★ **Roll Call Number**

Agenda Item Number
43E

Date April 25, 2016

ABATEMENT OF PUBLIC NUISANCE AT 3611 E 43rd COURT

WHEREAS, the property located at 3611 E 43rd Court, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the fire-damaged 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, Brandy M Sundt, and the Mortgage Holder, Wells Fargo Bank, NA, were notified via personal service more than thirty days ago to repair or demolish the fire-damaged 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 fire-damaged main structure on the real estate legally described as Lot 56 in SUNRISE ESTATES PLAT NO. 1, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa and locally known as 3611 E 43rd Court, 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.

FORM APPROVED:

Jessica D. Spoden, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

_____ Mayor

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.

_____ City Clerk

43 E

CITY OF DES MOINES
COMMUNITY DEVELOPMENT

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

DATE OF NOTICE: March 1, 2016 **DATE OF INSPECTION: January 29, 2016**

CASE NUMBER: COD2016-00338

PROPERTY ADDRESS: 3611 E 43RD CT

LEGAL DESCRIPTION: LOT 56 SUNRISE ESTATES PLAT #1

BRANDY M SUNDT
Title Holder
3611 E 43RD CT
DES MOINES IA 50317-4061

WELLS FARGO BANK, NA
Mortgage Holder
CORP. SERVICE COMP. REG. AGENT
505 5TH AVENUE SUITE 729
DES MOINES IA 50309

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. 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, 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 COMPONETS 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.

Justin S. Denning

(515) 237-1484

Nid Inspector

DATE MAILED: 3/1/2016 MAILED BY: JDH

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Areas that need attention: 3611 E 43RD CT

Component:	Interior Walls /Ceiling	**Defect:**	Fire damaged
Requirement:	Building Permit	**Location:**	Kitchen
Comments:			

Component:	Floor Joists/Beams	**Defect:**	Fire damaged
Requirement:	Building Permit	**Location:**	Kitchen
Comments:			

Component:	Flooring	**Defect:**	Fire damaged
Requirement:	Building Permit	**Location:**	Kitchen
Comments:			

Component:	Electrical Service	**Defect:**	Fire damaged
Requirement:	Electrical Permit	**Location:**	Kitchen
Comments:			

Component:	Mechanical System	**Defect:**	Smoke Damage
Requirement:	Mechanical Permit	**Location:**	Throughout
Comments:			

Component:	Plumbing System	**Defect:**	Fire damaged
Requirement:	Plumbing Permit	**Location:**	Kitchen
Comments:			

Component:	Interior Walls /Ceiling	**Defect:**	Smoke Damage
Requirement:	Building Permit	**Location:**	Throughout
Comments:			

Component:	Accessory Buildings	**Defect:**	See Comments
Requirement:		**Location:**	Garage
Comments:	The garage in its current condition does not constitute a public nuisance. However, if the primary structure is demolished and no primary structure is immediately built on the property, the garage must be demolished as well because it is an accessory use only pursuant to Des Moines Municipal Code Section 134-343.		

Component:	Exterior Walls	**Defect:**	Fire damaged
Requirement:	Building Permit	**Location:**	Kitchen

Comments:

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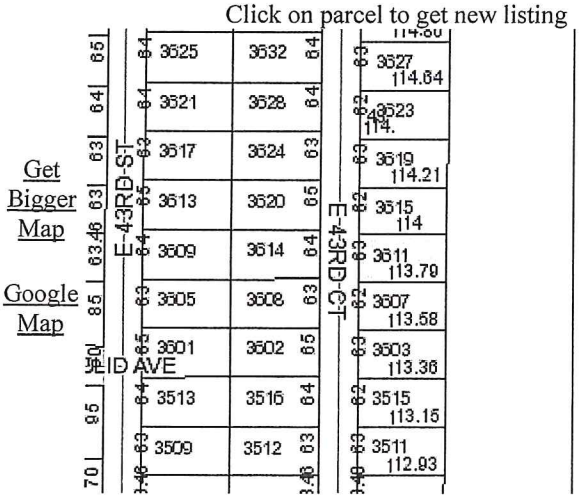
Polk County Assessor Iowa

[Home] [General Query] [Legal Query] [HomeOwner Query] [Book/Page Query] [Commercial Query] [Res Sales Query] [Comm Sales Query] [Help]

District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
060/07934-856-000	7923-28-205-011	0906B	DM01/D	DES MOINES	ACTIVE
School District	**Tax Increment Finance District**	**Bond/Fire/Sewer/Cemetery**			
3/Southeast Polk					
Street Address		**City State Zipcode**			
3611 E 43RD CT		**DES MOINES IA 50317-4061**			

Click on parcel to get new listing



Approximate date of photo 03/22/2011

Mailing Address
BRANDY M SUNDT 3611 E 43RD CT DES MOINES, IA 50317-4061

Legal Description
LOT 56 SUNRISE ESTATES PLAT #1

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	SUNDT, BRANDY M	2008-02-04	12531/781	204.00

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	22,900	131,300	0	154,200

Market Adjusted Cost Report Estimate Taxes Polk County Treasurer Tax Information Pay Taxes

