



**Roll Call Number**

Agenda Item Number

53A

Date March 7, 2022

**ABATEMENT OF PUBLIC NUISANCE AT 4116 E 28<sup>TH</sup> STREET**

WHEREAS, the property located at 4116 E 28<sup>th</sup> 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 Contract Buyers, Scott Boodry and Rebecca Boodry, and Title Holder, David M. Klein, 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 The North ½ of Lot 191 in DOUGLAS ACRES PLAT 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 4116 E 28<sup>th</sup> 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:

Judy Parks-Kruse  
Judy K. Parks-Kruse, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
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



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

Case Number: NUIS-2021-000072	
<b>Notice of Violation</b>	Case Type: Public Nuisance
	Case Opened: 12/20/2021
	Date of Notice: 01/04/2022
	Date of Inspection: 07/26/2021

DAVID M KLEIN  
218 MARLOU PKWY  
DES MOINES IA 50320

Address of Property: 4116 E 28TH ST, DES MOINES IA 50317  
Parcel Number: 792319426023  
Legal Description: N 1/2 LOT 191 DOUGLAS ACRES PLAT 2

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
60-191 - Vacation and Abatement	MAIN STRUCTURE THROUGHOUT Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	02/04/2022
60-192(1) - Dangerous Structure or Premise - Door, Stairway, Exit	MAIN STRUCTURE THROUGHOUT Repair or replace any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to the approved building or fire code.	02/04/2022
60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction	MAIN STRUCTURE THROUGHOUT Vacate and secure the structure or premises, OR, demolish the structure after obtaining required demolition permit, OR, repair or replace insufficient construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause that is a threat to life or health.	02/04/2022

60-192(15) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT Repair or replace the unsafe or unlawful structure OR demolish the structure.	02/04/2022
60-192(2) - Dangerous Structure or Premise - Walking Surface	MAIN STRUCTURE THROUGHOUT 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.	02/04/2022
60-192(6) - Dangerous Structure or Premise - Unsafe	MAIN STRUCTURE THROUGHOUT 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.	02/04/2022
60-192(7) - Dangerous Structure or Premise - Attractive Nuisance, Harbor for Vagrants	MAIN STRUCTURE THROUGHOUT Vacate and secure the structure, OR, repair or replace the building or structure that is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.	02/04/2022

60-192(9) - Dangerous Structure or Premise  
- Unsanitary, Unfit for Habitation

MAIN STRUCTURE THROUGHOUT

02/04/2022

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.

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.

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.

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REPAIR AND REPLACE ANY AND ALL DAMAGED EXTERIOR DOORS AND DOOR JAMS AND MUST BE IN GOOD WORKING ORDER.

REPAIR AND REPLACE ANY AND ALL DAMAGED FLOORING THROUGHOUT THE STRUCTURE.

REPAIR OR REPLACE ALL DAMAGED OR MISSING DOORS AND OR JAMS AS NEEDED. OBTAIN FINAL ON PERMIT REQUIRED IF CHANGING OPENING SIZE

REPAIR OR REPLACE ALL DAMAGED OR MISSING WINDOWS AS NEEDED. PERMIT REQUIRED IF CHANGING OPENING SIZE.

OBTAIN FINAL ON PERMIT TO REPAIR OR REPLACE OF ANY DAMAGED OR MISSING EXTERIOR WALLS.

OBTAIN FINAL ON PERMIT AND HAVE LICENSED CONTRACTOR REPAIR OR REPLACE DAMAGE DECKING, RAILING,

JOIST, BEAMS, HANDRAIL, AND STAIRS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS. HAVE LICENSED CONTRACTOR CHECK AND OBTAIN FINAL ON PERMIT REPLACE ALL DAMAGE AND DETERIORATED TRUSSES. REPLACE ANY DAMAGED ROOFING MATERIAL. PER CITY CODE SHINGLES LIMITED TO ONE LAYER. ANY STRUCTURAL REPAIRS WILL REQUIRE A PERMIT REPLACE ALL DAMAGED ROOFING COMPONENTS BY LICENSED CONTRACTOR. BUILDING PERMIT REQUIRED IF REPLACING SHEETING. REPAIR/REPLACE ANY BROKEN, MISSING, DAMAGED OR ROTTED SIDING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.

