



Roll Call Number

Agenda Item Number

34C

Date May 8, 2023

ABATEMENT OF PUBLIC NUISANCE AT 822 35th STREET

WHEREAS, the property located at 822 35th Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the structure (commercial building) in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, Patrick J. Haege, was notified more than thirty days ago to repair or demolish the structure (commercial building) 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 structure (commercial building) on the real estate legally described as The North 44 feet of Lots 39 and 40 (except the West 7 feet thereof) in W.W. LYON'S ADDITION TO LYONS PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 822 35th 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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

34C



05-03-2023 01:16 PM



05-03-2023 01:16 PM



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	822 35TH ST				
City	DES MOINES	Zip	50312	Jurisdiction	Des Moines
District/Parcel	090/04743-000-000	Geoparcels	7824-06-182-013	Status	Active
School	Des Moines	Nbhd/Pocket	DM54/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Austin Viggers 515-286-3958		

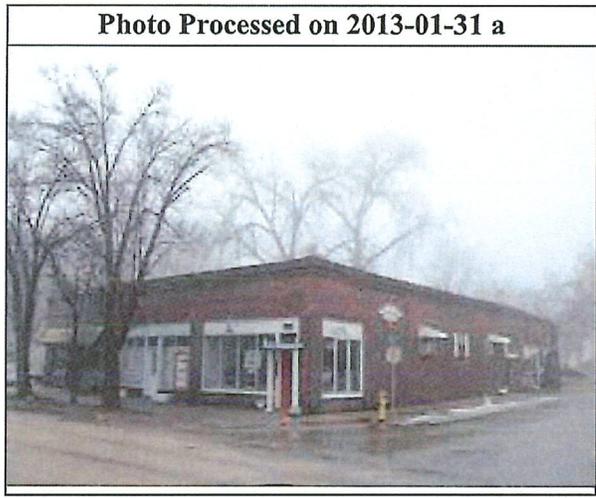
Map and Current Photos - 1 Record

Click on parcel to get a new listing

ROLLINS AVE

3518 3516 822 820 35TH ST 821 817 813

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



[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	HAEGE, PATRICK J	2014-04-09	15151/630

Legal Description and Mailing Address

-EX W 7 FT- N 44 FT LOTS 39 & 40 W W LYONS ADD TO LYONS PARK	PATRICK J HAEGE 822 35TH ST DES MOINES, IA 50312-3204
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Current Values

Type	Class	Kind	Land	Bldg	Total
2023 Assessment Roll	Commercial	Full	\$15,800	\$93,200	\$109,000
2022 Value	Commercial	Full	\$13,200	\$78,100	\$91,300

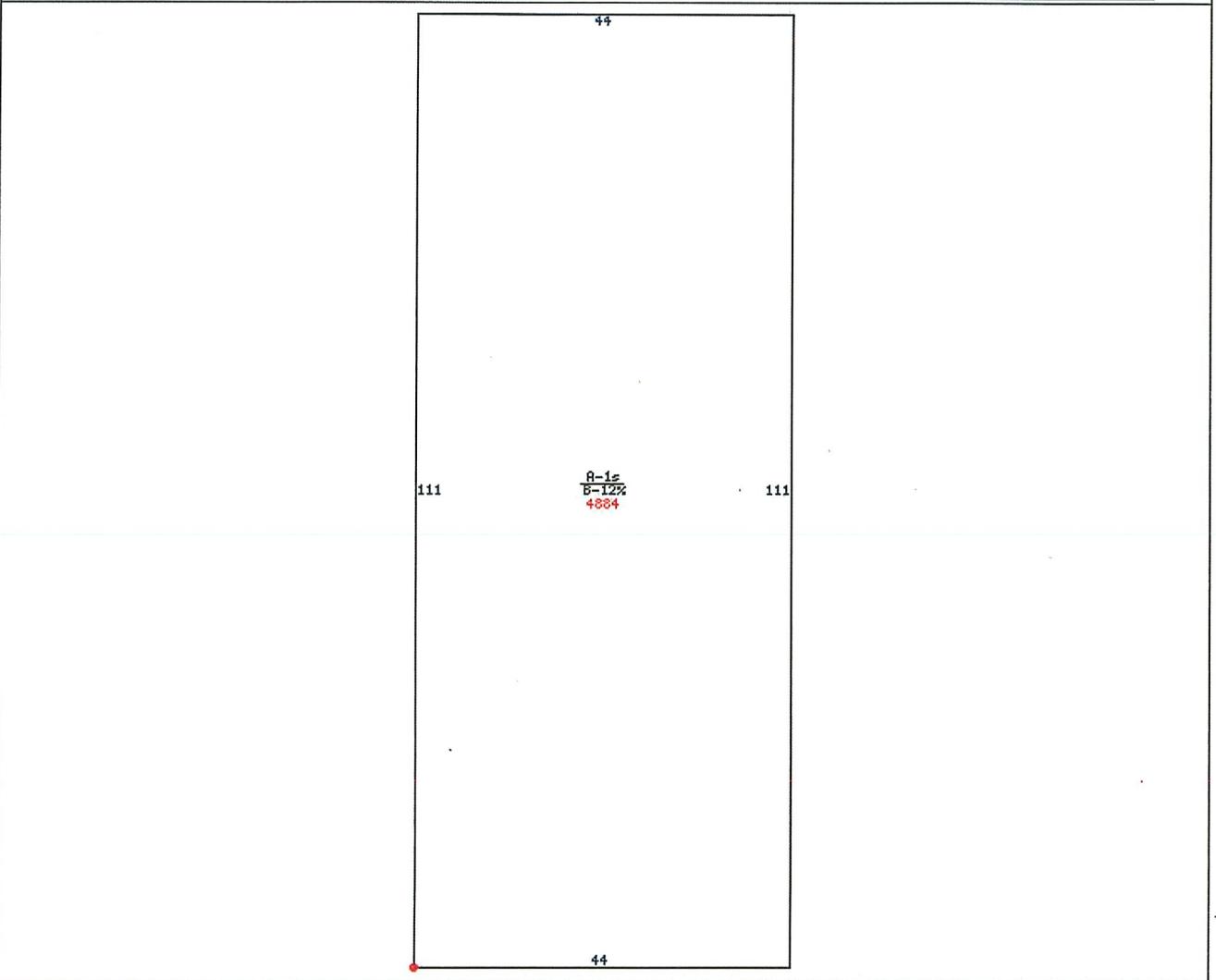
[Assessment Roll Notice](#) [Unadjusted Cost Report](#)

