



Roll Call Number

Agenda Item Number

38D

Date February 20, 2023

ABATEMENT OF PUBLIC NUISANCE AT 1540 DES MOINES STREET

WHEREAS, the property located at 1540 Des Moines 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, B & M Properties, 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.

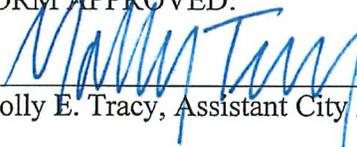
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure on the real estate legally described as Lot 11 in Block 47 STEWARTS ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1540 Des Moines 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.
Second by _____

FORM APPROVED:



Molly E. Tracy, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

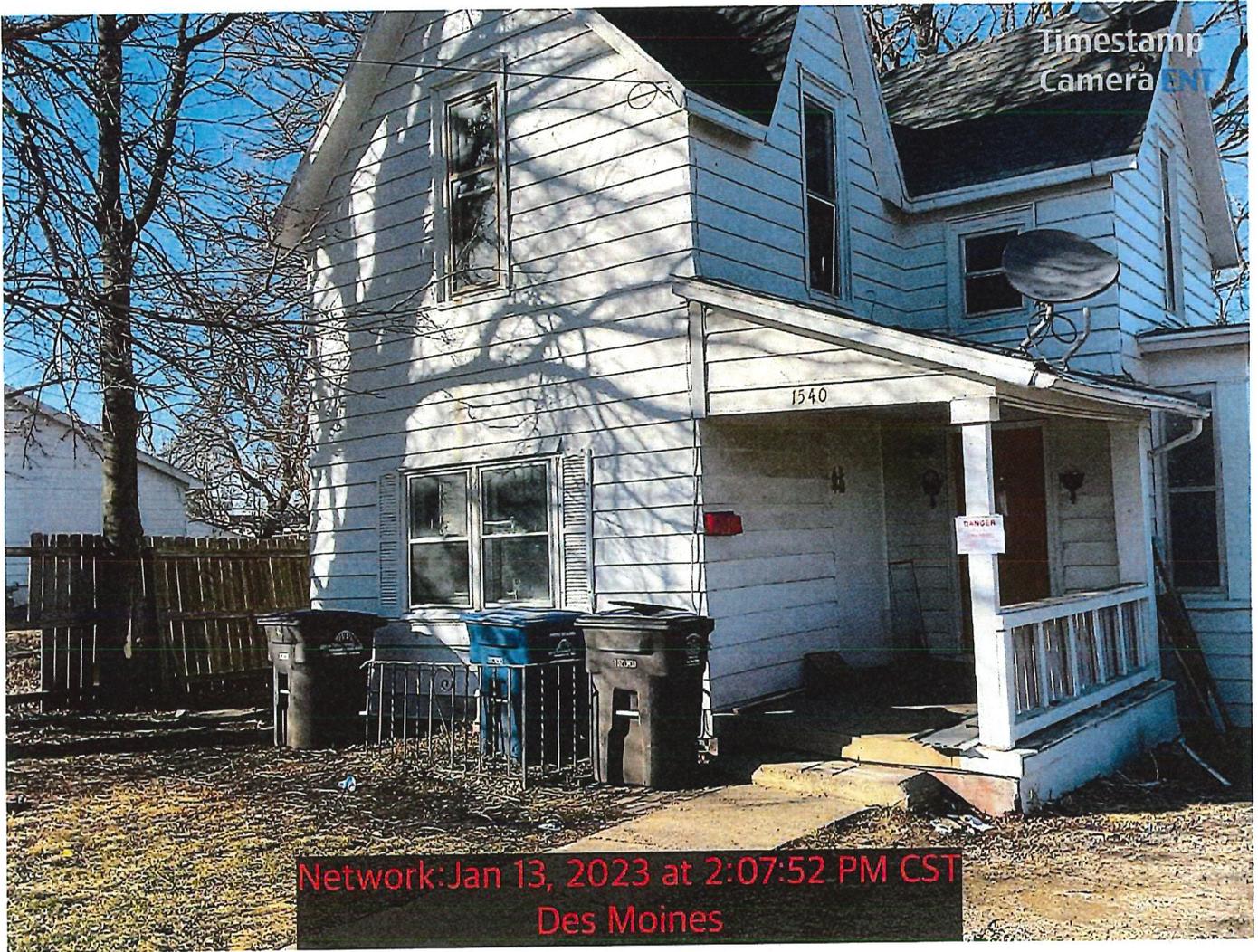
Mayor

CERTIFICATE

I, Laura Baumgartner, 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.