60-194 - Defacing and Removing Placard

Replace or restore defaced or removed placard.

02/04/2022

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.

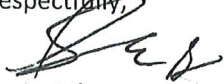
If you no longer own this property, please let us know.

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 black ink, appearing to read 'Kevin Pyles', written over the word 'Respectfully,'.

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

53A



City of Des Moines  
400 Robert D. Ray Drive  
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Case Number: NUIS-2021-000072	
<b>Notice of Violation</b>	Case Type: Public Nuisance
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REBECCA BOODRY  
4116 E 28TH ST  
DES MOINES IA 50317

Address of Property: 4116 E 28TH ST, DES MOINES IA 50317  
Parcel Number: 792319426023  
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Respectfully,



Kevin Pyles

Neighborhood Inspector

Neighborhood Services

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KEPyles@dmgov.org



S3A



2022/02/15  
11:28:36



2022/02/15  
11:28:48



2022/02/15  
11:28:57

# 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](mailto:polkweb@assess.co.polk.ia.us)

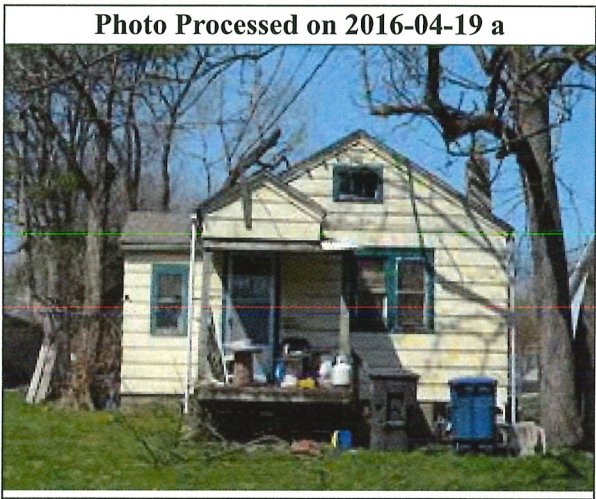
Location					
<b>Address</b>	4116 E 28TH ST				
<b>City</b>	DES MOINES	<b>Zip</b>	50317	<b>Jurisdiction</b>	Des Moines
<b>District/Parcel</b>	060/01595-000-000	<b>Geoparcels</b>	7923-19-426-023	<b>Status</b>	<a href="#">Active</a>
<b>School</b>	Des Moines	<b>Nbhd/Pocket</b>	DM03/Z	<b>Tax Authority Group</b>	DEM-C-DEM-77131
<b>Submarket</b>	Northeast Des Moines	<b>Appraiser</b>	Victor Scaglione 515-286-3898		

### Map and Current Photos - 1 Record

**Click on parcel to get a new listing**

4143			
4141		4140	4141
		4136	
4137			4131
		4124	4127
4125		4116	4121
4119		4110	4115
4117			4107
4109		4104	4101
4103			4035
4041			4031
4029		4030	

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



### [Historical Photos](#)

### Ownership - 3 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	KLEIN, DAVID M	2021-06-29	<a href="#">18614/855</a>
Contract Buyer	1	BOODRY, REBECCA	2021-08-04	<a href="#">18682/515</a>
Contract Buyer	2	BOODRY, SCOTT	2021-08-04	<a href="#">18682/515</a>

### Legal Description and Mailing Address

N 1/2 LOT 191 DOUGLAS ACRES PLAT 2	DAVID MARVIN KLEIN 218 MARLOU PKWY DES MOINES, IA 50320-6934
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### Current Values

