

Date June 14, 2021

ABATEMENT OF PUBLIC NUISANCE AT 3939 42nd ST.

WHEREAS, the property located at 3939 42nd 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, W & E Property, LLC, 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.

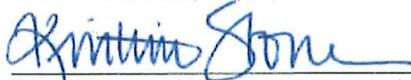
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure on the real estate legally described as Lot 52 GLEN ECHO, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3939 42nd 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, P.C.

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



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

DATE OF NOTICE: April 23, 2021

DATE OF INSPECTION:

June 15, 2020

CASE NUMBER: COD2020-02924

PROPERTY ADDRESS: 3939 42ND ST

LEGAL DESCRIPTION: LOT 52 GLEN ECHO

W&E PROPERTY LLC
Title Holder - WADE THOMPSON, RA
1809 SERENITY CIR
NORWALK IA 50211

PEOPLES SAVINGS BANK
Mortgage Holder
400 E IOWA AVE
INDIANOLA IA 50125

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.

Brad Rissman
(515) 283-4754

Nid Inspector

DATE MAILED: 4/23/2021

MAILED BY: BJR

Areas that need attention: 3939 42ND ST

Component:	Electrical System	Defect:	Fire damaged
Requirement:	Electrical Permit	Location:	Main Structure Throughout
Comments:	Have licensed contractor repair or replace electrical system. Bring system up to code.		
Component:	Exterior Doors/Jams	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Repair or replace all damaged. In compliance with international residential building code.		
Component:	Exterior Walls	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Repair or replace all damaged wall components, including; framing, sheeting, and coverings. In compliance with international residential building code.		
Component:	Floor Joists/Beams	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Repair or replace all that is damaged. In compliance with international residential building code.		
Component:	Interior Walls /Ceiling	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Repair or replace all that is damaged. In compliance with international residential building code.		
Component:	Interior Stairway	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Replace all that is damaged. In compliance with international residential building code.		
Component:	Mechanical System	Defect:	Fire damaged
Requirement:	Mechanical Permit	Location:	Main Structure Throughout
Comments:	Have licensed contractor repair or replace mechanical system. Bring system up to code.		
Component:	Plumbing System	Defect:	Fire damaged
Requirement:	Plumbing Permit	Location:	Main Structure Throughout
Comments:	Have licensed contractor repair or replace plumbing system. Bring system up to code.		

<u>Component:</u>	Roof	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Repair or replace all that is damaged. In compliance with international residential building code.		

<u>Component:</u>	Windows/Window Frames	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Repair or replace all that is damaged. In compliance with international residential building code.		

<u>Component:</u>	Trusses	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Repair or replace all that is damaged. In compliance with international residential building code.		

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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	3939 42ND ST				
City	DES MOINES	Zip	50310	Jurisdiction	Des Moines
District/Parcel	100/05250-000-000	Geoparcels	7924-20-353-002	Status	Active
School	Des Moines	Nbhd/Pocket	DM68/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Braxton Peats 515-286-3839		

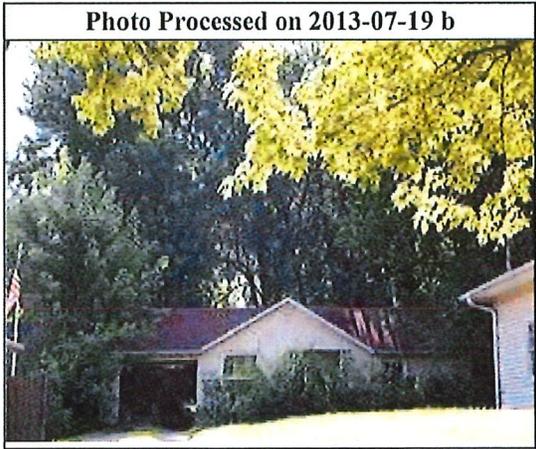
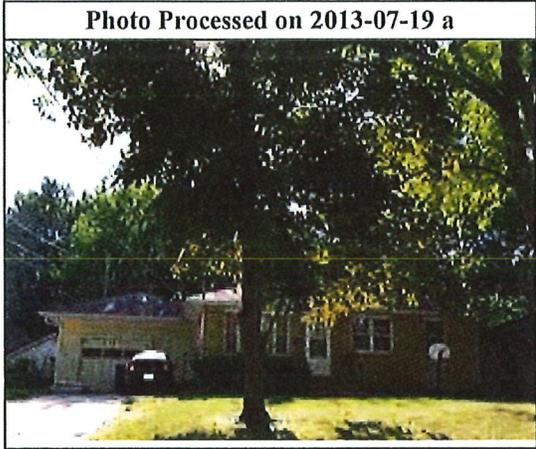
Map and Current Photos - 2 Records

