



Roll Call Number

Agenda Item Number

35 K

Date February 22, 2021

ABATEMENT OF PUBLIC NUISANCE AT 1538 E. 29TH ST.

WHEREAS, the property located at 1538 E. 29th St., 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, Allstar Properties, Inc., 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 131 & 132 BOULEVARD ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1538 E. 29th St., has previously been declared a public nuisance;

The City Legal Department, through special counsel Ahlers & Cooney, PC, 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:

Kristine Stone, Special Counsel
Ahlers & Cooney, PC

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

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	1538 E 29TH ST				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	060/00328-000-000	Geoparcels	7923-31-429-010	Status	Active
School	Des Moines	Nbhd/Pocket	DM14/Z	Tax Authority Group	DEM-C-DEM-77392
TIF	3/Des Moines Accent UR	Submarket	Northeast Des Moines	Appraiser	Victor Scaglione 515-286-3898

Map and Current Photos - 1 Record

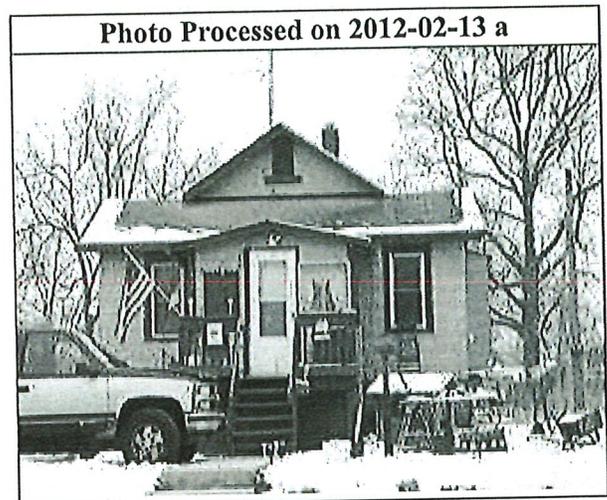
Click on parcel to get a new listing

WASHINGTON AVE

2807 2815 1544 1538 1540 1545 1537 1532 2808 2810 2828 1524

E 29TH ST

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



Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	ALLSTAR PROPERTIES INC	2010-07-26	13516/682

Legal Description and Mailing Address

LOT 131 & 132 BOULEVARD ADDITION	ALLSTAR PROPERTIES INC 205 SYCAMORE BLVD HUXLEY, IA 50124-9483
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Current Values

Type	Class	Kind	Land	Bldg	Total
2020 Value	Residential	Full	\$21,000	\$35,100	\$56,100

Market Adjusted Cost Report

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N3B	N3b Neighborhood District		Residential

