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Date June 28, 2021

ABATEMENT OF PUBLIC NUISANCE AT 1335 McCORMICK ST.

WHEREAS, the property located at 1335 McCormick 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 Titleholders, Kong J. Toang & Dukan D. Pal, 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 Lot 209 in the OFFICIAL PLAT OF THE SOUTH 50 ACRES OF THE E 1/2 OF THE SW 1/4 OF Section 36, Township 79 North, Range 24 West of the 5th P.M., Polk County, Iowa, also known as Witmers and Welch's Official Plat, and also known as Witmers, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1335 McCormick St., has previously been declared a public nuisance;

The City Legal Department, through Special Counsel Ahlers & Cooney, P.C., 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

504



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

DATE OF NOTICE: April 26, 2021

DATE OF INSPECTION:

January 22, 2021

CASE NUMBER: COD2021-00245

PROPERTY ADDRESS: 1335 MCCORMICK ST

LEGAL DESCRIPTION: LOT 209 WITMERS

DUKAN D PAL
Title Holder
2905 ASHWOOD DR
URBANDALE IA 50322-4111

HABITAT FOR HUMANITY INC
Mortgage Holder
C/O LANCE HENNING
2200 E EUCLID AVE
DES MOINES IA 50317

KONG J TOANG
Title Holder
DECEASED

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: 4/26/2021

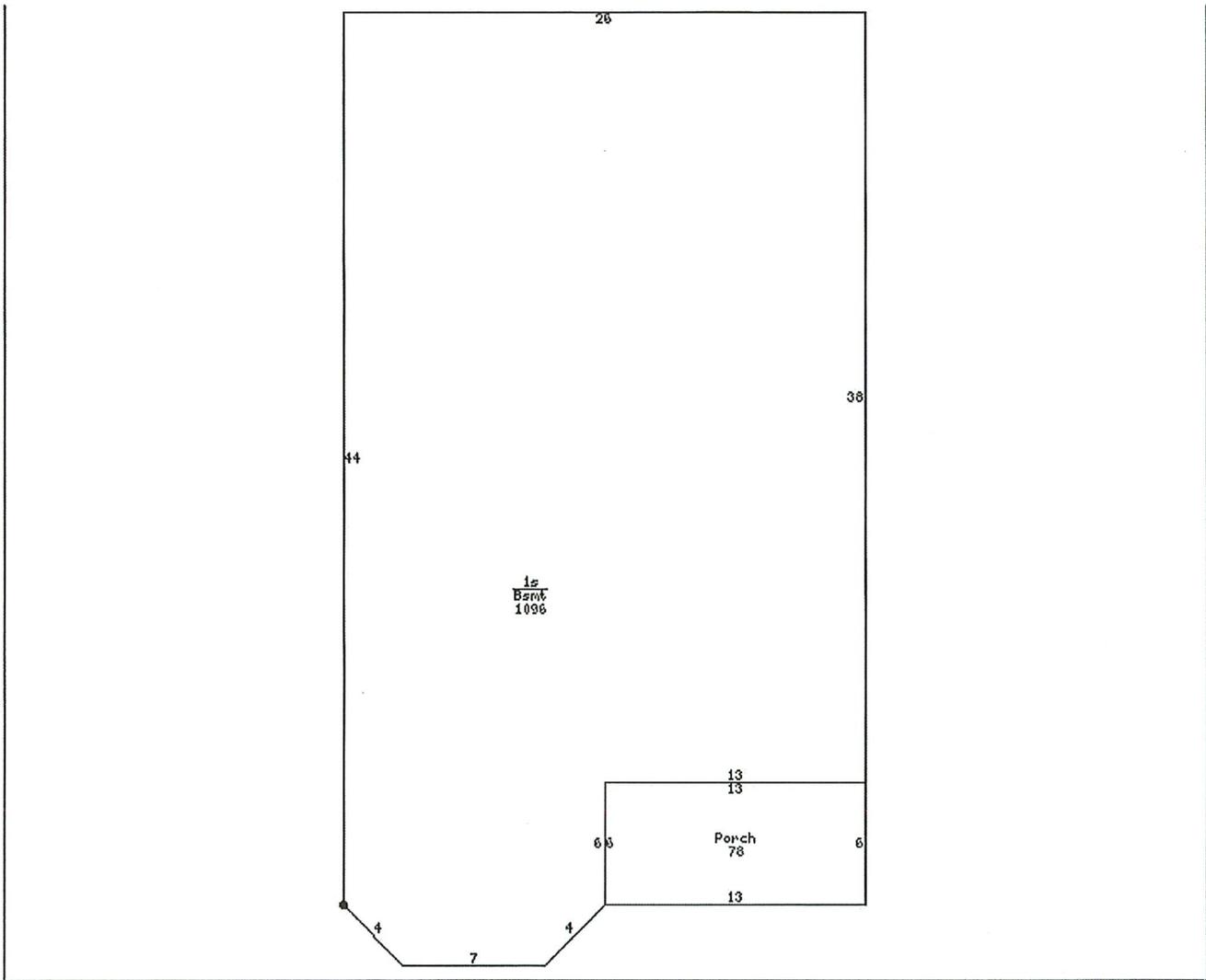
MAILED BY: JDH

Areas that need attention:

