



Date February 10, 2020

ABATEMENT OF PUBLIC NUISANCE AT 3720 ML KING JR PKWY

WHEREAS, the property located at 3720 ML King Jr Pkwy, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the commercial structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, Summer Woods Apts, LLC, and the Mortgage Holder, Community Business Lenders, LLC, were notified more than thirty days ago to repair or demolish the commercial 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 commercial structure on the real estate legally described as The North 276 feet of Lot 3 in EUCLID HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3720 ML King Jr Pkwy, 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:

Megan Norberg, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, P. Kay Cmelik, 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.

_____ City Clerk



32A

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

DATE OF NOTICE: May 31, 2019

DATE OF INSPECTION: March 19, 2019

CASE NUMBER: COD2019-01056

PROPERTY ADDRESS: 3720 MARTIN LUTHER KING JR PKWY

LEGAL DESCRIPTION: N 276 F LOT 3 EUCLID HEIGHTS

SUMMER WOODS APTS LLC
Title Holder - RYAN WINTER, REG AGENT
4214 FLEUR DR STE 10
DES MOINES IA 50321

COMMUNITY BUSINESS LENDERS LLC
Mortgage Holder - MURRAY WILLIAMS, REG AGENT
7745 OFFICE PLAZA DR N STE 170
WEST DES MOINES IA 50266

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.

Justin S. Denning

(515) 237-1484

Nid Inspector



DATE MAILED: 5/31/2019

MAILED BY: KMD

Areas that need attention: 3720 MARTIN LUTHER KING JR PKWY

Component:	Electrical Service	Defect:	Fire damaged
Requirement:	Compliance with National Electrical Code	Location:	Throughout
Comments:	Permit required--		
Component:	Mechanical System	Defect:	Fire damaged
Requirement:	Compliance, Uniform Mechanics Code	Location:	Throughout
Comments:	Permit required--		
Component:	Plumbing System	Defect:	Fire damaged
Requirement:	Compliance with Uniform Plumbing Code	Location:	Throughout
Comments:	Permit required--		
Component:	Exterior Walls	Defect:	Fire damaged
Requirement:	Compliance with International Building Code	Location:	Throughout
Comments:	Permit required--		
Component:	Electrical Lighting Fixtures	Defect:	Fire damaged
Requirement:	Compliance with National Electrical Code	Location:	Throughout
Comments:	Permit required--		
Component:	Electrical Other Fixtures	Defect:	Fire damaged
Requirement:	Compliance with National Electrical Code	Location:	Throughout
Comments:	Permit required--		
Component:	Flooring	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	Throughout
Comments:	Permit required--		
Component:	Ductwork	Defect:	Fire damaged
Requirement:	Compliance, Uniform Mechanics Code	Location:	Throughout
Comments:	Permit required--		

<u>Component:</u>	Interior Walls /Ceiling	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	Throughout
<u>Comments:</u>	Permit required--		
<u>Component:</u>	Interior Stairway	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	Throughout
<u>Comments:</u>	Permit required--		
<u>Component:</u>	Roof	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	Throughout
<u>Comments:</u>	Permit required--		
<u>Component:</u>	Shingles Flashing	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	Throughout
<u>Comments:</u>	Permit required--		
<u>Component:</u>	Soffit/Facia/Trim	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	Throughout
<u>Comments:</u>	Permit required--Third Floor		
<u>Component:</u>	Trusses	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	Throughout
<u>Comments:</u>	Permit required--Third Floor		
<u>Component:</u>	Windows/Window Frames	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance with Int Residential Code	<u>Location:</u>	Throughout
<u>Comments:</u>			

