



Roll Call Number

Agenda Item Number

50F

Date July 15, 2019

ABATEMENT OF PUBLIC NUISANCES AT 1915 E 38th COURT

WHEREAS, the property located at 1915 E 38th Court, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the foundation and garage structures in their present conditions constitutes not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholder, Divine Properties, LLC, was notified more than thirty days ago to remove or demolish the foundation and garage structures and as of this date has failed to abate the nuisances.

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

The foundation and garage structures on the real estate legally described as Lots 358, 359 and 360 of the SUNRISE PARK ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1915 E 38th Court, have previously been declared public nuisances;

The City Legal Department is hereby authorized to file an action in district court to obtain a decree ordering the abatement of the public nuisances, and should the owner fail to abate the nuisances, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said foundation and garage structures.

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

Polk County Assessor

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

(515) 286-3014 Fax (515) 286-3386 **50P**
polkweb@assess.co.polk.ia.us

Location					
Address	1915 E 38TH CT				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	060/08240-000-000	Geoparcel	7923-33-102-052	Status	Active
School	Des Moines	Nbhd/Pocket	DM12/A	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

[Bigger Map](#) [Polk County GIS](#)
[Google Map](#) [Pictometry](#)

Photo Processed on 2018-01-26 a

Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	DIVINE PROPERTIES LLC	2012-09-04	14422/461

Legal Description and Mailing Address

LTS 358, 359 & 360 SUNRISE PARK	DIVINE PROPERTIES LLC 1217 E 12TH ST DES MOINES, IA 50316-2319
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Current Values

Type	Class	Kind	Land	Bldg	Total
2019 Assessment Roll	Residential	Full	\$24,400	\$1,000	\$25,400
2018 Value	Residential	Full	\$22,400	\$1,000	\$23,400

[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning

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Zoning	Description		SF	Assessor Zoning	
U-1	Flood Plain District			Floodway	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	18,900	Acres	0.434	Frontage	150.0
Depth	126.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Bungalow
Year Built	1931	Number Families	1	Grade	5+10
Condition	Very Poor	Total Square Foot Living Area	735	Main Living Area	735
Basement Area	588	Foundation	Concrete Block	Exterior Wall Type	Hardboard
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning	100	Number Bathrooms	1	Bedrooms	1
Rooms	4				

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Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
BANK OF NEW YORK MELLON (Trustee) <hr/> Formerly Known As BANK OF NEW YORK (Trustee)	DIVINE PROPERTIES, LLC	2012-08-07	2012-09-04	Special Warranty Deed	<u>14422/461</u>
MCCARTHY, BILL (Sheriff) <hr/> VANG, RANDY M (Defendant)	BANK OF NEW YORK MELLON (Trustee)	2012-06-14	2012-06-29	Sheriffs Deed	<u>14330/698</u>

Permits - 2 Records

Year	Type	Permit Status	Application	Description
Current	Pickup	Complete	2019-02-13	review value/reval
2018	Permit	No Add	2017-04-14	alterations/remodel (120 sf)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2018	<u>Board Prior Year</u>	Residential	Full	\$22,400	\$1,000	\$23,400
2017	<u>Assessment Roll</u>	Residential	Full	\$22,400	\$44,300	\$66,700
2015	<u>Assessment Roll</u>	Residential	Full	\$21,500	\$44,000	\$65,500
2013	<u>Assessment Roll</u>	Residential	Full	\$20,400	\$43,100	\$63,500
2011	<u>Assessment Roll</u>	Residential	Full	\$20,300	\$43,300	\$63,600
2009	<u>Assessment Roll</u>	Residential	Full	\$20,800	\$44,700	\$65,500
2007	<u>Assessment Roll</u>	Residential	Full	\$20,200	\$43,300	\$63,500
2005	<u>Assessment Roll</u>	Residential	Full	\$22,600	\$44,100	\$66,700
2004	<u>Assessment Roll</u>	Residential	Full	\$21,910	\$39,370	\$61,280

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

DATE OF NOTICE: April 24, 2019

DATE OF INSPECTION: April 16, 2019

CASE NUMBER: COD2019-01700

PROPERTY ADDRESS: 1915 E 38TH CT

LEGAL DESCRIPTION: LTS 358, 359 & 360 SUNRISE PARK

DIVINE PROPERTIES LLC
Title Holder
DEREK FRAZIER SR., REG. AGENT
1217 E 12TH ST
DES MOINES IA 50316-2319

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.

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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.

Casey Doran
(515) 283-4183

Nid Inspector 

DATE MAILED: 4/24/2019

MAILED BY: JDH.

Areas that need attention: 1915 E 38TH CT

Component: Electrical Service	Defect: Inadequate
Requirement: Electrical Permit	Location: Main Structure Throughout
Comments:	

Component: Electrical System	Defect: Inadequate
Requirement: Complainece with Int Residential Code	Location: Main Structure Throughout
Comments:	

Component: Furnace	Defect: In disrepair
Requirement: Mechanical Permit	Location: Basement
Comments:	

Component: Water Heater	Defect: In disrepair
Requirement: Plumbing Permit	Location: Basement
Comments:	

Component: Flooring	Defect: Deteriorated
Requirement: Building Permit	Location: Main Structure Throughout
Comments:	

Component: Mechanical System	Defect: Inadequate
Requirement: Mechanical Permit	Location: Main Structure Throughout
Comments:	

Component: Plumbing System	Defect: Inadequate
Requirement: Plumbing Permit	Location: Main Structure Throughout
Comments:	

Component: Foundation	Defect: Unsafe to carry Load
Requirement: Engineering Report	Location: Main Structure Throughout
Comments:	

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Component: Roof Requirement: Building Permit Comments: North garage.	Defect: In disrepair Location: Garage Throughout
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Component: Exterior Walls Requirement: Unknown Comments: North Garage.	Defect: Absence of paint Location: Garage Throughout
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Component: Windows/Window Frames Requirement: Building Permit Comments: North Garage.	Defect: In disrepair Location: Garage Throughout
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Component: Exterior Doors/Jams Requirement: Building Permit Comments: North Garage.	Defect: In disrepair Location: Garage Throughout
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Component: Soffit/Facia/Trim Requirement: Comments: North Garage.	Defect: In disrepair Location: Garage Throughout
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Component: Soffit/Facia/Trim Requirement: Comments: South Garage.	Defect: In disrepair Location: Garage Throughout
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Component: Exterior Doors/Jams Requirement: Building Permit Comments: South Garage.	Defect: In disrepair Location: Garage Throughout
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Component: Windows/Window Frames Requirement: Building Permit Comments: South Garage.	Defect: In disrepair Location: Garage Throughout
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Component: Roof Requirement: Building Permit Comments: South Garage.	Defect: In disrepair Location: Garage Throughout
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1915 E 38th Ct



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