1335 MCCORMICK ST

<u>Component:</u>	Electrical System	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Electrical Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Hire licensed electrical contractor to verify safety of electrical system and correct any violations that may exist. Electrical permit required.		
<u>Component:</u>	Mechanical System	<u>Defect:</u>	Disconnected Utility
<u>Requirement:</u>	Mechanical Permit		Water/Gas/Electric
<u>Comments:</u>	Gas service has been shut off need licensed mechanical contractor to verify safety of mechanical systems and correct any violations prior to service being restored. Permit required.		
<u>Component:</u>	Exterior Walls	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance, International Property Maintenance Code	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit. Repair/replace any broken, missing, damaged or rotted siding. Any repairs to the structure will require a building permit.		
<u>Component:</u>	Soffit/Facia/Trim	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit.		
<u>Component:</u>	Shingles Flashing	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Compliance, International Property Maintenance Code	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Replace any damaged roofing material. Per city code shingles limited to one layer. Any structural repairs will require a permit.		
<u>Component:</u>	See Comments	<u>Defect:</u>	See Comments
<u>Requirement:</u>	Compliance, International Property Maintenance Code	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Other violations may exist inside the structure due to inspection being limited to exterior only at this time.		

Zoning	Description		SF	Assessor Zoning	
N3A	N3a Neighborhood District			Residential	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	6,614	Acres	0.152	Frontage	50.0
Depth	133.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Ranch
Year Built	2002	Number Families	1	Grade	4+10
Condition	Normal	Total Square Foot Living Area	1096	Main Living Area	1096
Basement Area	1096	Open Porch Area	78	Foundation	Poured Concrete
Exterior Wall Type	Vinyl Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	1
Bedrooms	3	Rooms	6		



Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
DM HABITAT HUMANITY, INC	TOANG, KONG J.	2003-12-19	\$74,390	Deed	10327/821

Permits - 2 Records

Year	Type	Permit Status	Application	Reason	Reason1
2004	Permit	Complete	2002-12-12	Construction	SINGLE FAMILY (1099 sf)
2003	Permit	Partial	2002-12-12	Construction	SINGLE FAMILY (1099 sf)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$9,800	\$110,800	\$120,600
2017	<u>Assessment Roll</u>	Residential	Full	\$9,000	\$103,700	\$112,700
2015	<u>Assessment Roll</u>	Residential	Full	\$8,100	\$96,800	\$104,900
2014	<u>Assessment Roll</u>	Residential	Full	\$7,400	\$89,900	\$97,300
2013	<u>Assessment Roll</u>	Residential	Full	\$7,400	\$89,900	\$97,300
			Adj	\$5,990	\$0	\$5,990
2011	<u>Assessment Roll</u>	Residential	Full	\$8,400	\$102,200	\$110,600
			Adj	\$6,990	\$11,070	\$18,060

Yr	Type	Class	Kind	Land	Bldg	Total
2009	<u>Assessment Roll</u>	Residential	Full	\$8,800	\$105,600	\$114,400
			Adj	\$7,390	\$14,470	\$21,860
2007	<u>Assessment Roll</u>	Residential	Full	\$8,800	\$105,600	\$114,400
			Adj	\$7,390	\$14,470	\$21,860
2005	<u>Board Action</u>	Residential	Full	\$7,800	\$84,500	\$92,300
			Adj	\$6,390	\$6,550	\$12,940
2005	<u>Assessment Roll</u>	Residential	Full	\$7,800	\$86,400	\$94,200
			Adj	\$6,390	\$8,450	\$14,840
2004	<u>Assessment Roll</u>	Residential	Full	\$7,040	\$77,950	\$84,990
			Adj	\$5,630	\$0	\$5,630
2003	<u>Assessment Roll</u>	Residential Exempt	Full	\$5,640	\$15,000	\$20,640
			Adj	\$0	\$0	\$0

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RECYCLE DES MOINES
CITY OF DES MOINES
DEPARTMENT OF PUBLIC WORKS
FOR YOUR CUSTOMER SERVICE CALL 319-281-4150