



Roll Call Number

Agenda Item Number

49C

Date December 12, 2022

ABATEMENT OF PUBLIC NUISANCE AT 2626 PROSPECT ROAD

WHEREAS, the property located at 2626 Prospect Road, 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, HOP-A-LOT, 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 139 and all of Lots 140 and 141 (except the South 74 feet thereof), an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2626 Prospect Road, 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 K. 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, 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

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10/11/2022 13:52

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10/11/2022 13:51

Polk County Assessor

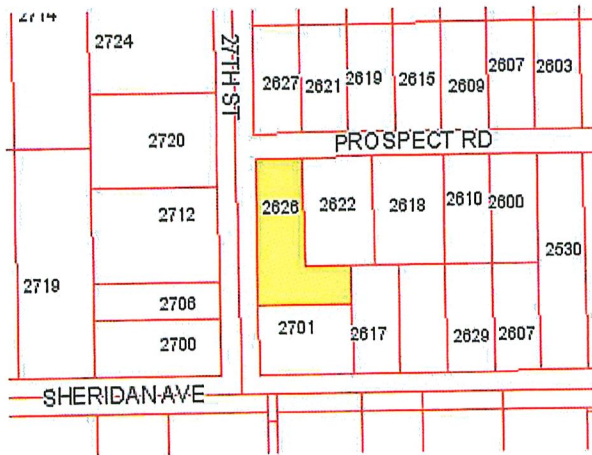
111 Court Avenue #195
Des Moines, IA 50309-0904

(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	2626 PROSPECT RD				
City	DES MOINES	Zip	50310	Jurisdiction	Des Moines
District/Parcel	080/02575-000-000	Geoparcels	7924-28-331-001	Status	Active
School	Des Moines	Nbhd/Pocket	DM72/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Joseph Peterson 515-286-3011		

Map and Current Photos - 1 Record

Click on parcel to get a new listing



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

Photo Processed on 2016-10-17 a



[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	HOP-A-LOT LLC	2022-09-30	19282/619

Legal Description and Mailing Address

ALL LOT 139 & -EX S 74 F- LOTS 140 & 141 GLEN OAKS

HOP-A-LOT LLC
2626 PROSPECT RD
DES MOINES, IA 50310-6212

Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$29,700	\$58,700	\$88,400

[Market Adjusted Cost Report](#)

