



Roll Call Number

Agenda Item Number

53E

Date October 23, 2023

ABATEMENT OF PUBLIC NUISANCE AT 401 E WALL AVENUE

WHEREAS, the property located at 401 E Wall Avenue, 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, MMB Investments, 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 The West 63 feet of the North 138 feet of Lot 15 in SOUTH MEADOWS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 401 E Wall Avenue, 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:

Molly E. Tracy, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, TOTAL, MOTION CARRIED, APPROVED, Mayor.

CERTIFICATE

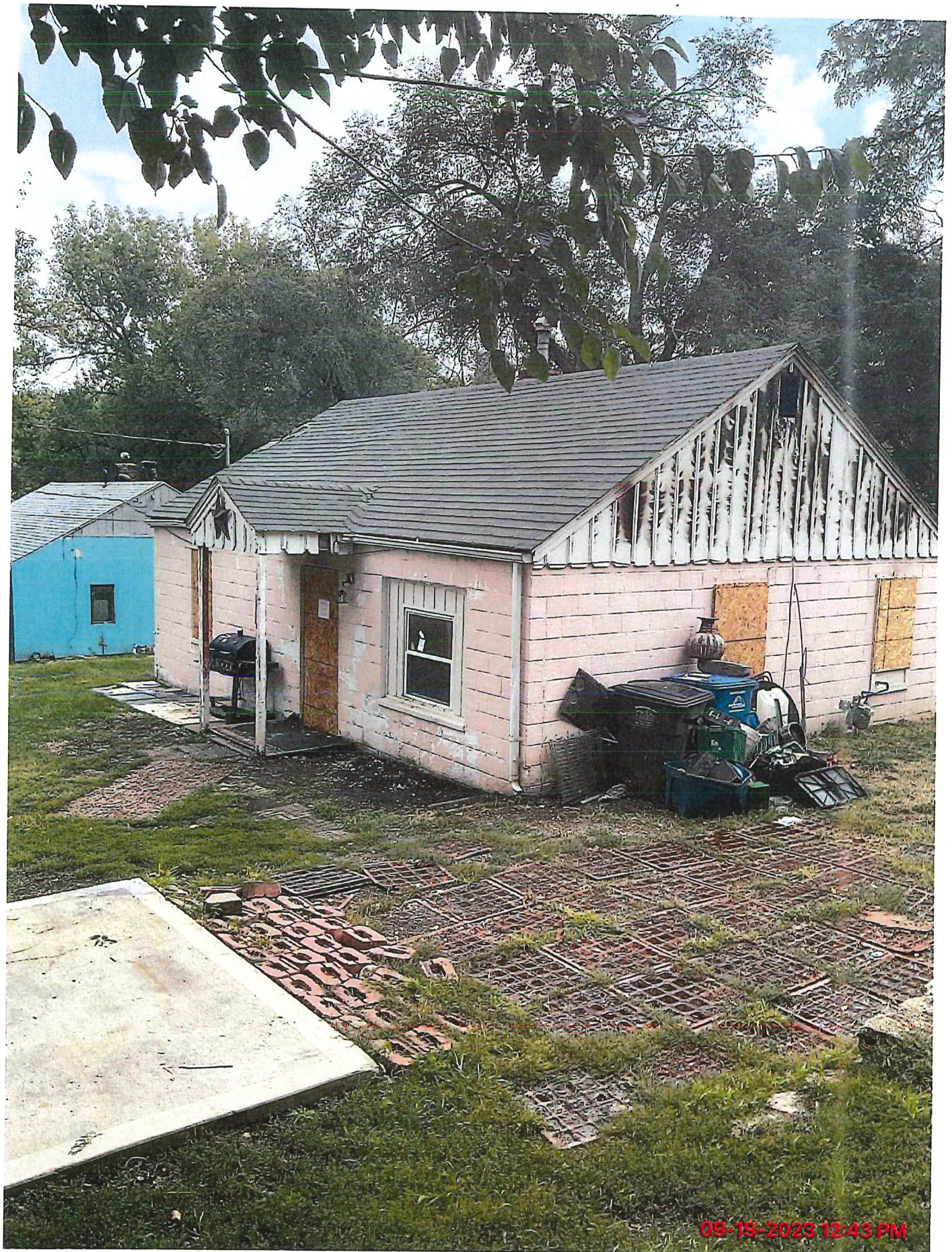
I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