Taxable Value Credit	Name	Number	Info
Homestead	SUNDT, BRANDY M	220333	

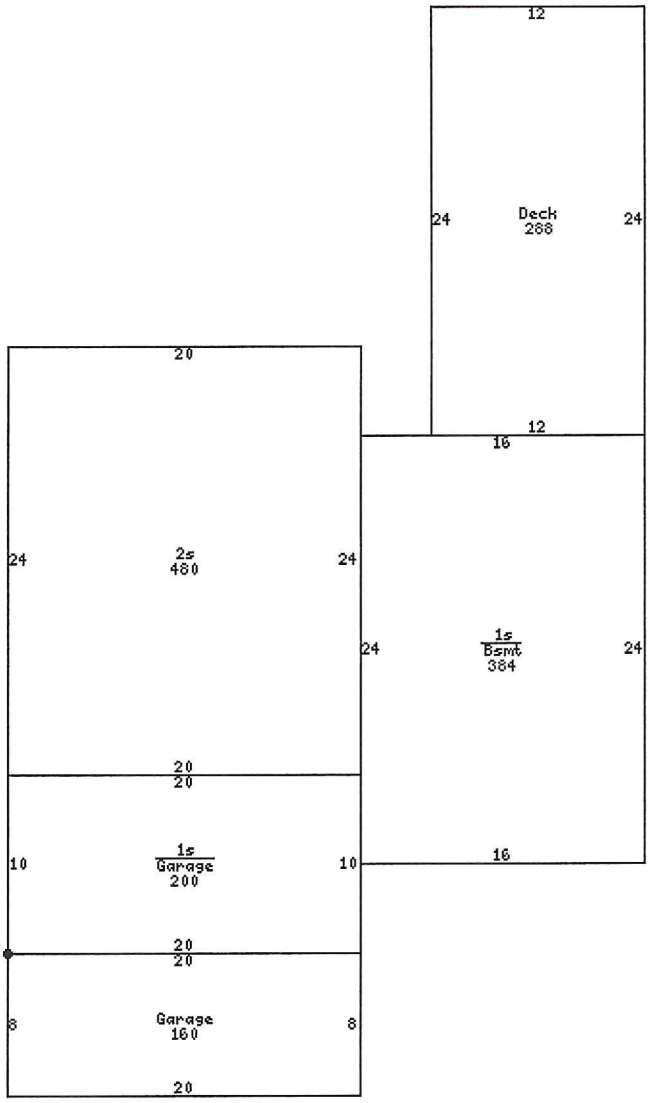
Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential

Source: City of Des Moines Community Development **Published:** 2012-03-20 **Contact:** Planning and Urban Design 515 283-4182

Land					
SQUARE FEET	7,175	**FRONTAGE**	63.0	**DEPTH**	114.0
ACRES	0.165	**YR PLATTED**	1993	**SHAPE**	RC/Rectangle
TOPOGRAPHY	N/Normal				

Residence # 1					
OCCUPANCY	SF/Single Family	**RESID TYPE**	SL/Split Level	**BLDG STYLE**	4S/4 Split
YEAR BUILT	1994	**# FAMILIES**	1	**GRADE**	4
GRADE ADJUST	+05	**CONDITION**	NM/Normal	**TSFLA**	1,544
MAIN LV AREA	864	**UPPR LV AREA**	680	**ATT GAR AREA**	360
BSMT AREA	384	**DECK AREA**	288	**VENEER AREA**	64
FOUNDATION	P/Poured Concrete	**EXT WALL TYP**	MF/Mixed Frame	**ROOF TYPE**	GB/Gable
ROOF MATERL	A/Asphalt Shingle	**FIREPLACES**	1	**HEATING**	A/Gas Forced Air
AIR COND	100	**BATHROOMS**	2	**TOILET ROOMS**	1
BEDROOMS	3				

43E



Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
GRITTON, CHERYL E	SUNDT, BRANDY	2008-01-28	127,700	D/Deed	12531/781
MIDLAND HOMES, INC	GRITTON, CHERYL E	1994-07-27	114,900	D/Deed	7067/844
IOWA REALTY CO INC	MIDLAND HOMES, INC	1994-03-23	308,000	D/Deed	6984/350 Multiple Parcels

Year	Type	Status	Application	Permit/Pickup Description
Current	U/Pickup	PA/Pass	2016-03-07	CL/Correct Data CONDITION
1997	P/Permit	CP/Complete	1996-07-16	AD/DECK (232 sf) (Cost $1,969)
1995	P/Permit	CP/Complete	1994-01-17	New House

Year	Type	Class	Kind	Land	Bldg	AgBd	Total

2015	Assessment Roll	Residential	Full	22,900	131,300	0	154,200
2013	Assessment Roll	Residential	Full	20,700	121,100	0	141,800
2011	Assessment Roll	Residential	Full	20,700	118,300	0	139,000
2009	Assessment Roll	Residential	Full	22,500	127,000	0	149,500
2007	Assessment Roll	Residential	Full	22,500	127,000	0	149,500
2005	Assessment Roll	Residential	Full	19,900	126,000	0	145,900
2003	Assessment Roll	Residential	Full	18,170	115,640	0	133,810
2001	Assessment Roll	Residential	Full	16,540	103,150	0	119,690
2000	Assessment Roll	Residential	Full	21,380	111,640	0	133,020
1999	Assessment Roll	Residential	Full	21,380	103,440	0	124,820
			Adj	21,380	4,000	0	25,380
1997	Assessment Roll	Residential	Full	20,000	103,440	0	123,440
			Adj	20,000	4,000	0	24,000
1995	Assessment Roll	Residential	Full	14,600	99,440	0	114,040
			Adj	14,600	0	0	14,600
1994	Assessment Roll	Residential	Full	140	0	0	140
1994	Was Prior Year	Residential	Full	140	0	0	140

email this page

Room 195, 111 Court Avenue, Des Moines, IA 50309
Phone 515 286-3140 / Fax 515 286-3386
polkweb@assess.co.polk.ia.us

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