



**Roll Call Number**

Agenda Item Number  
**BDH 1(B)**

July 28, 2008

**Date**

WHEREAS, the property located at 1008 E 12<sup>th</sup> Street, was inspected by representatives of the City of Des Moines who determined that the structures in their present condition constitute not only a menace to health and safety but are also a public nuisance; and

WHEREAS, the titleholders, Anthony E. Schubert, IRA and Guaranty Bank and Trust Company, Trustee, were notified by personal service more than thirty days ago to repair or demolish the structures 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, SITTING AS THE LOCAL BOARD OF HEALTH:

The structures on the real estate legally described as N 50 F LOTS 7 & 8 BLK 9 STEWARTS ADDITION now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1008 E 12<sup>th</sup> Street have 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 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 structures.

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLFMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



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

**BDH 1(B)**

**DATE OF NOTICE:** April 23, 2008

**DATE OF INSPECTION:** April 14, 2008

**CASE NUMBER:** COD2008-02382

**PROPERTY ADDRESS:** 1008 E 12TH ST

**LEGAL DESCRIPTION:** N 50 F LOTS 7 & 8 BLK 9 STEWARTS ADDITION

**GUARANTY BNK & TRST CO (TRUSTEE)**

Title Holder  
SARA FITZGERALD, TRUST DEP.  
302 3RD AVE SE  
CEDAR RAPIDS IA 52401

**ANTHONY E SCHUBERT, IRA**

Title Holder  
222 3RD ST SE STE 302  
CEDAR RAPIDS IA 52401

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 60-304 and 60-306 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. Failure to correct these violations will result in legal action. The violations noted must be corrected within 30 days from the date of this notice. Failure to correct these violations will result in a request to the City Council, sitting as the board of Health, 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 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 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 Polk 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.

Vince Travis

(515) 283-4077

*Vince Travis*

Nid Inspector

DATE MAILED: 4/23/2008

MAILED BY: JDH

**Areas that need attention:** 1008 E 12TH ST

<b>Component:</b> Wiring <b>Requirement:</b> Electrical Permit <b>Comments:</b>	<b>Defect:</b> Improperly Installed <b>Location:</b> Garage
<b>Component:</b> Exterior Doors/Jams <b>Requirement:</b> Building Permit <b>Comments:</b>	<b>Defect:</b> In poor repair <b>Location:</b> Garage
<b>Component:</b> Exterior Walls <b>Requirement:</b> <b>Comments:</b>	<b>Defect:</b> In poor repair <b>Location:</b> Garage
<b>Component:</b> Exterior Walls <b>Requirement:</b> <b>Comments:</b>	<b>Defect:</b> Absence of paint <b>Location:</b> Garage
<b>Component:</b> Roof <b>Requirement:</b> <b>Comments:</b>	<b>Defect:</b> In disrepair <b>Location:</b> Garage
<b>Component:</b> Soffit/Facia/Trim <b>Requirement:</b> <b>Comments:</b>	<b>Defect:</b> In poor repair <b>Location:</b> Garage
<b>Component:</b> Interior Walls /Ceiling <b>Requirement:</b> <b>Comments:</b>	<b>Defect:</b> In poor repair <b>Location:</b> Garage
<b>Component:</b> Bathroom Lavatory <b>Requirement:</b> Plumbing Permit <b>Comments:</b>	<b>Defect:</b> Improperly Installed <b>Location:</b> Main Structure





BDH (B)

**Component:** Foundation  
**Requirement:** Engineering Report  
**Defect:** Deteriorated  
**Location:** Main Structure  
**Comments:**

**Component:** Foundation  
**Requirement:** Building Permit  
**Defect:** Deteriorated  
**Location:** Main Structure  
**Comments:**

**Component:** Furnace  
**Requirement:** Mechanical Permit  
**Defect:**  
**Location:** Main Structure  
**Comments:** INSTALLED WITHOUT PERMIT

**Component:** Hand Rails  
**Requirement:** Building Permit  
**Defect:** Missing  
**Location:** Main Structure  
**Comments:**

**Component:** Interior Stairway  
**Requirement:** Building Permit  
**Defect:** In poor repair  
**Location:** Main Structure  
**Comments:**

**Component:** Interior Walls /Ceiling  
**Requirement:**  
**Defect:** In poor repair  
**Location:** Main Structure  
**Comments:**


**Component:** Mechanical System  
**Requirement:** Mechanical Permit  
**Defect:** In poor repair  
**Location:** Main Structure  
**Comments:**

**Component:** Plumbing System  
**Requirement:** Plumbing Permit  
**Defect:** In poor repair  
**Location:** Main Structure  
**Comments:**

**Component:** Roof  
**Requirement:**  
**Defect:** In poor repair  
**Location:** Main Structure  
**Comments:**

**BDH** 1(B)

<b>Component:</b> Kitchen Sink <b>Requirement:</b> Plumbing Permit <b>Comments:</b> KITCHEN & BATH	<b>Defect:</b> Improperly Installed <b>Location:</b> Main Structure
<b>Component:</b> Smoke Detectors <b>Requirement:</b> <b>Comments:</b>	<b>Defect:</b> Missing <b>Location:</b> Main Structure
<b>Component:</b> Water Heater <b>Requirement:</b> Plumbing Permit <b>Comments:</b>	<b>Defect:</b> In poor repair <b>Location:</b> Main Structure
<b>Component:</b> Windows/Window Frames <b>Requirement:</b> <b>Comments:</b>	<b>Defect:</b> In poor repair <b>Location:</b> Main Structure

*Polk County Assessor* 

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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
040/04385-000-000	7824-03-205-032	0359	DM87/A	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
I/Des Moines					
Street Address	City State Zipcode				
1008 E 12TH ST	DES MOINES IA 50316-2946				



Approximate date of photo 12/02/2004

**Mailing Address**

CONTRACT LEXCHANGE CORPORATION  
POB 8162  
CEDAR RAPIDS, IA 52408-8162

**Legal Description**

N 50 F LOTS 7 & 8 BLK 9 STEWARTS ADDITION

Ownership	Name	Transfer	Book/Page	RevStamps
Title Holder #1	ANTHONY E SCIUBERT, IRA	04/04/2007	12135/586	
Title Holder #2	GUARANTY BNK & TRST CO (TRUSTEE)			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	7,300	51,900	0	59,200



