



**Roll Call Number**

**Agenda Item Number**

53A

Date October 23, 2023

**ABATEMENT OF PUBLIC NUISANCE AT 1701 41<sup>ST</sup> ST.**

WHEREAS, the property located at 1701 41<sup>st</sup> St., 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, Jamie L. McClure, 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 The South 44 feet of Lot 97 and part of Lot 98 described as follows: Commencing at a point on 41<sup>st</sup> Street at the North edge of Lot 98, thence in a southerly direction along the West line of Lot 98 a distance of 20 feet, thence East on a line to a point forming the Southeast corner of Lot 97, thence in a Northwesterly direction 62.4 feet to the place of beginning, all in WEST UNIVERSITY PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1701 41<sup>st</sup> St., has previously been declared a public nuisance;

The City Legal Department, through Special Counsel Ahlers & Cooney, P.C., 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.

Seconded by \_\_\_\_\_

FORM APPROVED:

Kristine Stone, Special Counsel  
Ahlers & Cooney, P.C.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_ Mayor

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



5314

# 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					
<b>Address</b>	1701 41ST ST				
<b>City</b>	DES MOINES	<b>Zip</b>	50310	<b>Jurisdiction</b>	Des Moines
<b>District/Parcel</b>	100/13101-000-000	<b>Geoparcels</b>	7924-32-179-008	<b>Status</b>	Active
<b>School</b>	Des Moines	<b>Nbhd/Pocket</b>	DM58/Z	<b>Tax Authority Group</b>	DEM-C-DEM-77131
<b>Submarket</b>	Northwest Des Moines	<b>Appraiser</b>	Sarah Cunningham, SRA 515-286-3426		

**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 2012-03-28 a

Historical Photos

Ownership - 1 Record				
Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	MCCLURE, JAMIE L	2018-05-08	16912/1000
Legal Description and Mailing Address				

534

S 44F MEAS ON W LN LT 97 & TRI PC NW COR LT 98  
 MEAS 20F ON W & ADJ LOT 97 WEST UNIVERSITY PLACE

JAMIE L MCCLURE  
 1701 41ST ST  
 DES MOINES, IA 50310-3927

**Current Values**

Type	Class	Kind	Land	Bldg	Total
2023 Assessment Roll	Residential	Full	\$21,800	\$146,500	\$168,300
2022 Value	Residential	Full	\$19,300	\$126,400	\$145,700

Assessment Roll Notice Market Adjusted Cost Report

**Auditor Adjustments to Value**

Category	Name	Information
2022 Homestead Credit	MCCLURE, JAMIE L	Application #388681

