

Date April 15, 2024

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ABATEMENT OF PUBLIC NUISANCE AT 1330 5th AVE.

WHEREAS, the property located at 1330 5th Ave., 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, BTB Investments 2 LLC, and the Mortgage Holders, Community Choice Credit Union and Polk County Housing Trust Fund, 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 Lot 72 GRAND PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1330 5th Ave., 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.

Second by

FORM APPROVED: WW

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
SIMONSON				
TOTAL				
MOTION CARRIED			APP	ROVED

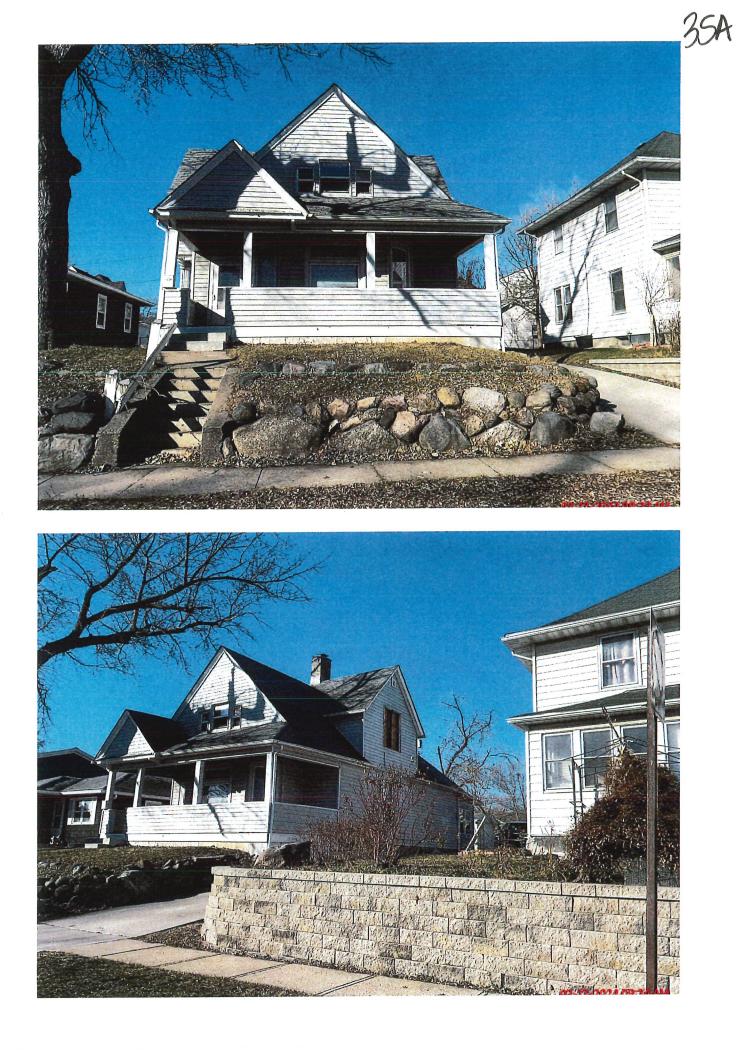
CERTIFICATE

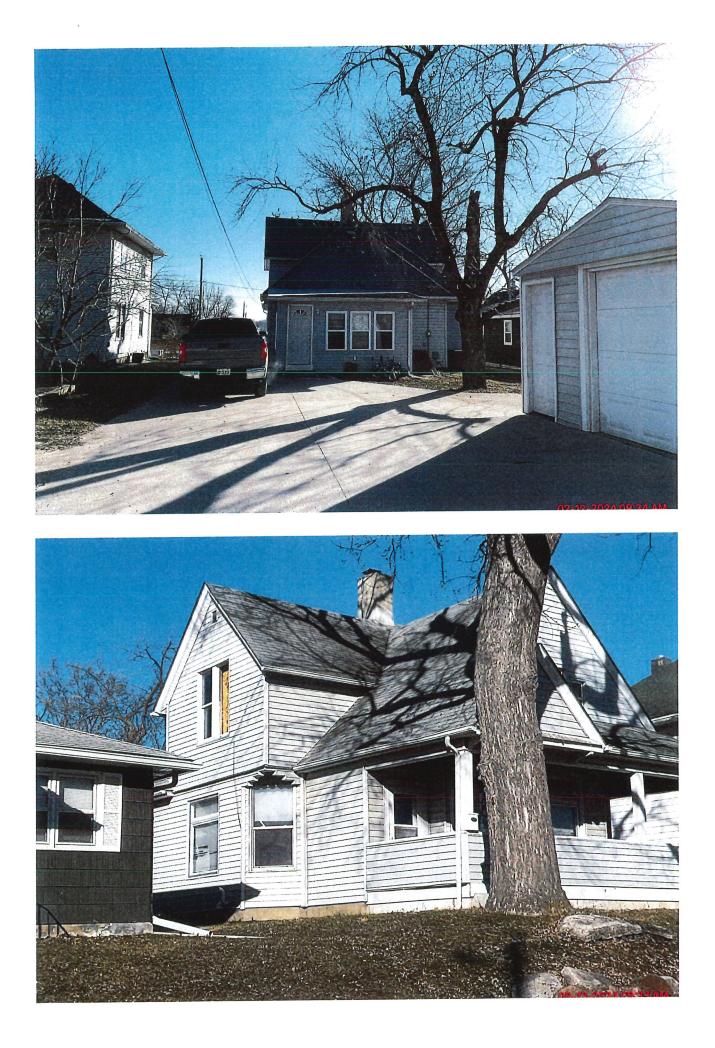
I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk

Mayor





Polk County Assessor

N5

N5 Neighborhood District

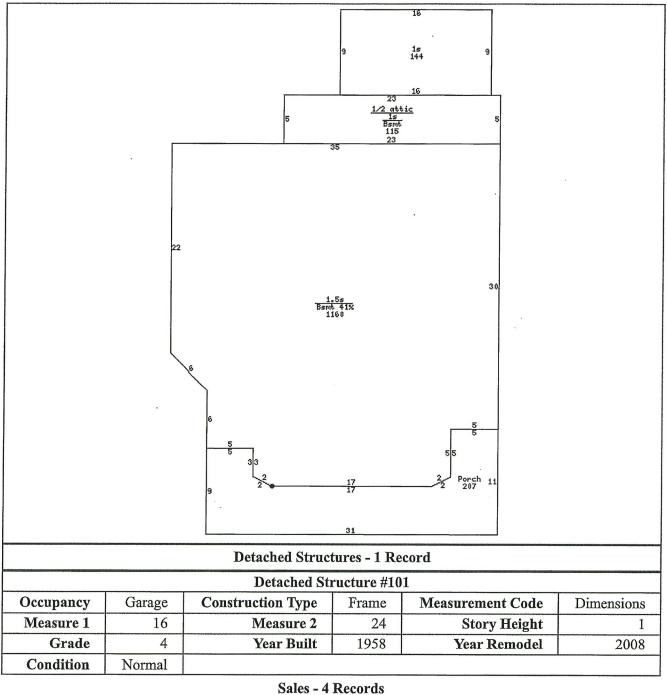
111 Court Avenue #195 Des Moines, IA 50309-0904