Auditor Adjustments to Value

Category	Name	Information
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Category		Name	Information		
2022 Business Property Tax Exemption		HAEGE PATRICK J	Names and Unit Determination as of July 1, 2022		
Zoning - 1 Record					
Zoning	Description		SF	Assessor Zoning	
MX1	MX1 Mixed Use District				
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	4,972	Acres	0.114	Frontage	44.0
Depth	113.0	Topography	Blank	Shape	Rectangle
Vacancy	Blank	Unbuildable	Blank		
Commercial Summary					
Occupancy	Retail	Age, Weighted	1917	Total Story Height	1
Land Area	4,972	Gross Area	4,884	Finished Area	4,884
Unfinished Bsmt Area	586	Finished Bsmt Area	0	Number of Units	0
Primary Group	Retail Small	Percent Primary Group	89.29	Percent Secondary Group	0.00
Grade, Weighted	5/Grade 5	Bldg Class, Weighted	4/Frame, Concrete Blk, Tile, Tilt Up	Condition, Weighted	BN/Below Normal
Ground Floor Area	4,884	Perimeter	310		
Commercial Sections - 1 Record					
Commercial Section #101					
Occupant	MULTI TENANT				
Section Multiplier	1	Occupancy	Retail	Foundation	Concrete
Exterior Wall	Concrete Block or Tile	Brick Veneer	1,240	Roof	Flat
Roof Material	Built-up	Wiring	Adequate	Plumbing	Adequate
Total Story Height	1	Frame Type	Frame	Fireproof Construction	No
Bldg Class	Frame, Concrete Blk, Tile, Tilt Up	Total Section Area	5,470	Ground Floor Area	4,884
Perimeter	310	Grade	5+00	Year Built	1917
Condition	Below Normal				

Commercial Groups - 2 Records					
Commercial Group #101 1					
Use Code	Retail Small	Base Story	1	Number Stories	1
Total Group Area	4,884	Base Floor Area	4,884	Heating	Unit
Air Conditioning	None	Exhaust System	No		
Comment	Flock and Des Moines Zen Center				
Commercial Group #101 2					
Use Code	Basement Entire	Number Stories	1	Total Group Area	586
Base Floor Area	586	Heating	None	Air Conditioning	None
Exhaust System	No				



Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
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Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
IRVING LLC	HAEGE, PATRICK J	2014-04-04	\$30,000	Deed	15151/630
HAEGE, PATRICK J	IRVING LLC	2013-08-06	\$21,000	Deed	14921/257
HAEGE, PATRICK J & SHEILA	HAEGE, PATRICK J	2003-10-16	\$105,750	Contract	10220/402 Multiple Parcels

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
IRVING LLC	HAEGE, PATRICK J	2014-04-04	2014-04-09	Warranty Deed Corporate	15151/630
HAEGE, PATRICK J	IRVING LLC	2013-08-06	2013-08-16	Warranty Deed	14921/257