**Zoning - 1 Record**

Zoning	Description	SF	Assessor Zoning
N4	N4 Neighborhood District		Residential

*City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)*

**Land**

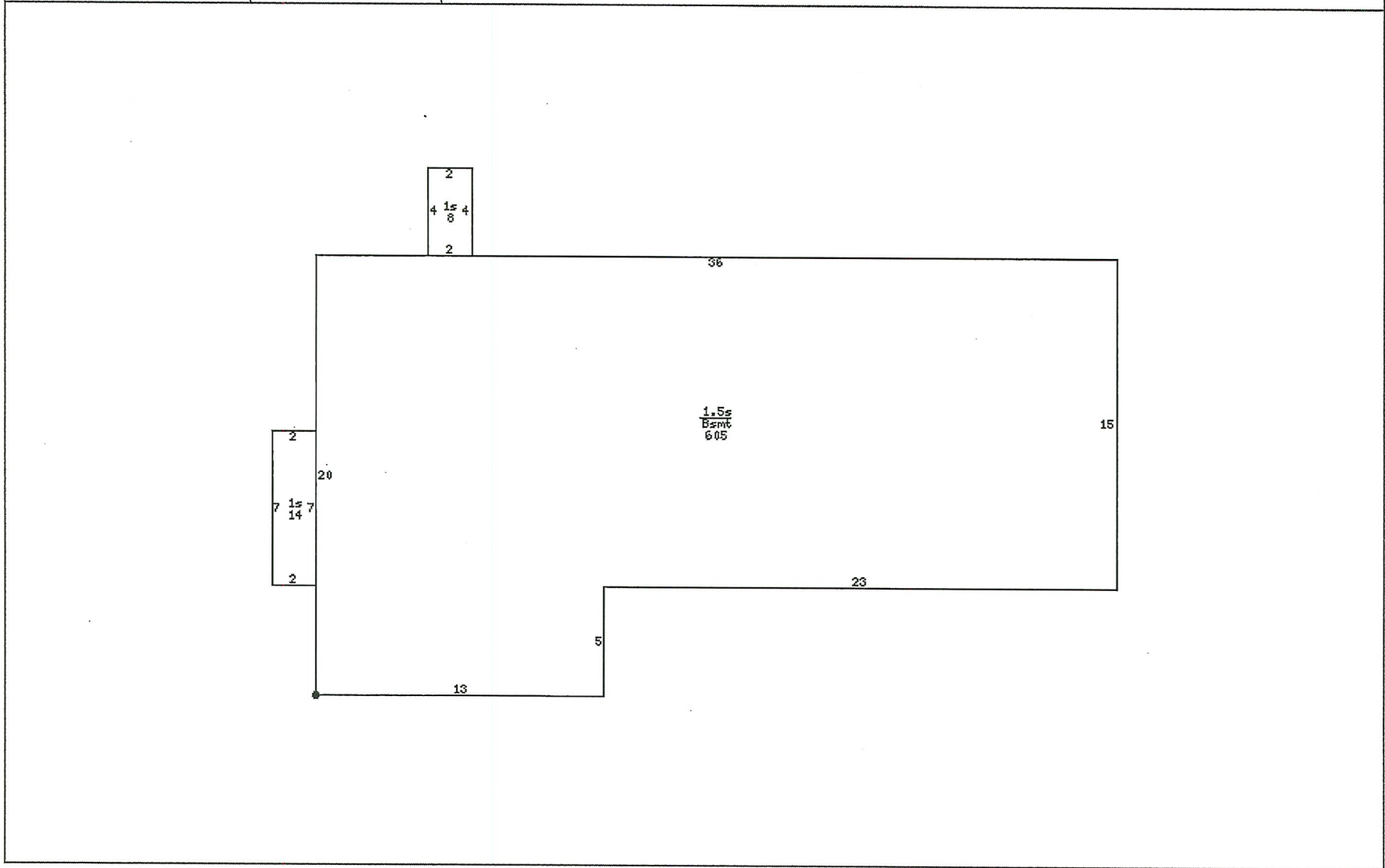
Square Feet	3,733	Acres	0.086	Frontage	65.0
Depth	57.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

**Residences - 1 Record**

**Residence #1**

Occupancy	Single Family	Residence Type	1.5 Stories	Building Style	Early 20s
Year Built	1918	Number Families	1	Grade	4+00
Condition	Above Normal	Total Square Foot Living Area	1032	Main Living Area	627
Upper Living Area	405	Basement Area	605	Foundation	Brick
Exterior Wall Type	Metal Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Number Fireplaces	1	Basement Garage Capacity	1	Heating	Gas Forced Air

<b>Air Conditioning Rooms</b>	100	<b>Number Bathrooms</b>	1	<b>Bedrooms</b>	3
	6				



**Sales - 2 Records**

<b>Seller</b>	<b>Buyer</b>	<b>Sale Date</b>	<b>Sale Price</b>	<b>Instrument</b>	<b>Book/Page</b>
MC CLURE, JAMIE L	BELL, JAMES A	<u>2005-09-23</u>	\$55,000	Deed	<u>11316/50</u>
ROHN, ANN	MC CLURE, JAMIE LEE	<u>1992-03-11</u>	\$38,000	Deed	<u>6519/814</u>

### Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
BELL, JAMES ANTHONY	MCCLURE, JAMIE L	2018-05-04	2018-05-08	Quit Claim Deed	16912/1000

### Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<u>Assessment Roll</u>	Residential	Full	\$19,300	\$126,400	\$145,700
2019	<u>Assessment Roll</u>	Residential	Full	\$17,700	\$114,600	\$132,300
2017	<u>Assessment Roll</u>	Residential	Full	\$15,700	\$103,100	\$118,800
2015	<u>Assessment Roll</u>	Residential	Full	\$13,800	\$90,700	\$104,500
2013	<u>Assessment Roll</u>	Residential	Full	\$12,900	\$85,800	\$98,700
2011	<u>Assessment Roll</u>	Residential	Full	\$12,900	\$85,200	\$98,100
2009	<u>Assessment Roll</u>	Residential	Full	\$13,800	\$86,400	\$100,200
2007	<u>Assessment Roll</u>	Residential	Full	\$13,200	\$82,700	\$95,900
2005	<u>Assessment Roll</u>	Residential	Full	\$11,200	\$71,100	\$82,300
2003	<u>Assessment Roll</u>	Residential	Full	\$10,180	\$64,680	\$74,860
2001	<u>Assessment Roll</u>	Residential	Full	\$10,090	\$62,760	\$72,850
1999	Assessment Roll	Residential	Full	\$12,430	\$47,640	\$60,070
1997	Assessment Roll	Residential	Full	\$11,310	\$43,350	\$54,660
1995	Assessment Roll	Residential	Full	\$10,490	\$40,220	\$50,710
1993	Assessment Roll	Residential	Full	\$9,100	\$41,610	\$50,710
1991	Assessment Roll	Residential	Full	\$8,210	\$42,500	\$50,710
1991	Was Prior Year	Residential	Full	\$8,210	\$35,970	\$44,180

53A



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

Case Number: NUIS-2023-000148	
<b>Notice of Violation</b>	Case Type: Public Nuisance
	Case Opened: 05/30/2023
	Date of Notice: 06/06/2023
Date of Inspection: 05/30/2023	

JAMIE MCCLURE  
1701 41ST ST  
DES MOINES IA 50310

Address of Property: 1701 41ST ST, DES MOINES IA 50310  
Parcel Number: 792432179008

Legal Description: S 44F MEAS ON W LN LT 97 & TRI PC NW COR LT 98 MEAS 20F ON W & ADJ LOT 97 WEST UNIVERSITY PLACE

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><b>60-191 - Vacation and Abatement</b>  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>07/06/2023</p>
<p><b>60-192(2) - Unsafe and Dangerous Structure or Premise</b>  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>Repair or replace all building components deteriorated 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>07/06/2023</p>



Violation	Corrective Action	Compliance Due Date
<p><b>60-192(7) - Unsafe and Dangerous Structure or Premise</b>  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>Repair structure to a safe, sanitary condition. Provide all required elements of light, ventilation and essential equipment. All work must be done in a workmanlike manner with all required permits.</p>	07/06/2023
<p><b>60-192(17) - Unsafe and Dangerous Structure or Premise</b>  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>	07/06/2023
<p><b>60-192(24) - Unsafe and Dangerous Structure or Premise</b>  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>	07/06/2023
<p><b>60-192(25) - Unsafe and Dangerous Structure or Premise</b>  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>	07/06/2023

Violation	Corrective Action	Compliance Due Date
<p><b>60-192(26) - Unsafe and Dangerous Structure or Premise</b>            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>07/06/2023</p>
<p><b>60-194 - Defacing and Removing Placard</b>            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>07/06/2023</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,

53A

Respectfully,

A handwritten signature in black ink that reads "C McClaran". The signature is written in a cursive style with a large, prominent initial "C".

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