53E





09-19-2023 12:43 PM

Polk County Assessor

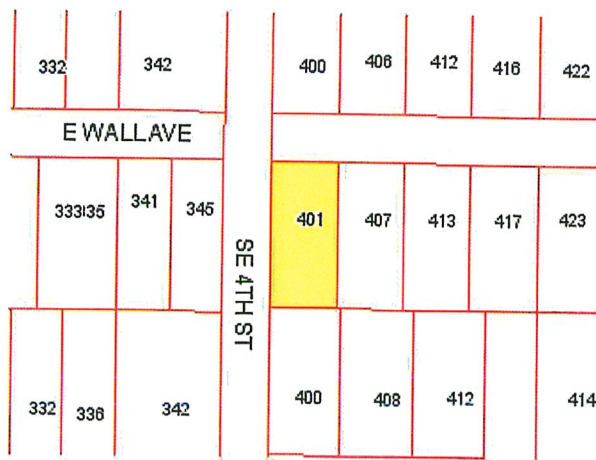
111 Court Avenue #195
Des Moines, IA 50309-0904

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

Location					
Address	401 E WALL AVE				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	120/04896-000-000	Geoparcels	7824-27-332-001	Status	<u>Active</u>
School	Des Moines	Nbhd/Pocket	DM41/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	South Des Moines	Appraiser	Andrew Rand 515-286-3368		

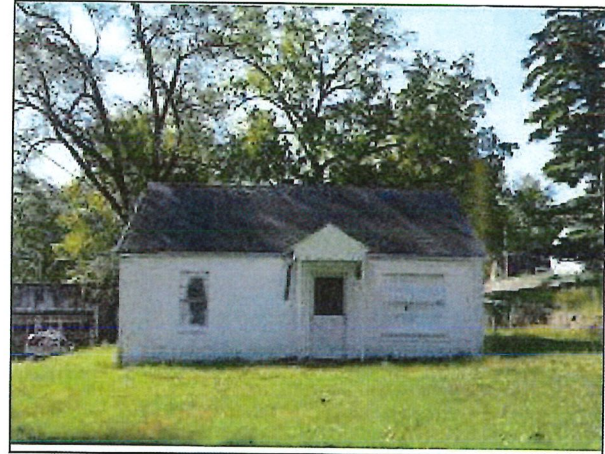
Map and Current Photos - 1 Record

Click on parcel to get a new listing



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

Photo Processed on 2017-10-23 a



[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	MMB INVESTMENTS LLC	2012-09-28	<u>14460/487</u>

Legal Description and Mailing Address

W 63 F N 138 F LOT 15 SOUTH MEADOWS	BASIM BAKRI 230 7TH ST WEST DES MOINES, IA 50265-4513
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Current Values

Type	Class	Kind	Land	Bldg	Total
2023 Value	Residential	Full	\$31,300	\$13,600	\$44,900

