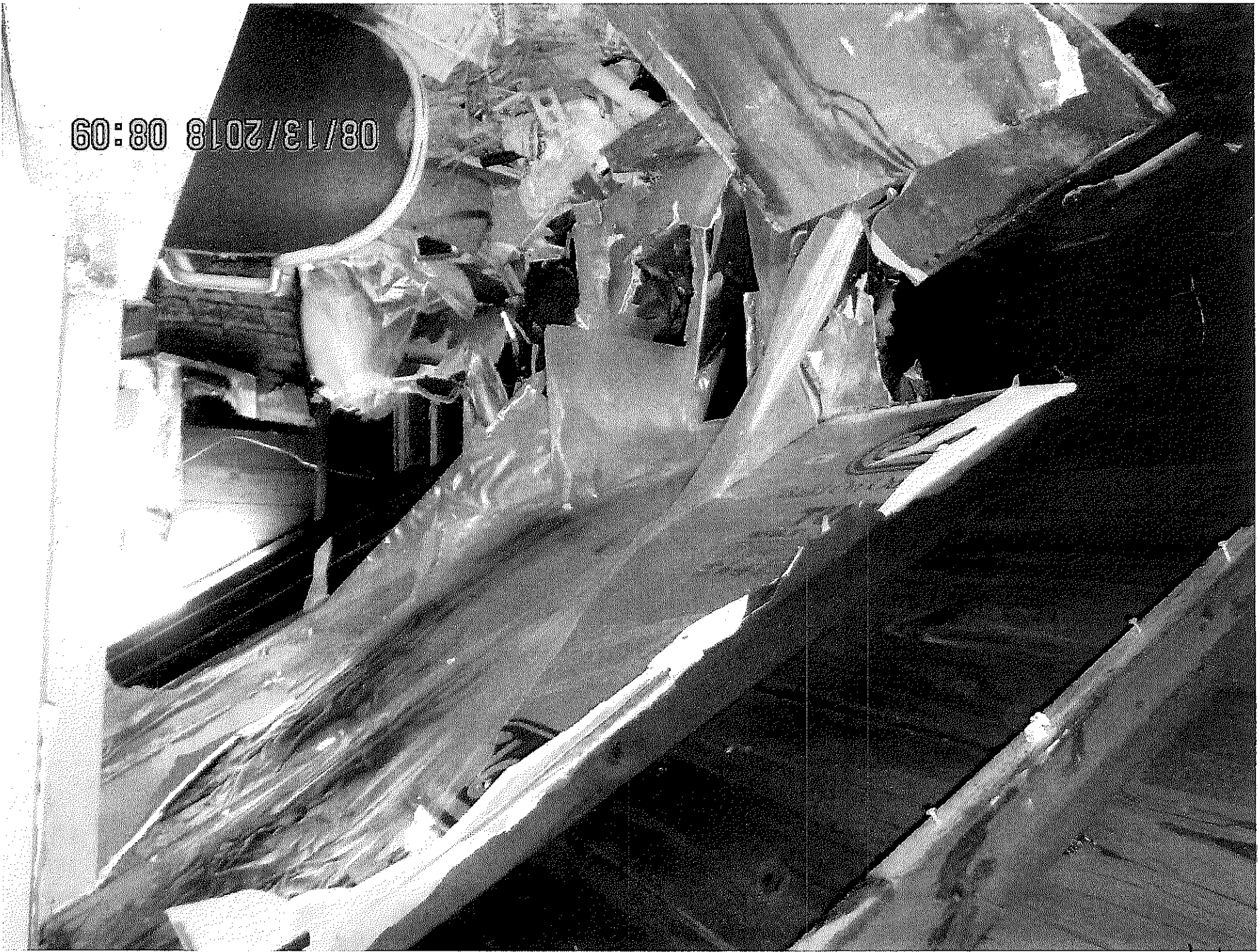
Room 195, 111 Court Avenue, Des Moines, IA 50309
 Phone 515 286-3140 / Fax 515 286-3386
polkweb@assess.co.polk.ia.us

08/13/2018 08:09

129 E. 33rd St

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27B

129 E. 33rd St

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04/29/2019 10:55

270

129 E 33rd St

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04/29/2019 10:55