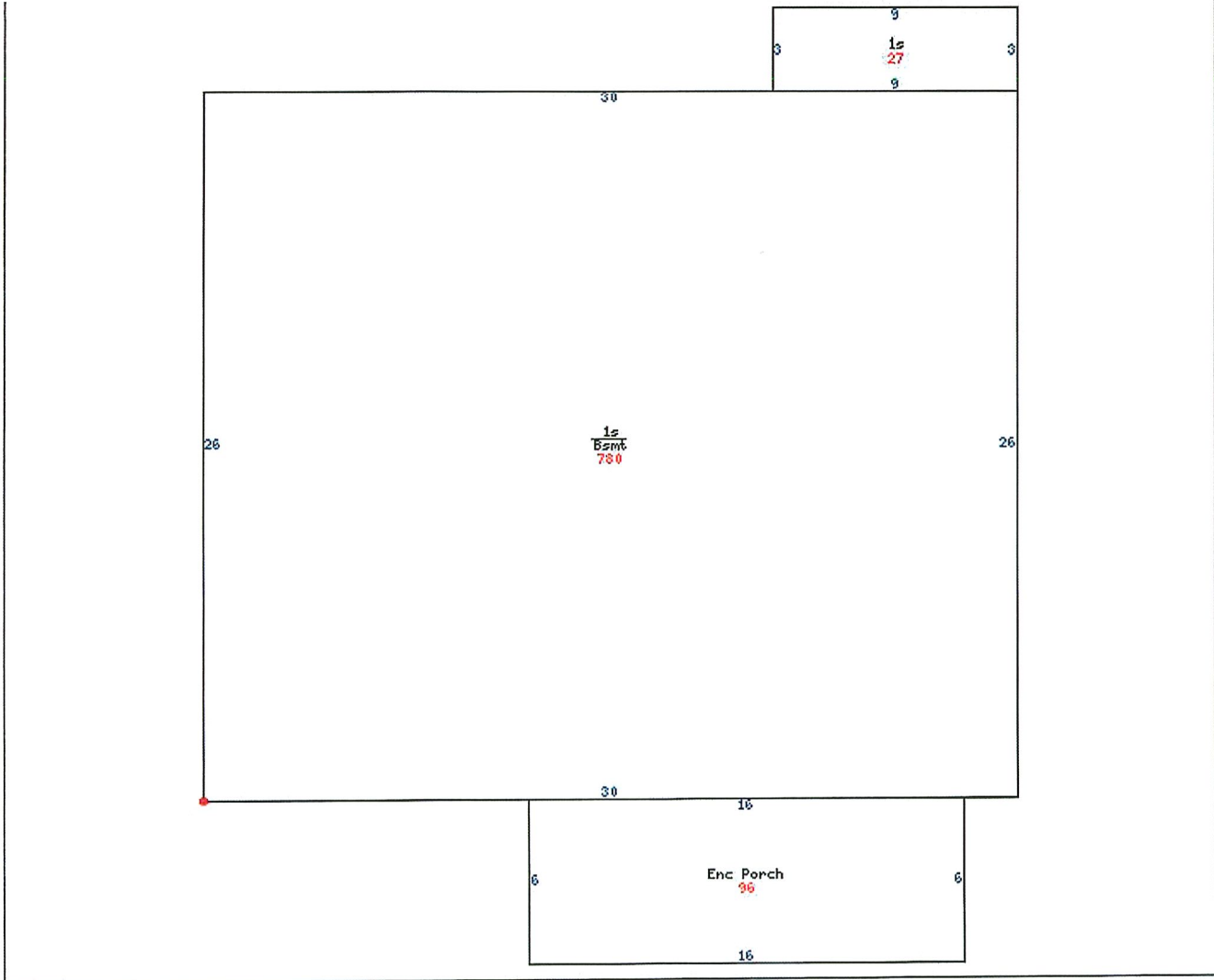
Auditor Adjustments to Value

Category	Name	Information
2022 Homestead Credit	KLEIN, KARLA	Application #66817

Zoning - 1 Record

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Zoning	Description			SF	Assessor Zoning
N3B	N3b Neighborhood District				Residential
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	9,880	Acres	0.227	Frontage	91.0
Depth	108.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story Unfinished Attic	Building Style	Bungalow
Year Built	1928	Number Families	1	Grade	5+05
Condition	Normal	Total Square Foot Living Area	807	Main Living Area	807
Attic Floor and Stairs Area	282	Basement Area	780	Enclosed Porch Area	96
Foundation	Brick	Exterior Wall Type	Metal Siding	Roof Type	Gable
Roof Material	Asphalt Shingle	Basement Garage Capacity	1	Heating	Gas Forced Air
Air Conditioning	100	Number Bathrooms	1	Bedrooms	2
Rooms	5				



Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
KLEIN, KARLA	HOP-A-LOT LLC	2022-09-26	\$25,000	Deed	19282/619
SILCOCK, JACQUELINE R KNA ELROD, J.R.	KLEIN, KARLA	1998-07-31	\$54,900	Deed	8002/414
GRACE, RUTHANN E	SILCOCK, JACQUELINE R	1995-10-23	\$45,000	Deed	7288/95

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
KLEIN, KARLA	HOP-A-LOT LLC	2022-09-26	2022-09-30	Warranty Deed	19282/619

Permits - 1 Record

Year	Type	Permit Status	Application	Reason	Reason1
1999	Pickup	Complete	1999-01-13	Addition	AIR CONDITIONING

Historical Values

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Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$29,700	\$58,700	\$88,400
2019	Assessment Roll	Residential	Full	\$25,900	\$51,000	\$76,900
2017	Assessment Roll	Residential	Full	\$22,600	\$45,200	\$67,800
2015	Assessment Roll	Residential	Full	\$21,200	\$46,600	\$67,800
2013	Assessment Roll	Residential	Full	\$20,700	\$48,000	\$68,700
2011	Assessment Roll	Residential	Full	\$20,700	\$48,100	\$68,800
2009	Assessment Roll	Residential	Full	\$21,900	\$51,900	\$73,800
2007	Assessment Roll	Residential	Full	\$21,000	\$49,800	\$70,800
2005	Assessment Roll	Residential	Full	\$18,100	\$50,500	\$68,600
2003	Assessment Roll	Residential	Full	\$17,460	\$49,610	\$67,070
2001	Assessment Roll	Residential	Full	\$17,200	\$47,240	\$64,440
1999	Assessment Roll	Residential	Full	\$12,760	\$38,830	\$51,590
1997	Assessment Roll	Residential	Full	\$11,560	\$32,260	\$43,820
1995	Assessment Roll	Residential	Full	\$10,440	\$29,140	\$39,580
1993	Assessment Roll	Residential	Full	\$9,760	\$27,230	\$36,990
1991	Board Action	Residential	Full	\$9,760	\$24,840	\$34,600
1991	Assessment Roll	Residential	Full	\$9,760	\$29,070	\$38,830
1989	Assessment Roll	Residential	Full	\$9,760	\$24,840	\$34,600