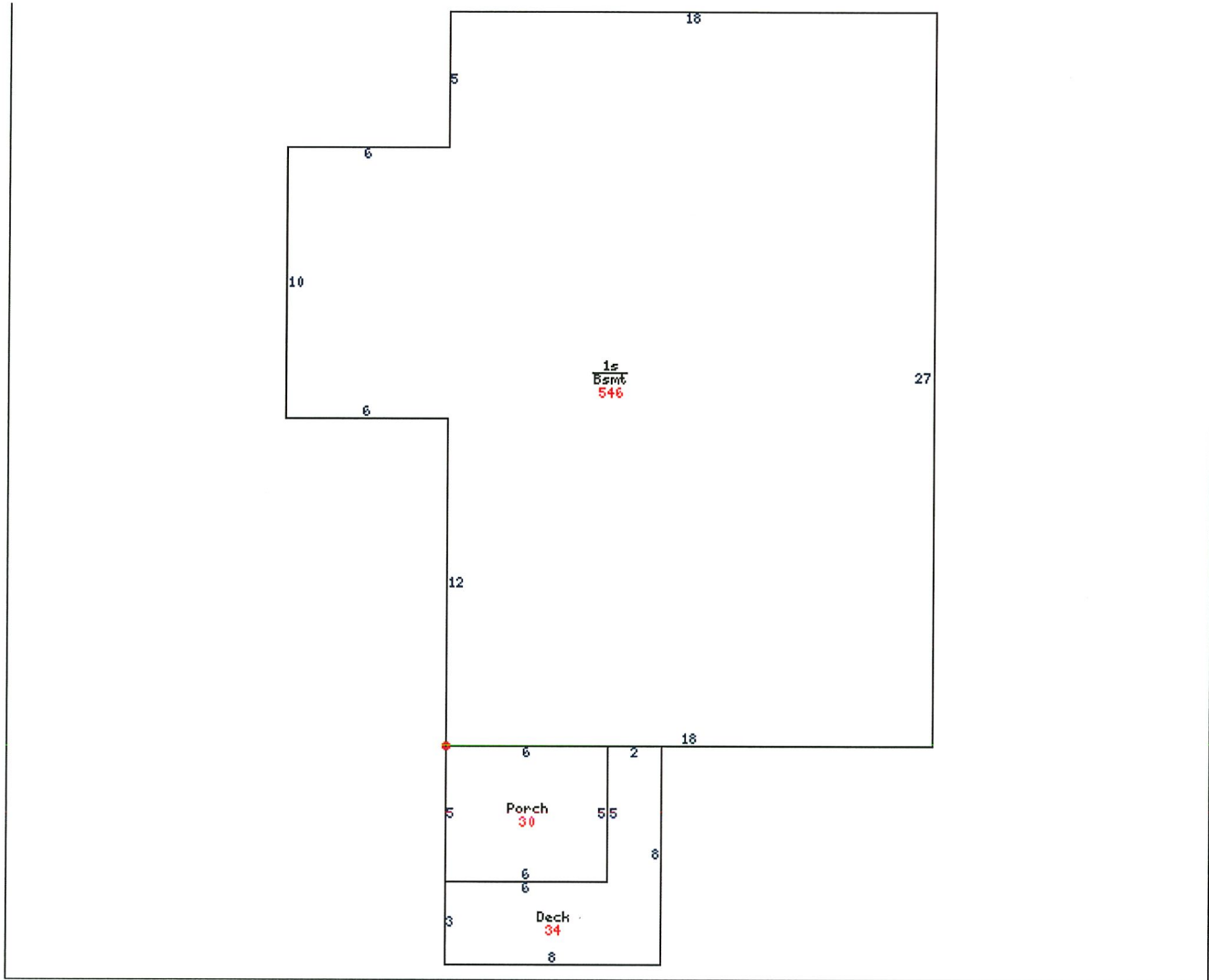
Type	Class	Kind	Land	Bldg	Total
2021 Value	Residential	Full	\$30,900	\$19,900	\$50,800