			Loc	ation	*****			
Address	1330 5TH AV	1330 5TH AVE						
City	DE	S MOINES	Z	ip	5031	4 Jurisdic	tion Des Moines	
District/Parcel	080/027	81-000-000	Geopare	el 7924	-34-454-01	7 Sta	atus <u>Active</u>	
School]	Des Moines	Nbhd/Pock	et	DM79/2	Z Tax Autho Gr		
TIF	62/Des Moines	Metro Center Merged UR	Submark	et	Northwest De Moine	s Annra	- Joseph Deterson	
		Map	and Curre	nt Photo	s - 1 Recor	d .	an a	
Click	c on parcel to	get a new li	sting					
1345 1344 1345 1344 1347 1342 1337 1340 1333 1330 1333 1330 1327 1328 1325 1326 1326 1326								
	<u>ger Map</u> Polk loogle Map	County GI Pictometry						
			Ownership					
Ownership	Num		Name	- 1 1((()		Recorded	Book/Page	
Title Holder	1	BTB INV	ESTMENT	S 2 LLC		2023-01-05	<u>19369/76</u>	
			escription ar		1g Address			
LOT 72 GRAND PARK BTB INVESTMENTS 2 LLC POB 714 JOHNSTON, IA 50131-0714								
			Current					
Туре	Class		Kind		Land	Bldg	Total	
2023 Value	Resident		Full	1	3,600	\$129,400	\$138,000	
	Asse	ssment Kol	Notice Mar Zoning - 1		sted Cost R	<u>eport</u>		
Zoning	T	Descrip		Record	SF	Acces	or Zoning	
Zonng		Descrip			16	Assess	or Zoning	

Residential

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Land							
Square Feet	6,500	Acres	0.14	9 Frontage	50.0		
Depth	130.0	Topography	Norma	al Shape	Rectangle		
Vacancy	No	Unbuildable	N	0			
		Residences	s - 1 Record				
		Residen	ice #1				
Occupancy	Single Family	Residence Type	1.5 Stories	Building Style	Early 20s		
Year Built	1890	Year Remodel	2008	Number Families	1		
Grade	3-10	Condition	Normal	Total Square Foot Living Area	2236		
Main Living Area	1419	Upper Living Area	777	Attic Finished Area	40		
Basement Area	591	Open Porch Area	207	Foundation	Brick		
Exterior Wall Type	Vinyl Siding	Roof Type	Gable	Roof Material	Asphalt Shingle		
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	2		
Bedrooms	5	Rooms	8				



	Sal	es	-	4	Re	co	r	d	5
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Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
LEHS, BEVERLY K	BTB INVESTMENTS 2 LLC	<u>2022-12-30</u>	\$177,041	Deed	<u>19369/76</u>
DEUTSCHE BNK NTL TRST CO TRUSTEE	LEHS, KENT E	<u>2008-05-01</u>	\$20,000	Deed	<u>12669/785</u>
CORP CONTRACT EXCHANGE	HERMAN VESOLE TRUST, RICHARD I VESOLE TRUSTEE	<u>1989-06-07</u>	\$20,750	Deed	<u>6126/26</u> Multiple Parcels

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
UNKNOWN	CORPORATION, CONTRACT EXCHANGE	<u>1989-05-17</u>	\$15,000	Deed	<u>6102/918</u>