Click on parcel to get a new listing

ND ST
MADISON AVE

3944 3945 3946
3938 3941 3940
3934 3931 3934
3926 3929 3928
3924

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



[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	W&E PROPERTY LLC	2020-12-02	18226/606

Legal Description and Mailing Address

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LOT 52 GLEN ECHO	W & E PROPERTY LLC 1809 SERENITY CIR NORWALK, IA 50211
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Current Values

Type	Class	Kind	Land	Bldg	Total
2021 Informal Agreement	Residential	Full	\$46,600	\$29,600	\$76,200
2021 Assessment Roll	Residential	Full	\$46,600	\$182,200	\$228,800
2020 Value	Residential	Full	\$44,400	\$174,200	\$218,600

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

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N3A	N3a Neighborhood District		Residential

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

Land

Square Feet	16,500	Acres	0.379	Frontage	100.0
Depth	165.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 2 Records

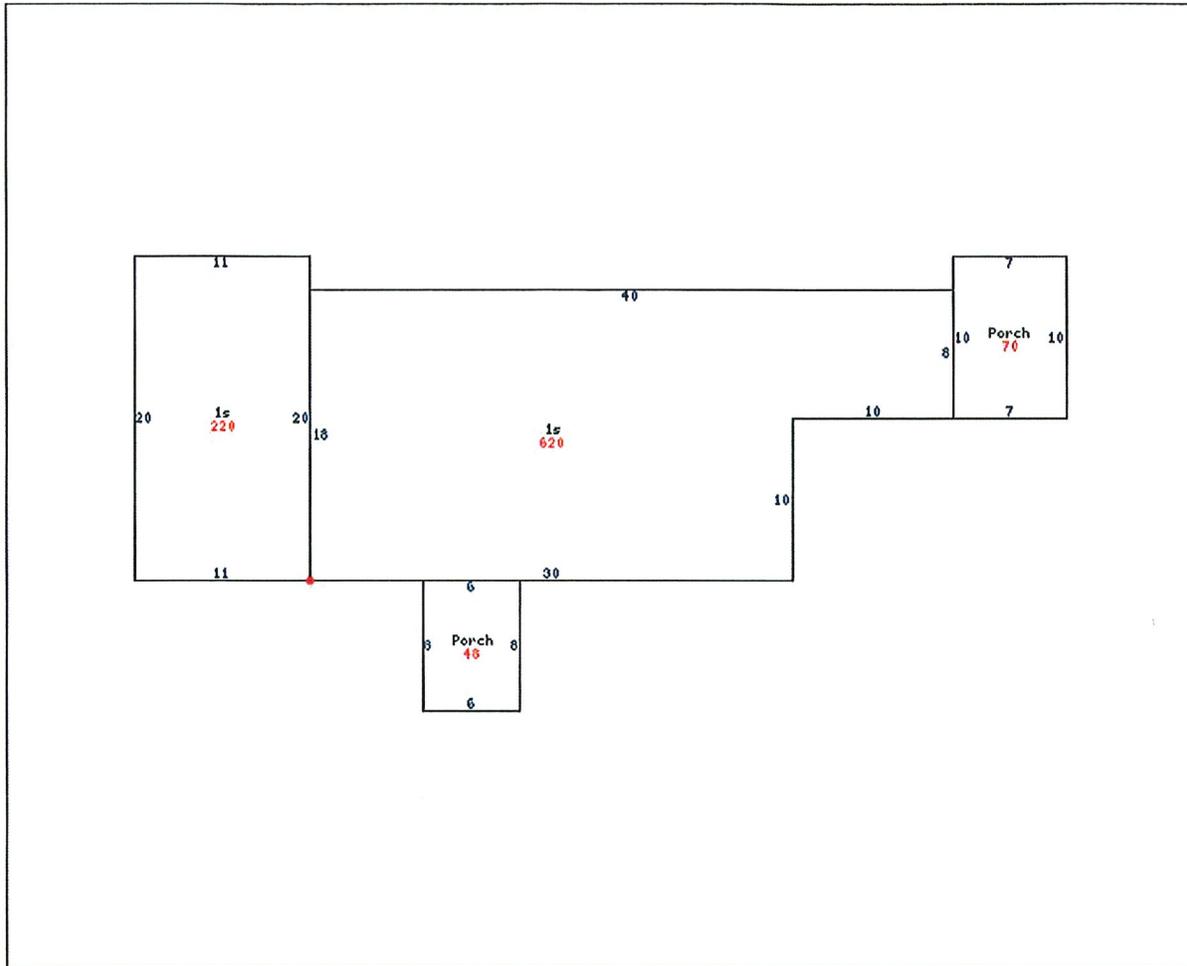
Residence #1

Occupancy	Single Family	Residence Type	Foundation	Year Built	1957
Number Families	1	Grade	4+00	Condition	Normal
Total Square Foot Living Area	0	Main Living Area	0	Foundation	Concrete Block
Air Conditioning	100				

Residence #2

Occupancy	Single Family	Residence Type	1 Story	Building Style	Bungalow
Year Built	1933	Number Families	1	Grade	5+00
Condition	Below Normal	% Complete Improvement	70	Total Square Foot Living Area	840
Main Living Area	840	Open Porch Area	118	Foundation	Poured Concrete
Exterior Wall Type	Vinyl Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	1
Bedrooms	2	Rooms	4		

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Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
WILSON & CROSS PROPERTIES LLC	W&E PROPERTY LLC	2020-09-30	\$50,000	Deed	18226/606
SIBLEY, LINDA M	WILSON & CROSS PROPERTIES, LLC	2019-11-21	\$170,000	Contract	17602/70
BOZARTH, RON	SIBLEY, LINDA M.	1987-04-24	\$58,000	Deed	5714/700

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
WILSON & CROSS PROPERTIES LLC	W&E PROPERTY LLC	2020-09-30	2020-12-02	Warranty Deed	18226/606