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

Case Number: NUIS-2022-000174	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 08/10/2022
	Date of Notice: 10/06/2022
	Date of Inspection: 09/20/2022

HOP-A-LOT LLC
 KEVIN CUNNINGHAM, REG. AGENT
 2830 100TH ST SUITE 106
 URBANDALE IA 50322

Address of Property: **2626 PROSPECT RD, DES MOINES IA 50310**
 Parcel Number: **792428331001**

Legal Description: **ALL LOT 139 & -EX S 74 F- LOTS 140 & 141 GLEN OAKS**

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. 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 Vacate the structure until nuisance has been abated and is no longer declared a public nuisance. * ALL ELECTRICAL, MECHANICAL, PLUMBING AND STUCTURAL COMPONENTS THROUGHOUT THE STRUCTRE THAT ARE IN NEED OF REPLACEMENT OR REPAIR ARE TO BE BROUGHT TO MINIMUM CODE REQUIREMENTS WITH NECESSARY PERMITS AS REQUIRED TO MEET THE CITY CODES. * UNABLE TO GAIN ACCESS INTO STRUCTURE, POSSIBLE MORE VIOLATIONS.</p>	10/04/2022
<p>60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction 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: (10) Any building or structure, because of lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the administrator to be a threat to life or health.</p>	<p>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.</p>	10/04/2022
<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 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>	10/04/2022

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Violation	Corrective Action	Compliance Due Date
<p>60-192(13) - Unsafe or dangerous structure Any structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or contains unsafe equipment or is so damaged, decayed dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.</p>	<p>MAIN STRUCTURE THROUGHOUT Repair or replace the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure.</p>	10/04/2022
<p>60-192(14) - Unsafe or dangerous structure Unsafe equipment including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within in the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.</p>	<p>MAIN STRUCTURE THROUGHOUT Repair or replace the unsafe equipment OR demolish the structure.</p>	10/04/2022
<p>60-192(15) - Unsafe or dangerous structure Any structure that the administrator determines is unfit for human occupancy meaning that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.</p>	<p>MAIN STRUCTURE THROUGHOUT Repair or replace the unsafe or unlawful structure OR demolish the structure.</p>	10/04/2022

Violation	Corrective Action	Compliance Due Date
<p>60-192(3) - Dangerous Structure or Premise - Damaged</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>(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>MAIN STRUCTURE THROUGHOUT</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>*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 STRUCTRE. 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 STRUCTRE. 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 ELEC TRICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTRE. WORK MUST BE DONE BY A LICENSED ELECTRICAL CONTRACTOR.</p>	10/04/2022

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Violation	Corrective Action	Compliance Due Date
<p>60-192(4) - Dangerous Structure or Premise - Insufficient Strength or Stability 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: (4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior of the structure that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.</p>	<p>MAIN STRUCTURE THROUGHOUT Repair or replace any portion of a building, or any member, appurtenance, or ornamentation on the exterior of the structure that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value. * 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.</p>	10/04/2022
<p>60-192(5) - Dangerous Structure or Premise - Dilapidated or Deteriorated 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>MAIN STRUCTURE THROUGHOUT 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>	10/04/2022

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Violation	Corrective Action	Compliance Due Date
<p>60-192(6) - Dangerous Structure or Premise - Unsafe 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>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.</p>	10/04/2022
<p>60-192(7) - Dangerous Structure or Premise - Attractive Nuisance, Harbor for Vagrants 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: (7) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, 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.</p>	<p>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.</p>	10/04/2022
<p>60-192(8) - Dangerous Structure or Premise - Substantial Risk 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: (8) Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure or as provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.</p>	<p>MAIN STRUCTURE THROUGHOUT Repair or replace any portion of the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure.</p>	10/04/2022

Violation	Corrective Action	Compliance Due Date
<p>60-192(9) - Dangerous Structure or Premise - Unsanitary, Unfit for Habitation 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: (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 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>	10/04/2022
<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>	10/04/2022

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 that reads "C McClaran". The signature is written in a cursive style with a large initial "C".

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