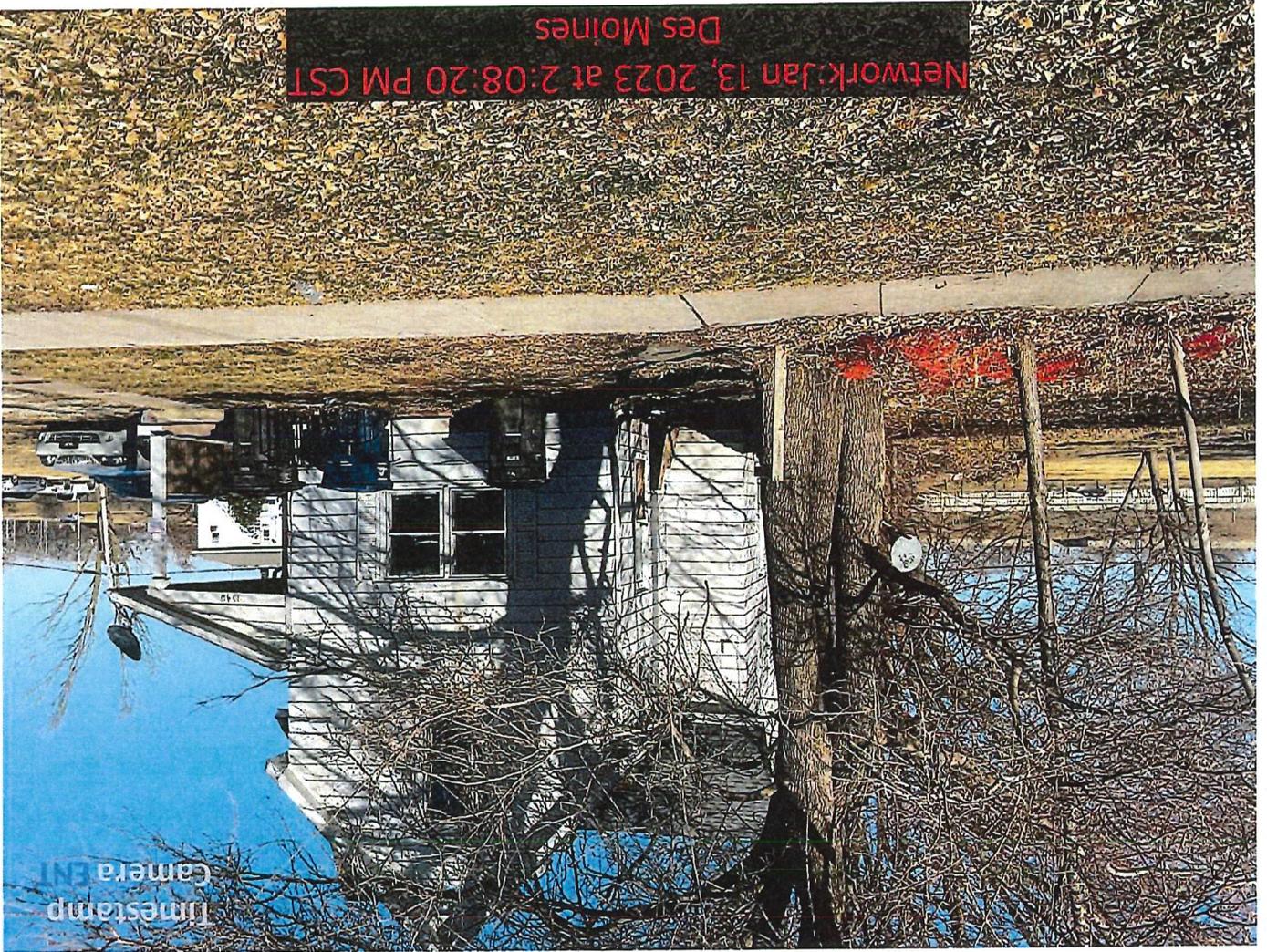
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