Recent Ownership Transfers

LEHS, BEVERLY K LEHS, KENTBTB INVESTMENTS2022-12-302023-01-05Warranty Deed19369/76Also Known As KENT EBTB INVESTMENTS 2 LLC2022-12-302023-01-05Warranty Deed19369/76Also Known As As ANDERSON, BEVERLY KBTB INVESTMENTS 2 LLC2022-12-302023-01-05Warranty Deed19369/76Year YearTypePermit StatusApplicationReasonReason12009PickupComplete2009-03-04Review ValueABATEMENT FILED2009PickupComplete2008-06-03Review ValueBOARD OF REVIEW2004PermitNo Add2003-07-10AdditionFENCE2000PermitNo Add1999-10-21AdditionFENCE (Cost \$1,000)1997PermitNo Add1996-09-13Fix DamageFIRE (Cost \$100)	Gra	ntor	Grantee	Instrument Date	t Recording Date	Instrument Type	Book/Pg
Permit StatusPermits - 5 RecordsYearTypePermit StatusApplicationReasonReason12009PickupComplete2009-03-04Review ValueABATEMENT FILED2009PickupComplete2008-06-03Review ValueBOARD OF REVIEW2004PermitNo Add2003-07-10AdditionFENCE2000PermitNo Add1999-10-21AdditionFENCE (Cost \$1,000)1997PermitNo Add1996-09-13Fix DamageFIRE (Cost \$100)	BEV LEH Also As I KEN Also As ANI	ERLY K S, KENT Known LEHS, T E Known DERSON,	INVESTMENT			Warranty	<u>19369/76</u>
YearTypePermit StatusApplicationReasonReason12009PickupComplete2009-03-04Review ValueABATEMENT FILED2009PickupComplete2008-06-03Review ValueBOARD OF REVIEW2004PermitNo Add2003-07-10AdditionFENCE2000PermitNo Add1999-10-21AdditionFENCE (Cost \$1,000)1997PermitNo Add1996-09-13Fix DamageFIRE (Cost \$100)	BEV	ERLY K		Doumita 5 I	Dooowda		
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2004PermitNo Add2003-07-10AdditionFENCE2000PermitNo Add1999-10-21AdditionFENCE (Cost \$1,000)1997PermitNo Add1996-09-13Fix DamageFIRE (Cost \$100)	2009	Pickup	Complete	2009-03-04	Review Value	ABATEMENT	FILED
2000 Permit No Add 1999-10-21 Addition FENCE (Cost \$1,000) 1997 Permit No Add 1996-09-13 Fix Damage FIRE (Cost \$100)	2009 Pickup Complete 2008-06-03 Review Value BOARD OF REVIEW						
1997 Permit No Add 1996-09-13 Fix Damage FIRE (Cost \$100)	2004	Permit No Add 2003-07-10 Addition FENCE		NAM (
1997 Permit No Add 1996-09-13 Fix Damage FIRE (Cost \$100)	2000	2000 Permit No Add 1999-10-21 Addition FENCE (Cost \$1,000)				1,000)	
Historical Values							
			••••••••••••••••••••••••••••••••••••••	Historical V	/alues		

Yr	Туре	Class	Kind	Land	Bldg	Total
2023	Assessment Roll	Residential	Full	\$8,600	\$129,400	\$138,000
2021	Assessment Roll	Residential	Full	\$6,600	\$94,000	\$100,600
2019	Assessment Roll	Residential	Full	\$5,800	\$82,400	\$88,200
2017	Assessment Roll	Residential	Full	\$5,600	\$80,800	\$86,400
			Adj	\$5,600	\$30,600	\$36,200
2015	Assessment Roll	Residential	Full	\$5,100	\$73,400	\$78,500
			Adj	\$5,100	\$23,200	\$28,300
2013	Assessment Roll	Residential	Full	\$5,000	\$70,400	\$75,400
			Adj	\$5,000	\$20,200	\$25,200
2011	Assessment Roll	Residential	Full	\$5,000	\$72,300	\$77,300
			Adj	\$5,000	\$22,100	\$27,100
2009	Assessment Roll	Residential	Full	\$4,900	\$66,300	\$71,200
			Adj	\$4,900	\$16,100	\$21,000
2008	Board Action	Residential	Full	\$5,100	\$16,100	\$21,200
2007	Assessment Roll	Residential	Full	\$5,100	\$59,600	\$64,700
2005	Assessment Roll	Residential	Full	\$5,100	\$52,800	\$57,900

Yr	Туре	Class	Kind	Land	Bldg	Total
2003	Assessment Roll	Residential	Full	\$4,850	\$50,030	\$54,880
2001	Assessment Roll	Residential	Full	\$5,250	\$51,060	\$56,310
1999	Assessment Roll	Residential	Full	\$4,660	\$24,900	\$29,560
1997	Assessment Roll	Residential	Full	\$3,810	\$20,380	\$24,190
1995	Assessment Roll	Residential	Full	\$3,420	\$18,310	\$21,730
1989	Assessment Roll	Residential	Full	\$2,960	\$15,840	\$18,800

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This template was last modified on Thu Jun 3 19:39:49 2021 .

Lot 72 GRAND PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.