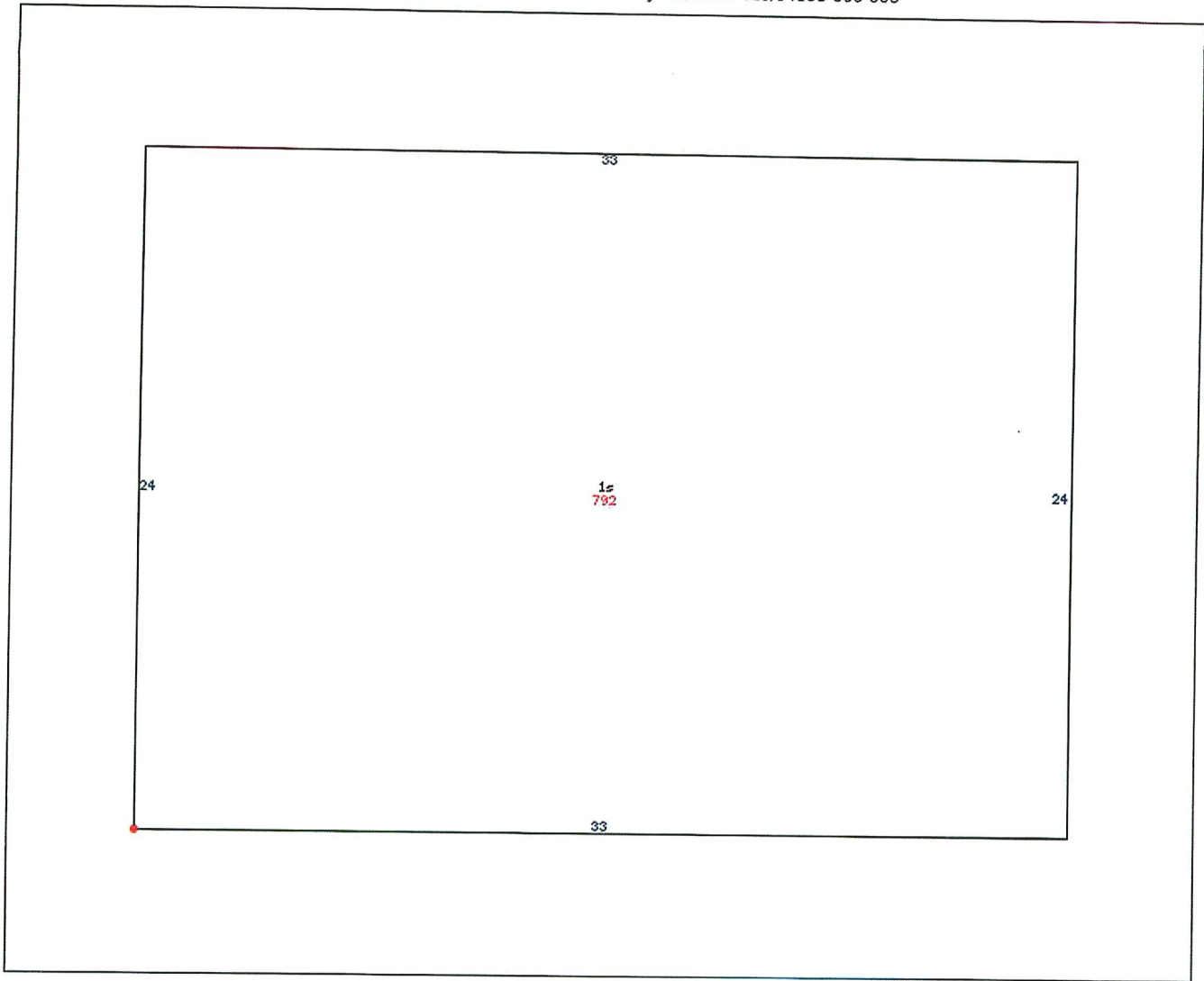
[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N3B	N3b Neighborhood District		Residential

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

Land					
Square Feet	8,694	Acres	0.200	Frontage	63.0
Depth	138.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Bungalow
Year Built	1947	Number Families	1	Grade	5-05
Condition	Very Poor	Total Square Foot Living Area	792	Main Living Area	792
Foundation	Poured Concrete	Exterior Wall Type	Concrete Block or Tile	Roof Type	Gable
Roof Material	Asphalt Shingle	Heating	Gas Forced Air	Air Conditioning	0
Number Bathrooms	1	Bedrooms	2	Rooms	4



Sales - 2 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
BRAGG, NANCY R	MMB INVESTMENTS, L.L.C.	2012-09-14	\$18,000	Deed	14460/487
MITCHELL, WALTER T	BRAGG, WILLIAM H SR	1991-12-12	\$3,800	Deed	6474/821

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
BRAGG, NANCY RAE	MMB INVESTMENTS, LLC	2012-09-14	2012-09-28	Warranty Deed	14460/487