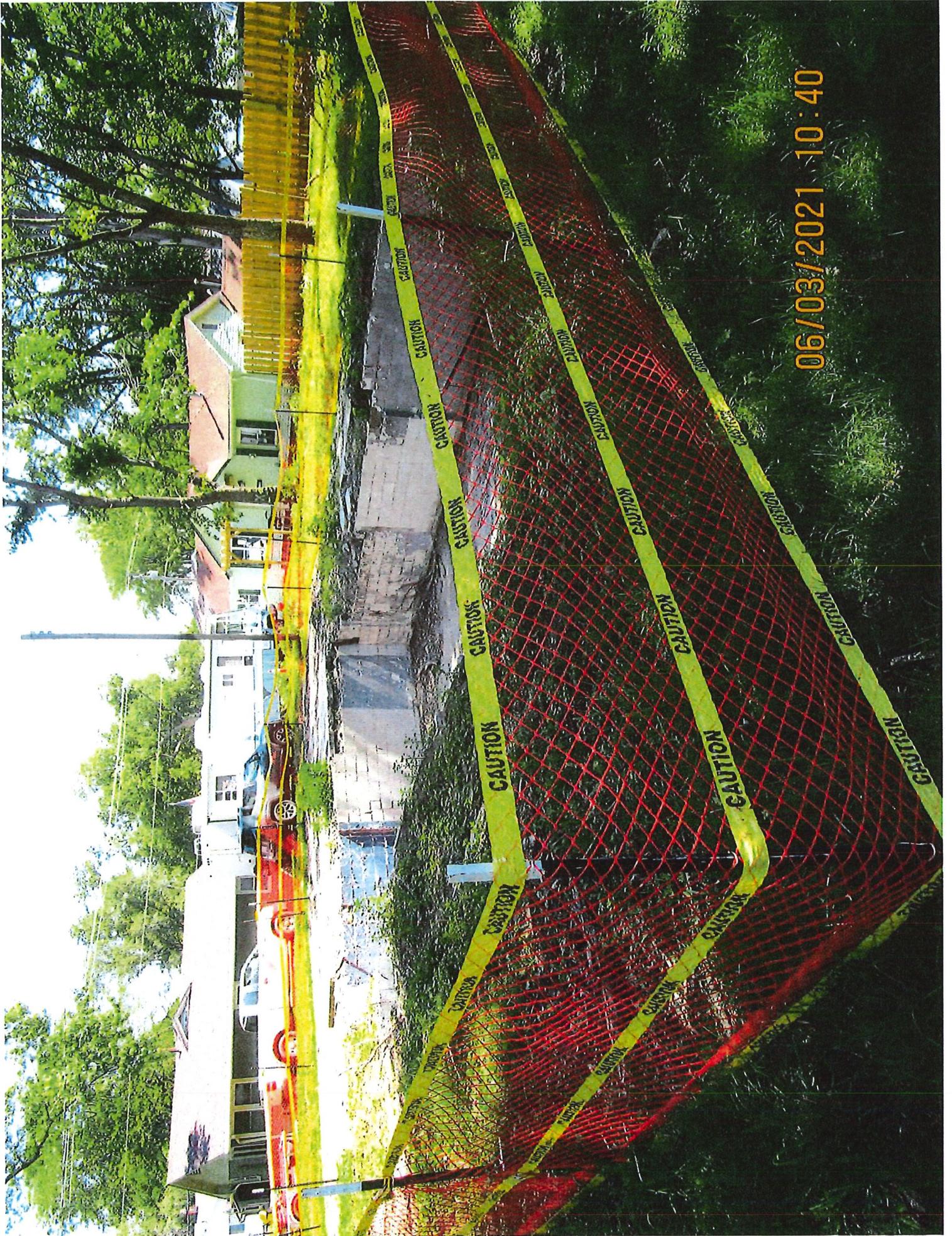
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Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
SIBLEY, LINDA	WILSON & CROSS PROPERTIES LLC	2020-09-15	2020-12-02	Warranty Deed	18226/605
SIBLEY, LINDA	WILSON & CROSS PROPERTIES LLC	2019-11-21	2019-11-25	Contract	17602/70

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	Assessment Roll	Residential	Full	\$44,400	\$174,200	\$218,600
2017	Assessment Roll	Residential	Full	\$39,200	\$158,400	\$197,600
2015	Assessment Roll	Residential	Full	\$34,100	\$140,100	\$174,200
2013	Assessment Roll	Residential	Full	\$33,200	\$140,000	\$173,200
2011	Assessment Roll	Residential	Full	\$33,300	\$140,800	\$174,100
2009	Assessment Roll	Residential	Full	\$34,300	\$145,500	\$179,800
2007	Assessment Roll	Residential	Full	\$35,400	\$150,000	\$185,400
2005	Assessment Roll	Residential	Full	\$30,800	\$126,600	\$157,400
2003	Assessment Roll	Residential	Full	\$28,200	\$117,230	\$145,430
2001	Assessment Roll	Residential	Full	\$26,850	\$107,720	\$134,570
1999	Assessment Roll	Residential	Full	\$19,760	\$88,100	\$107,860
1997	Assessment Roll	Residential	Full	\$17,550	\$78,240	\$95,790
1995	Assessment Roll	Residential	Full	\$16,800	\$74,910	\$91,710
1993	Assessment Roll	Residential	Full	\$14,640	\$65,280	\$79,920
1991	Assessment Roll	Residential	Full	\$14,640	\$65,280	\$79,920
1991	Was Prior Year	Residential	Full	\$14,640	\$60,530	\$75,170

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