Timestamp
Camera 31

Network: Jan 13, 2023 at 2:07:52 PM CST
Des Moines



3RD

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	1540 DES MOINES ST				
City	DES MOINES	Zip	50316	Jurisdiction	Des Moines
District/Parcel	040/05211-000-000	Geoparcel	7824-02-108-025	Status	<u>Active</u>
School	Des Moines	Nbhd/Pocket	DM15/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northeast Des Moines	Appraiser	Joseph Peterson 515-286-3011		

Map and Current Photos - 1 Record

<p>Click on parcel to get a new listing</p> <p>Bigger Map Polk County GIS Google Map Pictometry</p>	<p>Photo Processed on 2013-04-26 a</p>
--	---

[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	B&M PROPERTIES LLC	2020-01-07	17657/635

Legal Description and Mailing Address

LOT 11 BLK 47 STEWARTS ADDITION	BILL MOYER B&M PROPERTIES LLC 106 SW 36TH LN ANKENY, IA 50023-8938
---------------------------------	---

Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$10,100	\$59,100	\$69,200

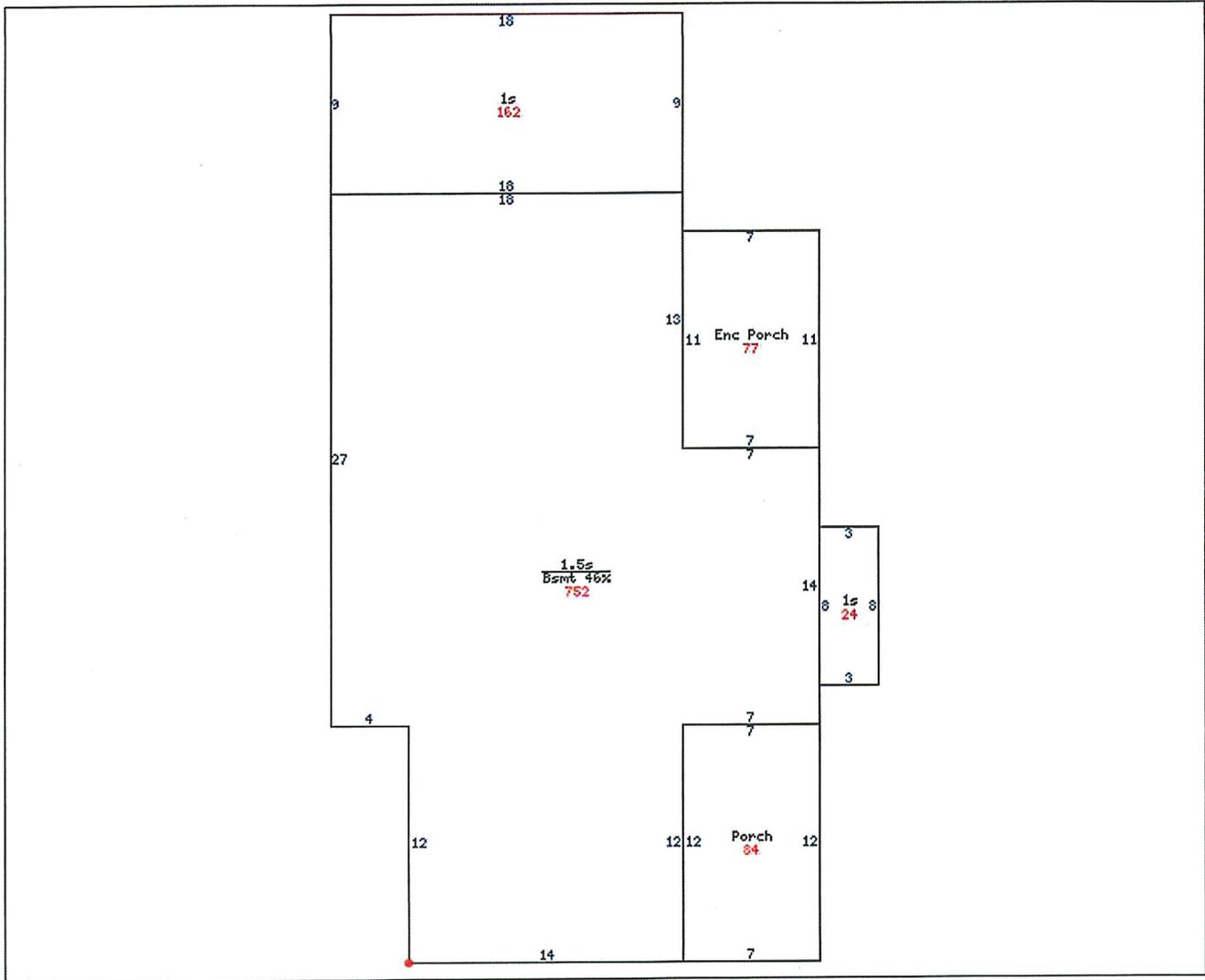
[Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning

38D

Zoning	Description		SF	Assessor Zoning	
RX1	RX1 Mixed Use District			Residential	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	7,500	Acres	0.172	Frontage	50.0
Depth	150.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1.5 Stories	Building Style	Early 20s
Year Built	1881	Number Families	1	Grade	4-10
Condition	Below Normal	Total Square Foot Living Area	1442	Main Living Area	938
Upper Living Area	504	Basement Area	346	Open Porch Area	84
Enclosed Porch Area	77	Foundation	Concrete Block	Exterior Wall Type	Metal Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning	0	Number Bathrooms	1	Number Toilet Rooms	1
Bedrooms	5	Rooms	7		



Sales - 4 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
BANK IOWA CORPORATION	MOYER, CARL D	2012-03-09	\$840,000	Deed	14198/680 Multiple Parcels
BANK IOWA CORPORATION	MOYER, CARL D	2010-10-20	\$840,000	Contract	14071/5 Multiple Parcels
KENYON, EDWARD A	IMPERIAL PROPERTIES INC	1996-09-25	\$35,000	Deed	7494/160
DOWNARD, CHARLES W	KENYON, EDWARD A	1990-08-28	\$30,000	Contract	6279/932

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
---------	---------	-----------------	----------------	-----------------	---------

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
IMPERIAL PROPERTIES INC	B&M PROPERTIES LLC MOYER, BILL	2020-01-03	2020-01-07	Quit Claim Deed	17657/635
MOYER, CARL D MOYER, PENNY	IMPERIAL PROPERTIES, INC	2012-10-15	2012-10-22	Quit Claim Deed	14495/127
BANK IOWA	MOYER, CARL D	2012-03-09	2012-03-16	Contract	14198/694
BANK IOWA CORPORATION	MOYER, CARL D MOYER, PENNY	2012-03-09	2012-03-16	Warranty Deed Corporate	14198/680

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$10,100	\$59,100	\$69,200
2019	Board Action	Residential	Full	\$8,900	\$51,600	\$60,500
2019	Assessment Roll	Residential	Full	\$8,900	\$51,600	\$60,500
2018	Board Action	Residential	Full	\$7,400	\$43,000	\$50,400
2017	Assessment Roll	Residential	Full	\$7,400	\$43,000	\$50,400
2015	Assessment Roll	Residential	Full	\$6,800	\$40,300	\$47,100
2013	Board Action	Residential	Full	\$6,800	\$38,900	\$45,700
2013	Assessment Roll	Residential	Full	\$6,800	\$38,900	\$45,700
2011	Assessment Roll	Residential	Full	\$7,700	\$45,700	\$53,400
2009	Assessment Roll	Residential	Full	\$8,000	\$45,400	\$53,400
2007	Assessment Roll	Residential	Full	\$8,100	\$45,900	\$54,000
2005	Assessment Roll	Residential	Full	\$8,200	\$42,000	\$50,200
2003	Assessment Roll	Residential	Full	\$7,200	\$36,050	\$43,250
2001	Assessment Roll	Residential	Full	\$8,830	\$30,070	\$38,900
1999	Assessment Roll	Residential	Full	\$6,370	\$31,560	\$37,930
1997	Assessment Roll	Residential	Full	\$5,490	\$27,210	\$32,700
1995	Assessment Roll	Residential	Full	\$4,990	\$17,520	\$22,510
1993	Assessment Roll	Residential	Full	\$4,400	\$15,450	\$19,850
1989	Assessment Roll	Residential	Full	\$4,400	\$13,100	\$17,500

This template was last modified on Thu Jun 3 19:39:49 2021 .