Polk County Assessor

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

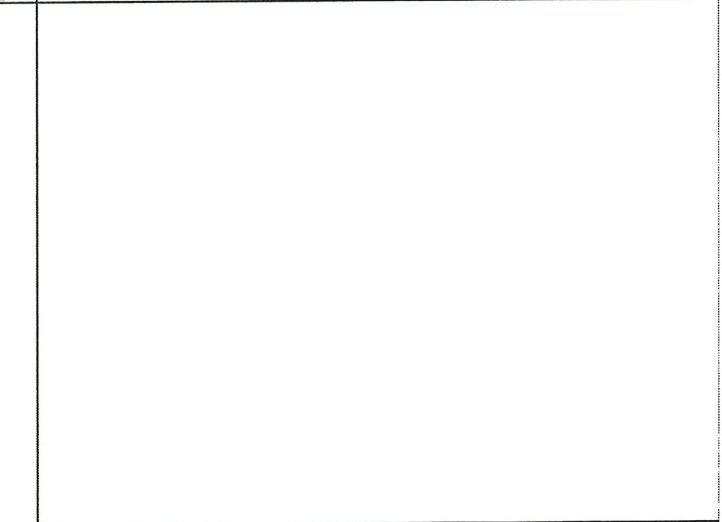
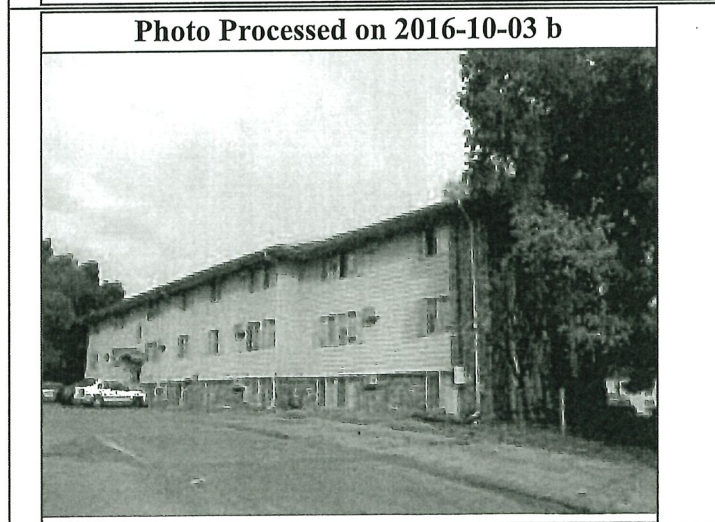
(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	3700 MARTIN LUTHER KING JR PKWY				
City	DES MOINES	Zip	50310	Jurisdiction	Des Moines
District/Parcel	080/01781-000-000	Geoparcels	7924-28-126-009	Status	Active
School	Des Moines	Nbhd/Pocket	DM65/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Austin Viggers 515-286-3958		

Map and Current Photos - 2 Records

Click on parcel to get a new listing

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



Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	SUMMER WOODS APTS LLC	2011-07-07	13900/169

Legal Description and Mailing Address

N 276 F LOT 3 EUCLID HEIGHTS	SUMMER WOODS APTS LLC 4214 FLEUR DR STE 10 DES MOINES, IA 50321
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Current Values

Type	Class	Kind	Land	Bldg	Total
2019 Value	Multi-Residential	Full	\$152,000	\$1,508,000	\$1,660,000

Assessment Roll Notice Unadjusted Cost Report**Zoning - 1 Record**

Zoning	Description	SF	Assessor Zoning
C-2	General Retail and Highway Oriented Commercial District		Highway Commercial

City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)

Land

Square Feet	47,196	Acres	1.083	Frontage	276.0
Depth	171.0	Topography	Blank	Shape	Rectangle
Vacancy	Blank	Unbuildable	Blank		

Commercial Summary

Occupancy	Apartment	Age, Weighted	1973	Total Story Height	3
Land Area	47,196	Gross Area	36,000	Finished Area	36,000
Unfinished Bsmt Area	0	Finished Bsmt Area	0	Number of Units	48
Primary Group	Apartment	Percent Primary Group	100.00	Percent Secondary Group	0.00
Grade, Weighted	4/Grade 4	Bldg Class, Weighted	4/Frame, Concrete Blk, Tile, Tilt Up	Condition, Weighted	NM/Normal
Ground Floor Area	12,000	Perimeter	708		

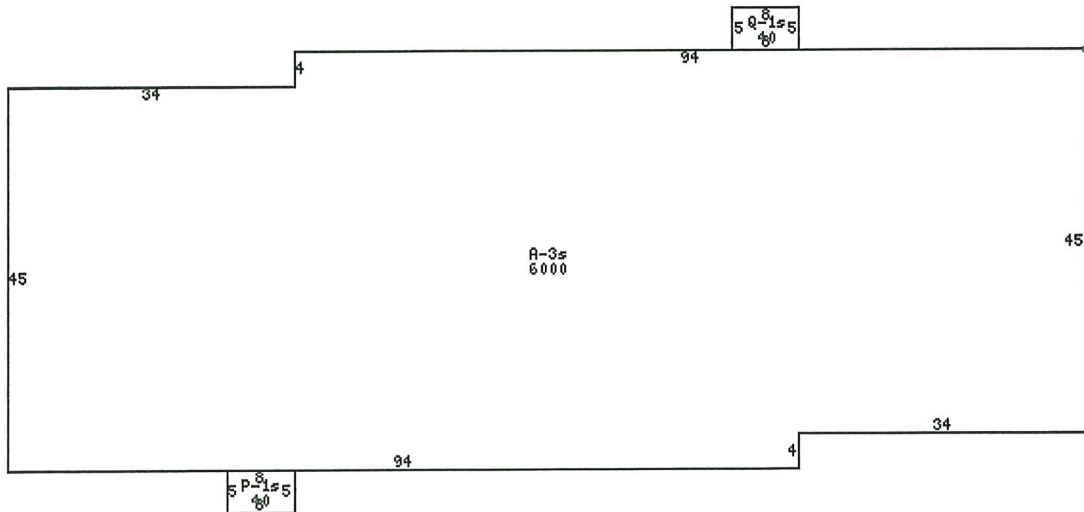
Commercial Sections - 2 Records**Commercial Section #101**