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
BRAGG, NANCY RAE <hr/> BRAGG SR, WILLIAM HARRY	BRAGG, NANCY RAE	2012-09-14	2012-09-28	Affidavit of Surviving Spouse	14460/486

Permits - 1 Record

Year	Type	Permit Status	Application	Reason	Reason1
2014	Pickup	Cancel	2013-09-18	Review Value	REMODEL

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2023	Assessment Roll	Residential	Full	\$31,300	\$13,600	\$44,900
2021	Assessment Roll	Residential	Full	\$25,700	\$11,700	\$37,400
2019	Assessment Roll	Residential	Full	\$22,600	\$10,800	\$33,400
2017	Assessment Roll	Residential	Full	\$19,900	\$10,100	\$30,000
2015	Assessment Roll	Residential	Full	\$18,000	\$9,800	\$27,800
2013	Assessment Roll	Residential	Full	\$17,900	\$10,300	\$28,200
2011	Assessment Roll	Residential	Full	\$18,800	\$38,300	\$57,100
2009	Assessment Roll	Residential	Full	\$19,100	\$38,300	\$57,400
2007	Assessment Roll	Residential	Full	\$19,100	\$26,600	\$45,700
2005	Assessment Roll	Residential	Full	\$14,800	\$26,000	\$40,800
2003	Assessment Roll	Residential	Full	\$13,960	\$24,710	\$38,670
2001	Assessment Roll	Residential	Full	\$15,130	\$22,630	\$37,760
1999	Assessment Roll	Residential	Full	\$10,330	\$12,170	\$22,500
1997	Assessment Roll	Residential	Full	\$9,600	\$11,310	\$20,910
1995	Assessment Roll	Residential	Full	\$8,450	\$9,950	\$18,400
1993	Assessment Roll	Residential	Full	\$7,350	\$8,650	\$16,000
1991	Assessment Roll	Residential	Full	\$7,350	\$8,650	\$16,000
1991	Was Prior Year	Residential	Full	\$7,350	\$15,160	\$22,510

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53E



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

Case Number: NUIS-2023-000214	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 08/04/2023
	Date of Notice: 08/07/2023
Date of Inspection: 08/04/2023	

MMB INVESTMENTS LLC
BASIM AL BAKRI
230 7TH ST
WEST DES MOINES IA 50265

Address of Property: 401 E WALL AVE, DES MOINES IA 50315
Parcel Number: 782427332001

Legal Description: W 63 F N 138 F LOT 15 SOUTH MEADOWS

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 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>09/18/2023</p>
<p>60-192(7) - Unsafe and Dangerous Structure or Premise 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> <p>Throughout main structure.</p>	<p>09/18/2023</p>
<p>60-192(17) - Unsafe and Dangerous Structure or Premise 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> <p>Throughout main structure.</p>	<p>09/18/2023</p>

Violation	Corrective Action	Compliance Due Date
<p>60-192(21) - Unsafe and Dangerous Structure or Premise Stairs, decks, porches, balconies, walking systems, landings, and all similar appurtenances attached thereto, including guards and handrails are not structurally sound, not properly anchored or that anchored with connections not capable of supporting all nominal loads and resisting all load effects.</p>	<p>Repair or replace all stairs, decks, porches, landings and similar elements of building egress, including guards and handrails to a sound and properly anchored condition. All work must be done in a workmanlike manner with all required permits.</p> <p>Throughout main structure.</p>	09/18/2023
<p>60-192(24) - Unsafe and Dangerous Structure or Premise 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>	09/18/2023
<p>60-192(25) - Unsafe and Dangerous Structure or Premise 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>	09/18/2023
<p>60-192(26) - Unsafe and Dangerous Structure or Premise 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>	09/18/2023

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Violation	Corrective Action	Compliance Due Date
60-194 - Defacing and Removing Placard No person shall deface or remove the placard, except as authorized by the administrator.	Replace or restore defaced or removed placard.	09/18/2023

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,



Scott Clauson
 Neighborhood Inspector
 Neighborhood Services
 602 Robert D. Ray Drive, Des Moines, IA 50309
 (515) 669-8231
 SAClauson@dmgov.org