



Roll Call Number

Agenda Item Number

62 C

Date September 14, 2020

ABATEMENT OF PUBLIC NUISANCE AT 1323 9th STREET

WHEREAS, the property located at 1323 9th 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, Legacy Park, LLLP, and Mortgage Holder, Lincoln Savings 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 the South ½ of Lot 18 and all of Lot 17 in NORTH PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1323 9th 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				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

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.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk



62C

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

DATE OF NOTICE: June 25, 2020

DATE OF INSPECTION: March 16, 2020

CASE NUMBER: COD2020-01908

PROPERTY ADDRESS: 1323 9TH ST

LEGAL DESCRIPTION: N33F LT 17 & S 25F LT 18 NORTH PARK

LEGACY PARK LLLP
Title Holder - RUSS FRAZIER, REG AGENT
1535 LINDEN ST STE 100A
DES MOINES IA 50309

LINCOLN SAVINGS BANK
Mortgage Holder
13523 UNIVERSITY AVE
CLIVE IA 50325

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.

Brad Rissman
(515) 283-4754



Nid Inspector

DATE MAILED: 6/25/2020

MAILED BY: BJR

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Areas that need attention: 1323 9TH ST

Component:	Electrical System	Defect:	Fire damaged
Requirement:	Compliance with National Electrical Code	Location:	Main Structure Throughout
Comments:	Obtain permit to replace all damaged electrical components		

Component:	Mechanical System	Defect:	Fire damaged
Requirement:	Compliance, Uniform Mechanics Code	Location:	Main Structure Throughout
Comments:	Obtain permit to replace all damaged mechanical components		

Component:	Plumbing System	Defect:	Fire damaged
Requirement:	Compliance with Uniform Plumbing Code	Location:	Main Structure Throughout
Comments:	Obtain permit to replace all damaged plumbing components		

Component:	Exterior Doors/Jams	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	Main Structure
Comments:	Replace damaged entry doors		

Component:	Floor Joists/Beams	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure
Comments:	Repair or replace all fire damaged structural floor members		

Component:	Interior Walls /Ceiling	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure
Comments:	Repair all interior damage sustained in fire		

Component:	Roof	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure
Comments:	Repair or replace all damaged structural roof members		

Component:	Exterior Walls	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure
Comments:	Repair or replace all damaged exterior wall elements		

Component: Windows/Window Frames

Defect: Fire damaged

Requirement: Building Permit

Location: Main Structure

Comments: Repair or replace all damaged windows

Polk County Assessor

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

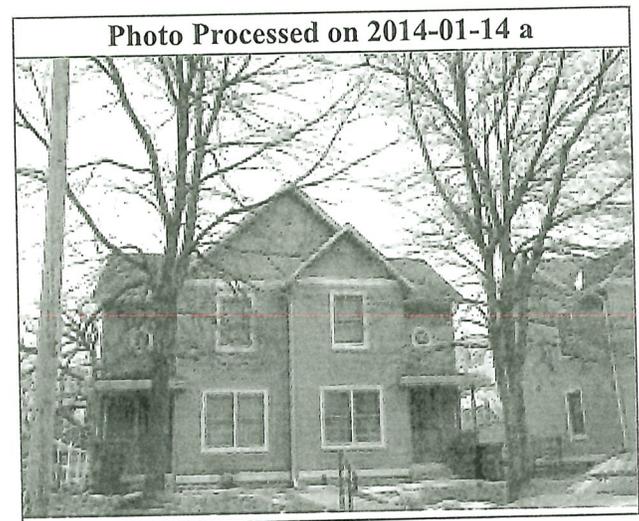
(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	1323 9TH ST				
City	DES MOINES	Zip	50314	Jurisdiction	Des Moines
District/Parcel	080/04599-001-000	Geoparcels	7924-34-451-005	Status	Active
School	Des Moines	Nbhd/Pocket	DM79/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Andrew Rand 515-286-3368		

Map and Current Photos - 1 Record

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	LEGACY PARK LLLP	2017-02-15	16375/752

Legal Description and Mailing Address

N33F LT 17 & S 25F LT 18 NORTH PARK	ANAWIM HOUSING 1171 7TH ST STE 1 DES MOINES, IA 50314-2505
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Current Values

Type	Class	Kind	Land	Bldg	Total
2020 Value	Residential	Full	\$6,800	\$63,100	\$69,900