[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

### Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
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<b>Zoning</b>	<b>Description</b>		<b>SF</b>	<b>Assessor Zoning</b>	
N1B	N1b Neighborhood District			Residential	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
<b>Land</b>					
<b>Square Feet</b>	19,813	<b>Acres</b>	0.455	<b>Frontage</b>	55.0
<b>Depth</b>	357.0	<b>Topography</b>	Normal	<b>Shape</b>	Rectangle
<b>Vacancy</b>	No	<b>Unbuildable</b>	No		
<b>Residences - 1 Record</b>					
<b>Residence #1</b>					
<b>Occupancy</b>	Single Family	<b>Residence Type</b>	1 Story	<b>Building Style</b>	Bungalow
<b>Year Built</b>	1929	<b>Number Families</b>	1	<b>Grade</b>	5+00
<b>Condition</b>	Poor	<b>Total Square Foot Living Area</b>	546	<b>Main Living Area</b>	546
<b>Basement Area</b>	546	<b>Open Porch Area</b>	30	<b>Deck Area</b>	34
<b>Foundation</b>	Poured Concrete	<b>Exterior Wall Type</b>	Hardboard	<b>Roof Type</b>	Gable
<b>Roof Material</b>	Asphalt Shingle	<b>Heating</b>	Gravity Hot Air	<b>Air Conditioning</b>	0
<b>Number Bathrooms</b>	1	<b>Bedrooms</b>	1	<b>Rooms</b>	3



**Sales - 2 Records**

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
KLEIN, DAVID MARVIN	BOODRY, REBECCA	<a href="#">2021-07-29</a>	\$70,000	Deed	<a href="#">18682/515</a>
SHEPHERD, DENNIS EUGENE ESTATE	KLEIN, DAVID MARVIN	<a href="#">2021-06-27</a>	\$34,000	Deed	<a href="#">18614/855</a>

**Recent Ownership Transfers**

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
KLEIN, DAVID MARVIN	BOODRY, REBECCA BOODRY, SCOTT	2021-07-29	2021-08-04	Contract	<a href="#">18682/515</a>
SHEPHERD, DENNIS EUGENE DAUT, ALAN M	KLEIN, DAVID MARVIN	2021-06-27	2021-06-29	Court Officer Deed	<a href="#">18614/855</a>

Permits - 5 Records					
Year	Type	Permit Status	Application	Reason	Reason1
Current	Pickup	Pass	2021-12-16	Correct Data	CONDITION
2012	Permit	Complete	2011-08-16	Remove	GARAGE (320 sf)
2000	Permit	Cancel	1997-10-06	Construction	GARAGE (720 sf) (Cost \$12,268)
1999	Permit	Pass	1997-10-06	Construction	GARAGE (720 sf) (Cost \$12,268)
1998	Permit	Pass	1997-10-06	Construction	GARAGE (720 sf) (Cost \$12,268)

#### Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<a href="#">Assessment Roll</a>	Residential	Full	\$30,900	\$19,900	\$50,800
2019	<a href="#">Assessment Roll</a>	Residential	Full	\$29,100	\$18,600	\$47,700
2017	<a href="#">Assessment Roll</a>	Residential	Full	\$24,300	\$28,400	\$52,700
2015	<a href="#">Assessment Roll</a>	Residential	Full	\$23,500	\$28,100	\$51,600
2013	<a href="#">Assessment Roll</a>	Residential	Full	\$22,300	\$27,700	\$50,000
2012	<a href="#">Assessment Roll</a>	Residential	Full	\$22,300	\$27,900	\$50,200
2011	<a href="#">Assessment Roll</a>	Residential	Full	\$22,300	\$28,000	\$50,300
2009	<a href="#">Assessment Roll</a>	Residential	Full	\$23,800	\$30,800	\$54,600
2007	<a href="#">Assessment Roll</a>	Residential	Full	\$23,800	\$30,800	\$54,600
2005	<a href="#">Assessment Roll</a>	Residential	Full	\$25,300	\$29,500	\$54,800
2003	<a href="#">Assessment Roll</a>	Residential	Full	\$22,510	\$26,610	\$49,120
2001	<a href="#">Assessment Roll</a>	Residential	Full	\$22,170	\$23,690	\$45,860
1999	Assessment Roll	Residential	Full	\$11,070	\$13,340	\$24,410
1997	Assessment Roll	Residential	Full	\$9,490	\$11,430	\$20,920
1995	Assessment Roll	Residential	Full	\$8,420	\$10,140	\$18,560
1991	Assessment Roll	Residential	Full	\$7,670	\$9,240	\$16,910
1991	Was Prior Year	Residential	Full	\$7,670	\$7,480	\$15,150

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