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

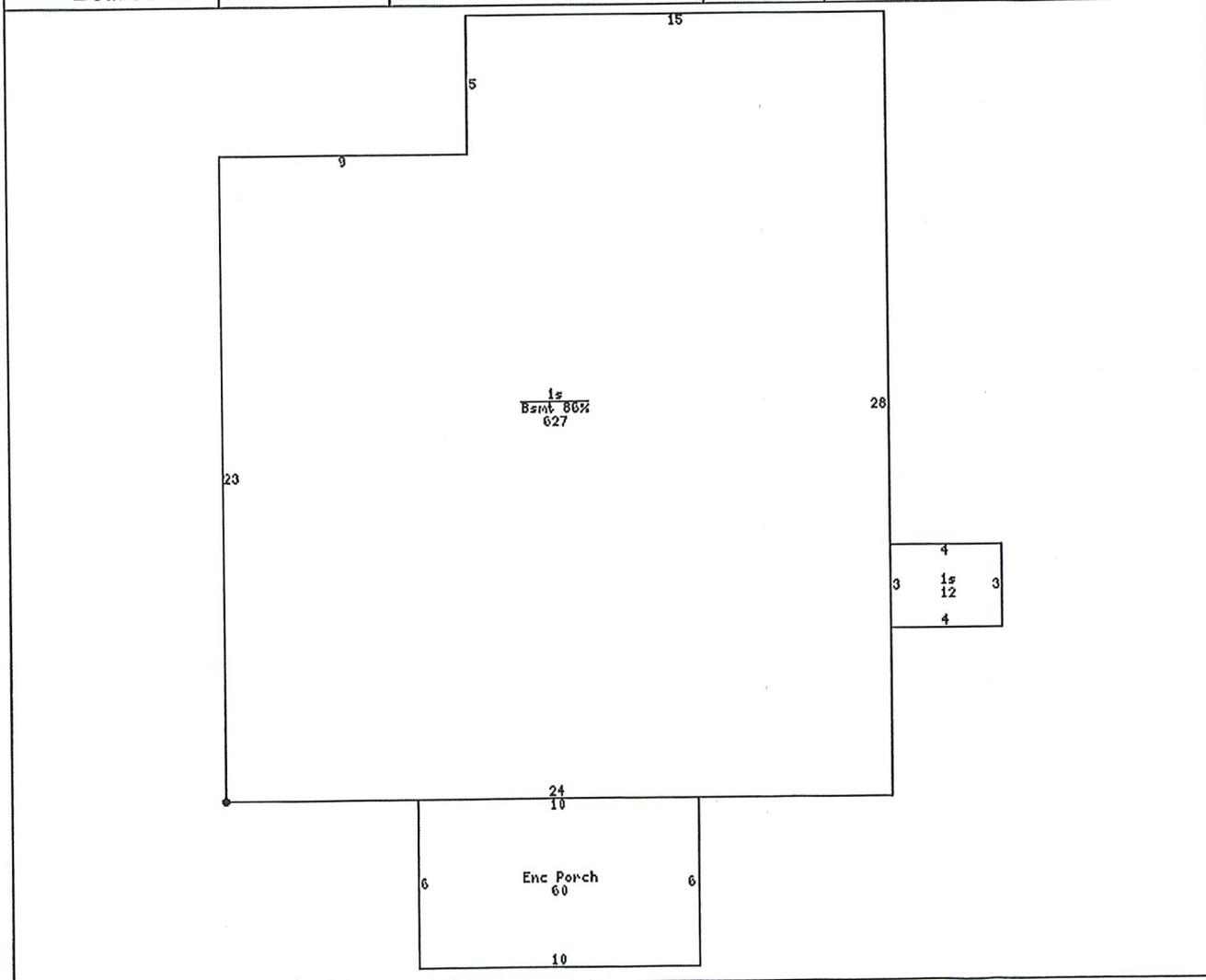
Land

Square Feet	8,880	Acres	0.204	Frontage	74.0
Depth	120.0	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	1923	Number Families	1	Grade	5+00
Condition	Below Normal	Total Square Foot Living Area	639	Main Living Area	639
Basement Area	539	Enclosed Porch Area	60	Foundation	Masonry
Exterior Wall Type	Hardboard	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	1
Bedrooms	1	Rooms	4		



Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
ALLSTAR PROPERTIES INC	FUDGE, PEGGY	<u>2010-07-21</u>	\$14,000	Contract	<u>17692/748</u>
NERVIG, NANCY F	ALLSTAR PROPERTIES, INC.	<u>2010-07-21</u>	\$13,000	Deed	<u>13516/682</u>
1538 E 29TH STREET TRUST, LLC	FUDGE, PEGGY	<u>2008-03-01</u>	\$18,000	Contract	<u>13182/323</u>