Occupant	BIRCHWOOD APTS				
Section Multiplier	1	Occupancy	Apartment	Foundation	Concrete
Submerged	Yes	Exterior Wall	Siding/Shingle	Brick Veneer	3,310
Insulation	Yes	Roof	Gable	Roof Material	Shingle
Landings Square Foot	80	Landing Quality	Normal	Wiring	Adequate
Plumbing	Adequate	Total Story Height	3	Frame Type	Frame
Fireproof Construction	No	Bldg Class	Frame, Concrete Blk, Tile, Tilt Up	Total Section Area	18,000

Ground Floor Area	6,000	Perimeter	354	Grade	4+00
Year Built	1973	Condition	Normal		

Comment P & Q=CONC. LANDINGS

Commercial Groups - 1 Record					
Commercial Group #101 1					
Use Code	Apartment	Base Story	1	Number Stories	3
Total Group Area	18,000	Base Floor Area	6,000	Number Units	24
Heating	Central	Air Conditioning	Yes	Exhaust System	No
Comment	SLEEVE TYPE A/C				

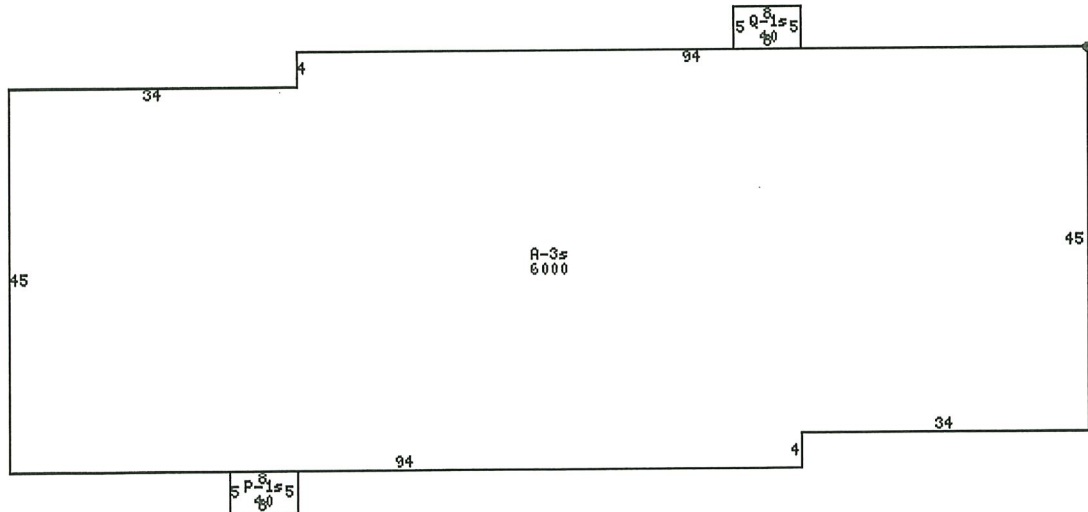


Commercial Section #201

Occupant	BIRCHWOOD APTS				
Section Multiplier	1	Occupancy	Apartment	Foundation	Concrete
Submerged	Yes	Exterior Wall	Siding/Shingle	Brick Veneer	3,310
Insulation	Yes	Roof	Gable	Roof Material	Shingle

Landings Square Foot	80	Landing Quality	Normal	Wiring	Adequate
Plumbing	Adequate	Total Story Height	3	Frame Type	Frame
Fireproof Construction	No	Bldg Class	Frame, Concrete Blk, Tile, Tilt Up	Total Section Area	18,000
Ground Floor Area	6,000	Perimeter	354	Grade	4+00
Year Built	1973	Condition	Normal		
Comment	P & Q=CONC. LANDINGS				