381



City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

Case Number: NUIS-2022-000204	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 09/28/2022
	Date of Notice: 12/02/2022
Date of Inspection: 11/17/2022	

B&M PROPERTIES LLC
WILLIAM J MOYER, REG. AGENT
106 SW 36TH LN
ANKENY IA 50023

Address of Property: **1540 DES MOINES ST, DES MOINES IA 50316**
Parcel Number: **782402108025**

Legal Description: **LOT 11 BLK 47 STEWARTS ADDITION**

Upon inspection of the property located at and locally known as the Address of Property shown above, located in Des Moines, Iowa, ("Property"), there was/were found to be violation(s) of the Municipal Code of the City of Des Moines, Iowa. It has been determined from that inspection that the dwelling currently constitutes a danger to health and safety to the public and is a public nuisance.

We are notifying you that you have the **time set out in this notice (below under "Compliance Due Date")** to abate the following violation(s) and complete the required remedial action.

VIOLATION(S)

Violation	Corrective Action	Compliance Due Date
------------------	--------------------------	----------------------------

Violation	Corrective Action	Compliance Due Date
<p>60-191 - Vacation and Abatement Any structure, dwelling, mobile home, equipment, or premise declared to be a public nuisance and unfit for human habitation or use, and so designated by the administrator, shall immediately be vacated and the nuisance shall be abated. The owner(s) shall be responsible for the vacation and abatement of the nuisance at such owner's expense. If not complied by such owner(s), then the nuisance may be abated by the city at the owner's expense. As indicated by section 60-19, the owner of land upon which a mobile home sits is a responsible owner in the event that mobile home is declared to be a public nuisance. Both the owner of the mobile home and the owner of the land upon which the mobile home sits shall be responsible for vacation and abatement of the public nuisance.</p>	<p>MAIN STRUCTURE THROUGHOUT</p> <p>Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.</p> <p>*ALL ELECTRICAL, MECHANICAL, PLUMBING AND STUCTURAL COMPONENTS THROUGHOUT THE STRUCTURE ARE TO BE BROUGHT TO MINIMUM CODE REQUIREMENTS WITH NECESSARY PERMITS AS REQUIRED TO MEET THE CITY CODES.</p> <p>*IF CHOSEN TO DEMOLISH, PERMIT MUST BE PULLED AND FINALIZED.</p> <p>*BUILDING NEEDS ENGINEERS REPORT. REPAIR PER ENGINEER'S REPORT. BUILDING PERMIT REQUIRED.</p>	01/11/2023
<p>60-192(12) - Dangerous Structure or Premise - Abandoned Whenever the condition or maintenance of the premise creates a nuisance that endangers the health and safety of the residents or public.</p>	<p>MAIN STRUCTURE THROUGHOUT</p> <p>Demolish the abandoned structure or premises, OR, repair, replace, or renovate the abandoned building or structure to a state such that it is no longer a nuisance or hazard to the public.</p>	01/11/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(2) - Dangerous Structure or Premise - Walking Surface</p> <p>For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:</p> <p>(2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn or loose, torn or otherwise unsafe so as to not provide safe and adequate means of egress.</p>	<p>MAIN STRUCTURE THROUGHOUT</p> <p>Repair or replace walking surface of any aisle, passageway, stairway, exit, or other means of egress that is unsafe and does not provide safe and adequate means of egress.</p> <p>*REPAIR AND REPLACE ANY AND ALL DAMAGED EXTERIOR DOORS AND DOOR JAMS AND MUST BE IN GOOD WORKING ORDER.</p> <p>*REPAIR AND REPLACE ANY AND ALL DAMAGED FLOORING THROUGHOUT THE STRUCTURE.</p> <p>*OBTAIN FINAL ON PERMIT AND REPAIR OR REPLACE DAMAGE DECKING, RAILING, JOIST, BEAMS, HANDRAIL, AND STAIRS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.</p>	01/11/2023