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

Case Number: NUIS-2023-000278

Notice of Cas Violation Date Date of

Case Type: Public Nuisance Case Opened: 11/21/2023 Date of Notice: 01/02/2024 Date of Inspection: 11/27/2023

COMMUNITY CHOICE CREDIT UNION 6163 NW 86TH ST STE 105 JOHNSTON IA 50131

Address of Property:**1330 5TH AVE, DES MOINES IA 50314**Parcel Number:**792434454017**

Legal Description: LOT 72 GRAND PARK

Upon inspection of the property located at and locally knows 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)

ViolationCorrective ActionComplianceDue Date

Compliance Due Date

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.

60-192(1) - Unsafe and Dangerous Structure or Premise

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.

60-192(5) - Unsafe and Dangerous Structure or Premise

Any portion of a building or structure remaining on site after the demolition or destruction of the building or structure or whenever building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public. Vacate the structure.

02/01/2024

Repair or replace all building components damaged to the point to effectively create a nuisance or a violation. All work must be done in a workmanlike manner with all required permits. 02/01/2024

Complete the demolition or removal of the structure with the required permits and /or eliminate the nuisance or hazard. 02/01/2024

Violation	Corrective Action	Compliance Due Date
60-192(13) - Unsafe and Dangerous Structure or Premise Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load affects.	Repair or replace all structural members, floors, walls, partitions, projections, and appurtenances to be properly anchored, plumb, and of sound construction. All work must be done in a workmanlike manner with all required permits.	02/01/2024
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.	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.	02/01/2024
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.	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.	02/01/2024
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.	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.	02/01/2024

Violation	Corrective Action	Compliance Due Date
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.	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.	02/01/2024
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.	02/01/2024

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,

C Mª Claran

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



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

Case Number: NUIS-2023-000278

Notice of Cas Violation Date Date of In

Case Type: Public Nuisance Case Opened: 11/21/2023 Date of Notice: 01/02/2024 Date of Inspection: 11/27/2023

POLK COUNTY HOUSING TRUST FUND C/O ERIC BURMEISTER 505 5TH AVE SUITE 1000 DES MOINES IA 50309

Address of Property:**1330 5TH AVE, DES MOINES IA 50314**Parcel Number:**792434454017**

Legal Description: LOT 72 GRAND PARK

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02/01/2024

Repair or replace all building components damaged to the point to effectively create a nuisance or a violation. All work must be done in a workmanlike manner with all required permits.

val of 02/01/2024

02/01/2024

Complete the demolition or removal of the structure with the required permits and /or eliminate the nuisance or hazard.

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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.

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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,

C M' Claran

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



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

Case Number: NUIS-2023-000

Case Type:Public NuisanceNotice ofCase Opened:11/21/2023ViolationDate of Notice:11/29/2023Date of Inspection:11/27/2023

BTB INVESTMENTS 2 LLC BRAD LOWE, REG. AGENT 1450 SW VINTAGE PKWY STE 250 ANKENY IA 50023

Address of Property:**1330 5TH AVE, DES MOINES IA 50314**Parcel Number:**792434454017**

Legal Description: LOT 72 GRAND PARK

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Any portion of a building or structure remaining on site after the demolition or destruction of the building or structure or whenever building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Vacate the structure.

Repair or replace all building components damaged to the point to effectively create a nuisance or a violation. All work must be done in a workmanlike manner with all required permits.

01/12/2024

Complete the demolition or removal of the structure with the required permits and /or eliminate the nuisance or hazard.

01/12/2024

/iolation	Corrective Action	Compliance Due Date
50-192(13) - Unsafe and Dangerous Structure or Premise Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load affects.	Repair or replace all structural members, floors, walls, partitions, projections, and appurtenances to be properly anchored, plumb, and of sound construction. All work must be done in a workmanlike manner with all required permits.	01/12/2024
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.	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.	01/12/2024
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.	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.	01/12/2024
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.	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.	01/12/202

Violation	Corrective Action	Compliance Due Date
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.	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.	01/12/2024
60-194 - Defacing and Removing Placard	Replace or restore defaced or removed	01/12/2024

No person shall deface or remove the placard, except as authorized by the administrator.

Replace or restore defaced or removed 01/12/2024 placard.

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.

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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,

1 Mc Claran

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