Commercial Groups - 1 Record					
Commercial Group #201 1					
Use Code	Apartment	Base Story	1	Number Stories	3
Total Group Area	18,000	Base Floor Area	6,000	Number Units	24
Heating	Central	Air Conditioning	Yes	Exhaust System	No
Comment	SLEEVE TYPE A/C				



Detached Structures - 2 Records

Detached Structure #101					
Occupancy	Asphalt Paving	Measurement Code	Square Feet	Measure 1	23,500
Grade	4	Year Built	1973	Condition	Normal
Detached Structure #201					
Occupancy	Trash Enclosure	Construction Type	Frame	Measurement Code	Lineal Feet
Lineal Feet	40	Height	6	Grade	5
Year Built	2012	Condition	Normal		

Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
VALLEY BANK	SUMMER WOODS APTS, LLC	<u>2011-06-30</u>	\$1,122,000	Deed	<u>13900/169</u>
BIRCHWOOD APTS LC	AQUEOUS MANAGEMENT GROUP, LLC	<u>2006-03-21</u>	\$1,450,000	Deed	<u>11646/424</u>
IRVING, PAUL	BIRCHWOOD APTS LC	<u>2004-08-03</u>	\$1,150,500	Deed	<u>11646/418</u>

Appeals - 1 Record

Year	Type	Case #	Status	Appellant
2009	PAAB	<u>09-77-1290</u>	Dismissed	AQUEOUS MANAGEMENT LLC

Permits - 10 Records

Year	Type	Permit Status	Application	Description
Current	Permit	To Work	2019-09-20	alterations/misc
Current	Permit	To Work	2019-06-21	fix damage/fire
2018	Permit	No Add	2017-06-13	fix damage/foundation
2013	Permit	No Add	2012-12-12	fix damage/misc
2013	Permit	No Add	2012-12-12	fix damage/misc
2013	Permit	No Add	2012-10-01	addition/misc (100 sf)
2011	Permit	No Add	2010-12-20	addition/misc
2009	Permit	No Add	2008-10-22	fix damage/fire
2009	Pickup	No Add	2007-08-02	review value/board of review
2008	Pickup	Pass	2007-08-02	review value/board of review

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Multi-Residential	Full	\$152,000	\$1,508,000	\$1,660,000
2017	<u>Assessment Roll</u>	Multi-Residential	Full	\$151,900	\$1,228,100	\$1,380,000
2015	<u>Assessment Roll</u>	Multi-Residential	Full	\$127,000	\$1,123,000	\$1,250,000
2013	<u>Assessment Roll</u>	Commercial Multiple	Full	\$127,000	\$983,000	\$1,110,000
2011	<u>Assessment Roll</u>	Commercial Multiple	Full	\$127,000	\$983,000	\$1,110,000

Yr	Type	Class	Kind	Land	Bldg	Total
2009	<u>Board Action</u>	Commercial Multiple	Full	\$127,000	\$983,000	\$1,110,000
2009	<u>Assessment Roll</u>	Commercial Multiple	Full	\$127,000	\$1,089,000	\$1,216,000
2007	<u>Board Action</u>	Commercial Multiple	Full	\$127,000	\$1,089,000	\$1,216,000
2007	<u>Assessment Roll</u>	Commercial Multiple	Full	\$127,000	\$1,089,000	\$1,216,000
2005	<u>Board Action</u>	Commercial Multiple	Full	\$115,000	\$690,000	\$805,000
2005	<u>Assessment Roll</u>	Commercial Multiple	Full	\$115,000	\$902,000	\$1,017,000
2003	<u>Assessment Roll</u>	Commercial Multiple	Full	\$100,000	\$659,000	\$759,000
2001	<u>Assessment Roll</u>	Commercial Multiple	Full	\$94,390	\$513,000	\$607,390
1999	Assessment Roll	Commercial Multiple	Full	\$129,000	\$513,000	\$642,000
1994	Board Action	Commercial Multiple	Full	\$125,000	\$498,000	\$623,000
1993	Assessment Roll	Commercial Multiple	Full	\$125,000	\$713,000	\$838,000
1990	Board Action	Commercial Multiple	Full	\$120,000	\$685,490	\$805,490

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top

3720 mL King Jr Pkwy 32A



02/04/2020

top

3720 mL King Jr Pkwy



02/04/2020

top

3720 ML King Jr Pkwy
32A



02/04/2020