Market Adjusted Cost Report *May Not Be Market Value:* Section 42

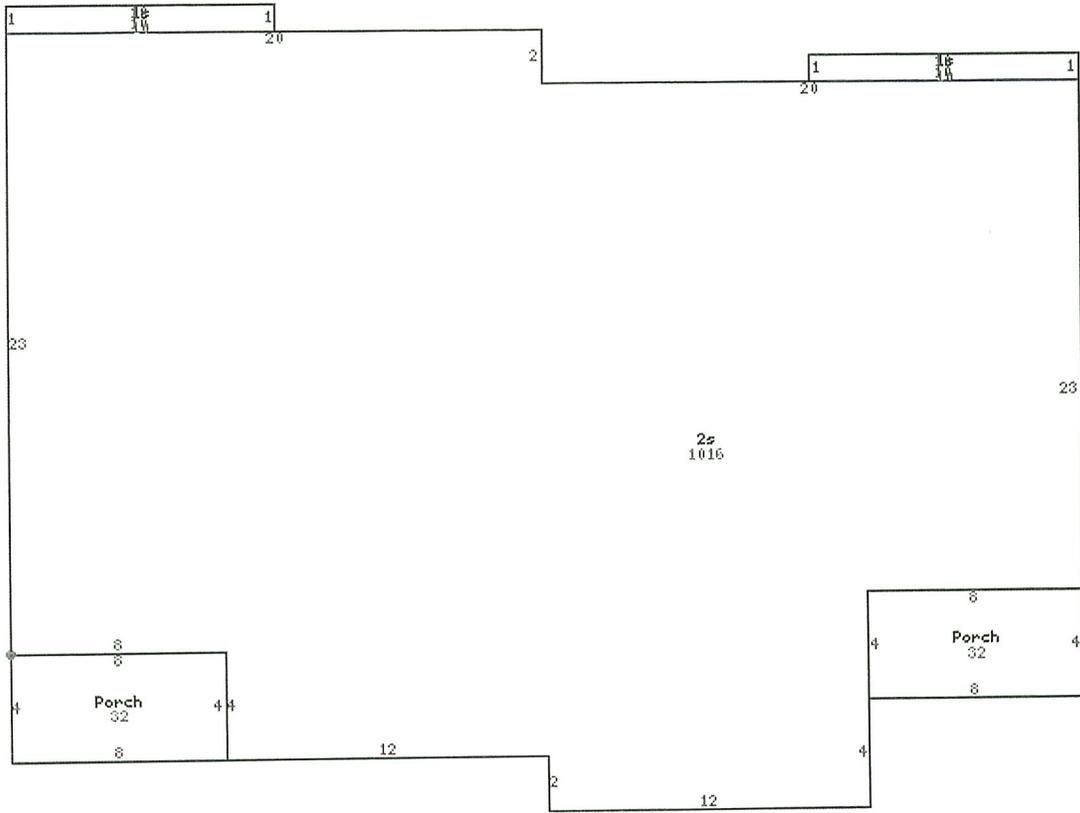
Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential

Conditional Zoning

Conditional Zoning					
Docket_no 14361					
City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)					
Land					
Square Feet	7,598	Acres	0.174	Frontage	58.0
Depth	131.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Duplex	Residence Type	2 Stories	Building Style	Conventional
Year Built	1992	Number Families	2	Grade	3-10
Condition	Normal	Total Square Foot Living Area	2052	Main Living Area	1036
Upper Living Area	1016	Open Porch Area	64	Foundation	Poured Concrete
Exterior Wall Type	Hardboard	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	2
Number Toilet Rooms	2	Number Extra Fixtures	1	Bedrooms	4

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Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
NORTH PARK PLACE LTD PRTNRSH	LEGACY PARK LLLP	<u>2017-01-30</u>	\$371,100	Deed	<u>16375/752</u> Multiple Parcels

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
NORTH PARK PLACE LIMITED PARTNERSHIP ANAWIM (Agent)	LEGACY PARK LLLP	2017-01-31	2017-02-15	Warranty Deed	<u>16375/752</u>

Permits - 8 Records

Year	Type	Permit Status	Application	Reason	Reason1
2019	Pickup	Complete	2019-02-25	Review	SECTION 42
2017	Pickup	Complete	2017-02-13	Review	SECTION 42
2015	Pickup	Complete	2015-02-17	Review	SECTION 42
2013	Pickup	Complete	2013-02-28	Review	SECTION 42

Year	Type	Permit Status	Application	Reason	Reason1
2011	Pickup	Complete	2011-03-10	Review	SECTION 42
2007	Pickup	Complete	2007-03-01	Review	SECTION 42
2005	Pickup	No Add	2005-03-08	Review	SECTION 42
1993	Permit	Complete	1991-09-16		New Duplex

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$6,800	\$63,100	\$69,900
2017	<u>Assessment Roll</u>	Residential	Full	\$6,500	\$29,600	\$36,100
2015	<u>Assessment Roll</u>	Residential	Full	\$5,900	\$42,800	\$48,700
2013	<u>Assessment Roll</u>	Residential	Full	\$5,600	\$48,600	\$54,200
2011	<u>Assessment Roll</u>	Residential	Full	\$5,600	\$53,000	\$58,600
2009	<u>Assessment Roll</u>	Residential	Full	\$5,900	\$44,100	\$50,000
2007	<u>Assessment Roll</u>	Residential	Full	\$6,200	\$50,300	\$56,500
2005	<u>Assessment Roll</u>	Residential	Full	\$6,500	\$61,600	\$68,100
2004	<u>Assessment Roll</u>	Residential	Full	\$5,780	\$49,130	\$54,910
2003	<u>Assessment Roll</u>	Residential	Full	\$5,780	\$49,130	\$54,910
			Adj	\$5,780	\$0	\$5,780
2001	<u>Assessment Roll</u>	Residential	Full	\$4,270	\$50,780	\$55,050
			Adj	\$4,270	\$0	\$4,270
1999	Assessment Roll	Residential	Full	\$4,720	\$104,080	\$108,800
			Adj	\$4,720	\$18,910	\$23,630
1997	Assessment Roll	Residential	Full	\$3,860	\$85,170	\$89,030
			Adj	\$3,860	\$0	\$3,860
1995	Assessment Roll	Residential	Full	\$3,470	\$85,170	\$88,640
			Adj	\$3,470	\$0	\$3,470
1994	Correction	Residential	Full	\$3,000	\$85,170	\$88,170
			Adj	\$3,000	\$0	\$3,000
1993	Assessment Roll	Residential	Full	\$3,000	\$85,170	\$88,170

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