Permits - 2 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	No Add	2020-08-27	Fix Damage	MISC
2014	Permit	No Add	2013-06-17	Addition	MISC (240 sf)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$21,000	\$35,100	\$56,100
2017	<u>Assessment Roll</u>	Residential	Full	\$18,600	\$31,400	\$50,000
2015	<u>Assessment Roll</u>	Residential	Full	\$17,500	\$29,800	\$47,300
2013	<u>Assessment Roll</u>	Residential	Full	\$16,200	\$27,800	\$44,000
2011	<u>Assessment Roll</u>	Residential	Full	\$16,200	\$27,600	\$43,800
2009	<u>Board Action</u>	Residential	Full	\$17,300	\$30,500	\$47,800
2009	<u>Assessment Roll</u>	Residential	Full	\$17,300	\$30,500	\$47,800
2007	<u>Assessment Roll</u>	Residential	Full	\$17,300	\$30,500	\$47,800
2005	<u>Assessment Roll</u>	Residential	Full	\$15,500	\$27,200	\$42,700
2003	<u>Assessment Roll</u>	Residential	Full	\$14,140	\$25,080	\$39,220
2001	<u>Assessment Roll</u>	Residential	Full	\$12,950	\$21,830	\$34,780
1999	Assessment Roll	Residential	Full	\$9,900	\$19,970	\$29,870
1997	Assessment Roll	Residential	Full	\$8,970	\$18,090	\$27,060
1995	Assessment Roll	Residential	Full	\$8,160	\$16,460	\$24,620
1993	Assessment Roll	Residential	Full	\$7,040	\$14,210	\$21,250
1991	Assessment Roll	Residential	Full	\$7,040	\$12,980	\$20,020
1991	Was Prior Year	Residential	Full	\$7,040	\$10,800	\$17,840

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

DATE OF NOTICE: September 21, 2020

DATE OF INSPECTION:

August 18, 2020

CASE NUMBER: COD2020-03776

PROPERTY ADDRESS: 1538 E 29TH ST

LEGAL DESCRIPTION: LOT 131 & 132 BOULEVARD ADDITION

ALLSTAR PROPERTIES INC
Title Holder
KALEN PETERSEN, R.A.
205 SYCAMORE BLVD
HUXLEY IA 50124

PEGGY FUDGE
Contract Buyer
1538 E 29TH ST
DES MOINES IA 50317

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.

Kevin Pyles

(515) 283-4122

Nid Inspector

DATE MAILED: 9/21/2020

MAILED BY: JDH

Areas that need attention: 1538 E 29TH ST

Component:	Floor Joists/Beams	Defect:	Deteriorated
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit.		
Component:	Plumbing System	Defect:	In poor repair
Requirement:	Plumbing Permit	Location:	Main Structure Throughout
Comments:	Hire licensed contractor to repair/replace damaged or rotted materials and verify safety and operation of plumbing systems.		
Component:	Interior Walls /Ceiling	Defect:	Holes or major defect
Requirement:	Compliance, International Property Maintenance Code	Location:	Main Structure Throughout
Comments:	Repair/replace any broken, missing , damaged or rotted drywall/paleling/wall/ceiling covering . Any repairs to the structure will require a building permit.		
Component:	Exterior Walls	Defect:	In poor repair
Requirement:	Compliance, International Property Maintenance Code	Location:	Main Structure Throughout
Comments:	Repair/replace any broken, missing , damaged or rotted siding. Any repairs to the structure will require a building permit.		
Component:	Soffit/Facia/Trim	Defect:	In poor repair
Requirement:	Compliance, International Property Maintenance Code	Location:	Main Structure Throughout
Comments:	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit. Scrape loose paint, repair where needed and paint to match.		
Component:	Windows/Window Frames	Defect:	In poor repair
Requirement:	Compliance, International Property Maintenance Code	Location:	Main Structure Throughout
Comments:	Repair/replace any missing, rotted or damaged windows/window frames. Any repairs to the structure will require a building permit. Scrape loose paint, replace glazing where needed and paint to match.		
Component:	Flooring	Defect:	Holes or major defect
Requirement:	Compliance, International Property Maintenance Code	Location:	Main Structure Throughout
Comments:	Replace any damaged flooring material. Any structural repairs will require a permit.		
Component:	Accessory Buildings	Defect:	See Comments
Requirement:		Location:	Accessory Building Throughout
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.		