Violation	Corrective Action	Compliance Due Date
60-192(3) - Dangerous Structure or Premise - Damaged	MAIN STRUCTURE THROUGHOUT	01/11/2023
<p>For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:</p>	<p>Repair or replace any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.</p>	
<p>(3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.</p>	<p>*REPAIR OR REPLACE ALL DAMAGED WALL COMPONENTS, INCLUDING: FRAMING, SHEETING, AND COVERINGS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.</p>	
	<p>*REPAIR/REPLACE ANY MISSING, ROTTED OR DAMAGED WINDOWS/WINDOW FRAMES. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.</p>	
	<p>*SCRAPE LOOSE PAINT, REPAIR WHERE NEEDED AND PAINT TO MATCH.</p>	
	<p>*REPAIR/REPLACE ANY BROKEN, MISSING, DAMAGED OR ROTTED DRYWALL/PANELING/WALL COVERING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.</p>	
	<p>*REPLACE ALL SMOKE DETECTORS PER CODE AFTER FIRE.</p>	
	<p>*REPAIR AND REPLACE ANY AND ALL DAMAGED FLOORING THROUGHOUT THE STRUCTURE.</p>	
	<p>*REPAIR OR REPLACE ALL DAMAGED OR MISSING DOORS AND OR JAMS AS NEEDED. OBTAIN FINAL ON PERMIT REQUIRED IF CHANGING OPENING SIZE</p>	
	<p>*REPAIR OR REPLACE ALL DAMAGED OR MISSING WINDOWS AS NEEDED. PERMIT REQUIRED IF CHANGING OPENING SIZE.</p>	

Violation	Corrective Action	Compliance Due Date
<p>60-192(5) - Dangerous Structure or Premise - Dilapidated or Deteriorated</p>	<p>MAIN STRUCTURE THROUGHOUT</p>	<p>01/11/2023</p>
<p>For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (5) The building or structure, or part of a structure, because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.</p>	<p>Repair or replace the building or structure, or part of a structure which is likely to partially or completely collapse because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.</p> <p>*BUILDING NEEDS ENGINEERS REPORT. REPAIR PER ENGINEER'S REPORT. BUILDING PERMIT REQUIRED.</p>	
<p>60-192(6) - Dangerous Structure or Premise - Unsafe</p>	<p>MAIN STRUCTURE THROUGHOUT</p>	<p>01/11/2023</p>
<p>For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.</p>	<p>Vacate and secure any structure that is clearly unsafe for its use and occupancy, OR, demolish the structure after obtaining required permit, OR repair or replace the building or structure, or any portion thereof, that is clearly unsafe for its use and occupancy.</p>	

Violation	Corrective Action	Compliance Due Date
<p>60-192(9) - Dangerous Structure or Premise - Unsanitary, Unfit for Habitation</p> <p>For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:</p> <p>(9) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise is determined by the administrator to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness of disease.</p>	<p>MAIN STRUCTURE THROUGHOUT</p> <p>Vacate and secure the structure or premises, OR, repair, replace, and/or sanitize any building or structure determined to be unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease.</p> <p>*HAVE A LICENSED MECHANICAL CONTRACTOR INSPECT THE ENTIRE MECHANICAL SYSTEM AND PROVIDE A COPY OF THE FINDING. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE MECHANICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED MECHANICAL CONTRACTOR.</p> <p>*HAVE A LICENSED PLUMBING CONTRACTOR INSPECT THE ENTIRE PLUMBING SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE PLUMBING SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED PLUMBING CONTRACTOR.</p> <p>*HAVE A LICENSED ELECTRICAL CONTRACTOR INSPECT THE ENTIRE ELECTRICAL SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE ELECTRICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED ELECTRICAL CONTRACTOR.</p>	<p>01/11/2023</p>
<p>60-194 - Defacing and Removing Placard</p> <p>No person shall deface or remove the placard, except as authorized by the administrator.</p>	<p>Replace or restore defaced or removed placard.</p>	<p>01/11/2023</p>

If not occupied, the structure is to remain vacant and unoccupied until occupancy is authorized by this office.

If the structure 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 may seek a court order directing you to vacate the structure, pursuant to Section 60-191 and 60-192 of the Municipal Code of the City of Des Moines, Iowa.

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. Should you have any 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 over a year, there may be zoning issues, which may affect the renovation plans. Please contact the Development Zoning Division at (515) 283-4207 to determine if there is anything you should be aware of.

If you decide to demolish the building or take the structure down, you will need a demolition permit.

If you cannot renovate or demolish the structure, contact me to discuss allowing the City to remove the structure. There will be costs billed out to you and possibly a judgment. It may be cheaper for you to remove the structure yourself.

If you no longer own this property, please let us know.

Unpaid costs may be collected by personal judgment, collection, or assessment to be collected as a property tax.

Should you have any questions, feel free to call. I can usually be reached between 8:00 a.m. and 9:00 a.m., Monday through Friday.

Thank you for your help,

Respectfully,



Kevin Pyles
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4122
KEPyles@dmgov.org