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Commercial	Full	\$13,200	\$78,100	\$91,300
2019	Assessment Roll	Commercial	Full	\$12,000	\$76,600	\$88,600
2017	Assessment Roll	Commercial	Full	\$12,000	\$71,000	\$83,000
2015	Assessment Roll	Commercial	Full	\$10,000	\$66,500	\$76,500
2013	Assessment Roll	Commercial	Full	\$10,000	\$61,500	\$71,500
2011	Assessment Roll	Commercial	Full	\$10,000	\$61,500	\$71,500
2009	Assessment Roll	Commercial	Full	\$10,000	\$65,000	\$75,000
2007	Assessment Roll	Commercial	Full	\$10,000	\$65,000	\$75,000
2005	Assessment Roll	Commercial	Full	\$9,100	\$63,100	\$72,200
2003	Assessment Roll	Commercial	Full	\$7,900	\$59,000	\$66,900
2001	Assessment Roll	Commercial	Full	\$7,460	\$55,700	\$63,160
1999	Assessment Roll	Commercial	Full	\$12,100	\$55,700	\$67,800
1995	Assessment Roll	Commercial	Full	\$11,700	\$54,100	\$65,800
1993	Board Action	Commercial	Full	\$11,100	\$51,500	\$62,600
1993	Assessment Roll	Commercial	Full	\$11,100	\$51,500	\$62,600
1991	Board Action	Commercial	Full	\$10,700	\$49,500	\$60,200
1991	Assessment Roll	Commercial	Full	\$10,700	\$49,500	\$60,200
1991	Was Prior Year	Commercial	Full	\$10,700	\$29,440	\$40,140

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

Case Number: NUIS-2023-000053	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 02/21/2023
	Date of Notice: 03/28/2023
	Date of Inspection: 02/21/2023

PATRICK HAEGE
 3506 ROLLINS AVE
 DES MOINES IA 50312

Address of Property: **822 35TH ST, DES MOINES IA 50312**
 Parcel Number: **782406182013**

Legal Description: **-EX W 7 FT- N 44 FT LOTS 39 & 40 W W LYONS ADD TO LYONS PARK**

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
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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 by repair, rehabilitation, demolition, or any other City-approved corrective action. 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>Vacate the structure.</p>	<p>05/01/2023</p>
<p>60-192(1) - Unsafe and Dangerous Structure or Premise 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 building components damaged to the point to effectively create a nuisance or a violation. All work must be done in a workmanlike manner with all required permits.</p>	<p>05/01/2023</p>
<p>60-192(13) - Unsafe and Dangerous Structure or Premise Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load affects.</p>	<p>Repair or replace all structural members, floors, walls, partitions, projections, and appurtenances to be properly anchored, plumb, and of sound construction. All work must be done in a workmanlike manner with all required permits.</p>	<p>05/01/2023</p>

Violation	Corrective Action	Compliance Due Date
<p>60-192(14) - Unsafe and Dangerous Structure or Premise Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.</p>	<p>Repair or replace sections of building foundation to eliminate conditions that create a violation. All work must be done in a workmanlike manner with all required permits.</p>	05/01/2023
<p>60-192(17) - Unsafe and Dangerous Structure or Premise Roof or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is fatigued or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.</p>	<p>Repair or replace all deficient roof components to provide a sound, weathertight condition that provides positive drainage. All work must be done in a workmanlike manner with all required permits.</p>	05/01/2023
<p>60-192(21) - Unsafe and Dangerous Structure or Premise Stairs, decks, porches, balconies, walking systems, landings, and all similar appurtenances attached thereto, including guards and handrails are not structurally sound, not properly anchored or that anchored with connections not capable of supporting all nominal loads and resisting all load effects.</p>	<p>Repair or replace all stairs, decks, porches, landings and similar elements of building egress, including guards and handrails to a sound and properly anchored condition. All work must be done in a workmanlike manner with all required permits.</p>	05/01/2023
<p>60-192(24) - Unsafe and Dangerous Structure or Premise Mechanical equipment, appliances, fireplaces, boilers, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.</p>	<p>Provide an inspection report from a licensed mechanical contractor for all mechanical systems and appliances. Repair or replace all deficient elements and equipment. All work must be done in a workmanlike manner with all required permits.</p>	05/01/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(25) - Unsafe and Dangerous Structure or Premise Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.</p>	<p>Provide an inspection report from a licensed plumbing contractor for the entire plumbing system. Repair or replace all deficient elements and equipment. All work must be done in a workmanlike manner with all required permits.</p>	<p>05/01/2023</p>
<p>60-192(26) - Unsafe and Dangerous Structure or Premise Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration, or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.</p>	<p>Provide an inspection report from a licensed electrical contractor for all electrical systems and devices. Repair or replace all deficient elements and equipment. All work must be done in a workmanlike manner with all required permits.</p>	<p>05/01/2023</p>
<p>60-194 - Defacing and Removing Placard 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>05/01/2023</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,

A handwritten signature in cursive script that reads "C McClaran".

Charles McClaran
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4143
CWMcClaran@dmgov.org