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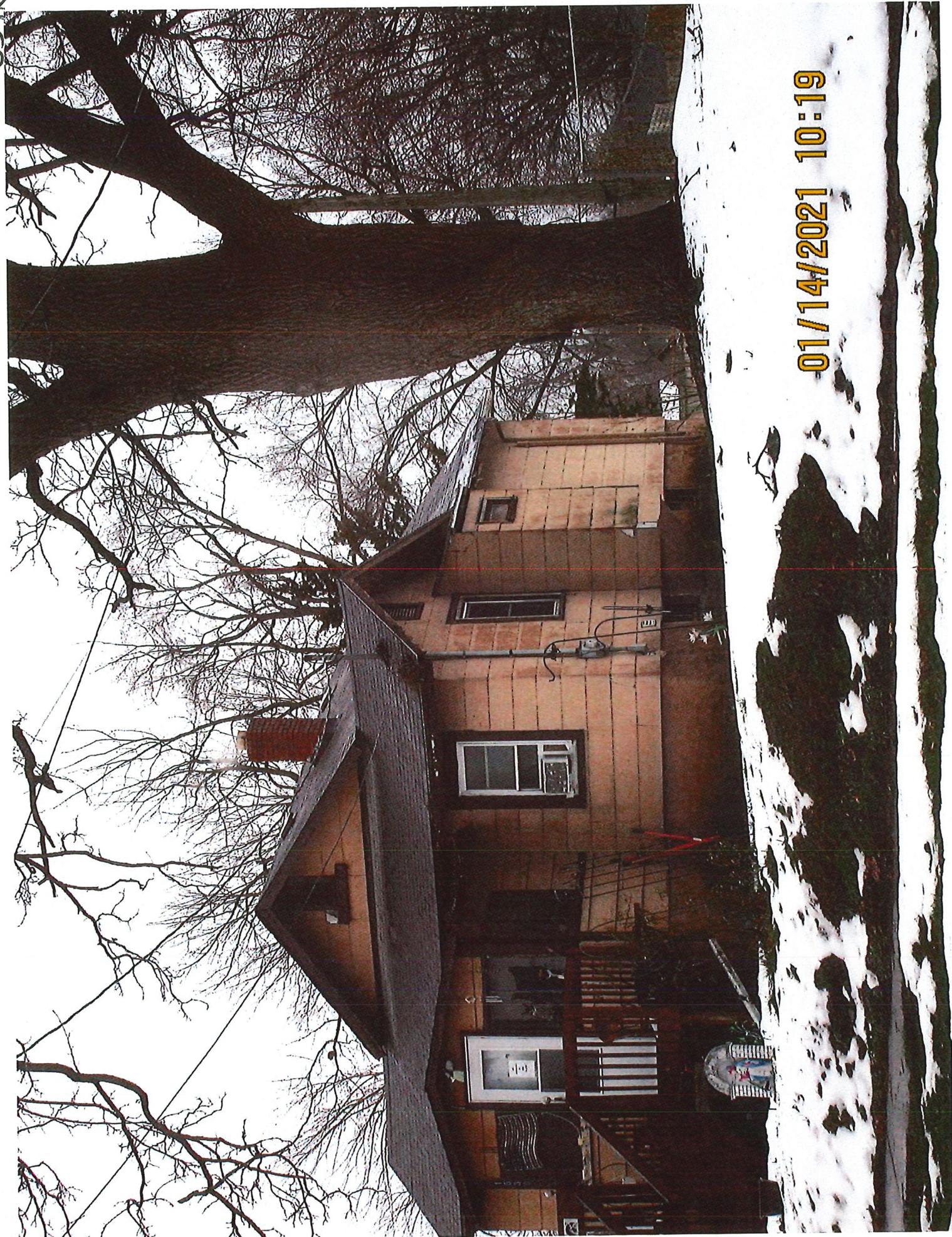
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