

Date May 10, 2010

WHEREAS, the property located at 1312 E. Madison Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the fire-damaged garage structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders LAS 2004 REV Trust and LRR 2004 REV Trust and the Contract Buyer Michelle L. Fetters a/k/a Michelle L. Butler, were notified more than thirty days ago to repair or demolish the fire-damaged garage 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, AND SITTING AS THE LOCAL BOARD OF HEALTH:

The fire-damaged garage structure on real estate legally described as S 421.75 F LOT 44 SHAWNEE ACRES, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1312 E. Madison 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 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 fire-damaged garage structure.

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, 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

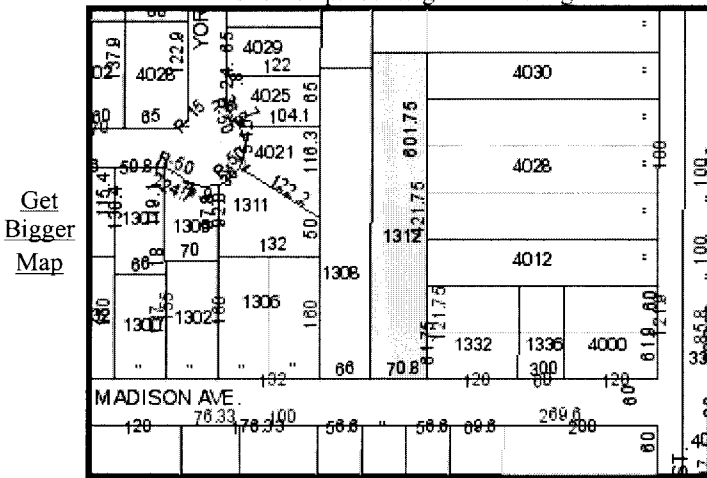
**BDH-1C**

**Polk County Assessor** 

[ [Home](#) ] [ [General Query](#) ] [ [Legal Query](#) ] [ [HomeOwner Query](#) ] [ [Book/Page Query](#) ] [ [Commercial Query](#) ] [ [Res Sales Query](#) ] [ [Comm Sales Query](#) ] [ [Help](#) ]

District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
110/04860-000-000	7924-23-428-036	1143	DM85/A	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
<b>1312 E MADISON AVE</b>			DES MOINES IA 50313-3822		

Click on parcel to get new listing



Approximate date of photo 04/09/2004

Mailing Address
MICHELLE L FETTERS 1312 E MADISON AVE DES MOINES, IA 50313-3822

Legal Description
S 421.75 F LOT 44 SHAWNEE ACRES

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	LAS 2004 REV TRUST	2007-06-14	12238/510	
Title Holder #2	LRR 2004 REV TRUST			
Contract Buyer #1	FETTERS, MICHELLE L	2000-11-07	8632/503	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	29,400	67,600	0	97,000

Market Adjusted Cost Report   Estimate Taxes   Polk County Treasurer Tax Information   Pay

Taxes

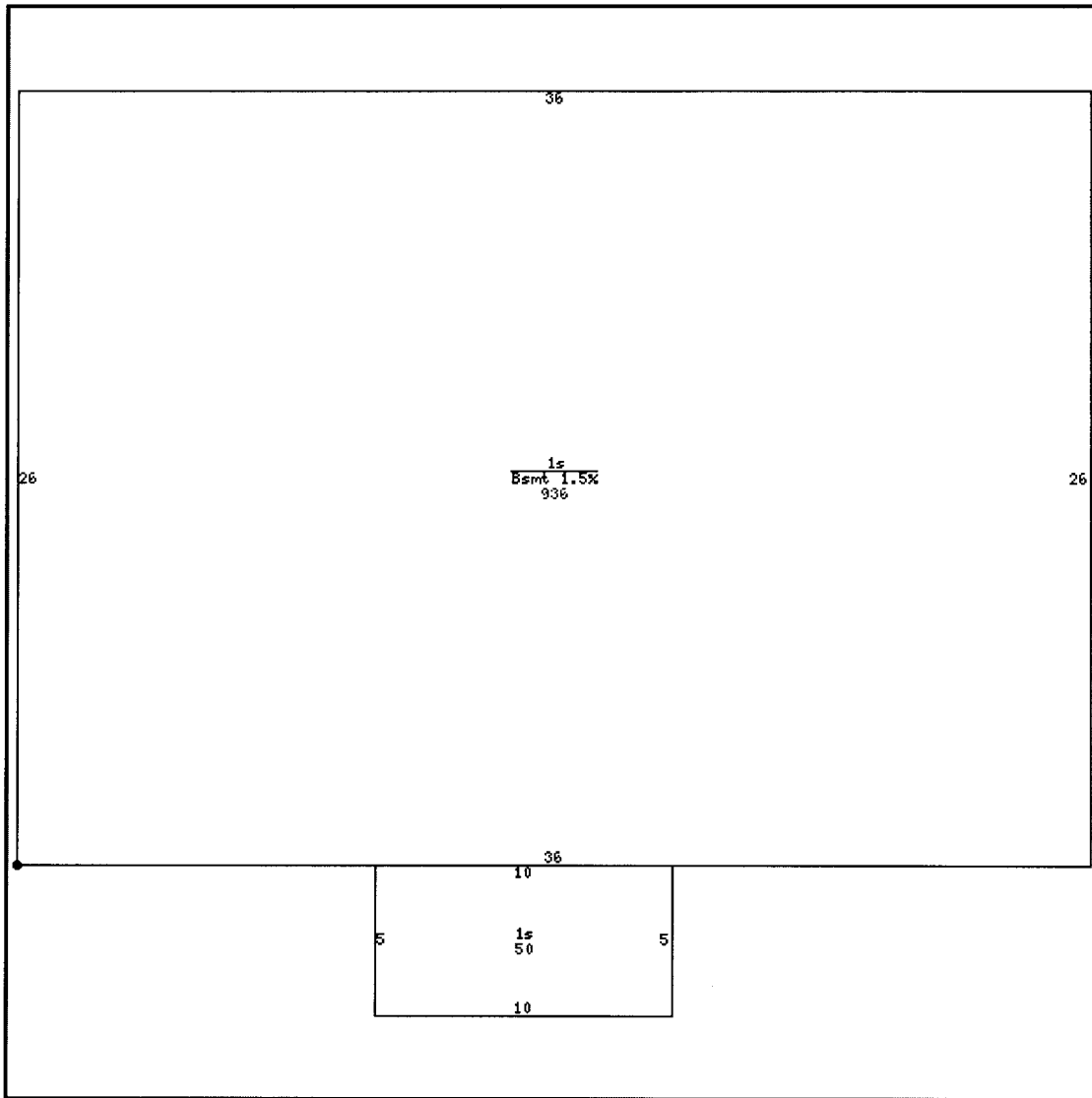
Taxable Value Credit	Name	Number	Info
Homestead	FETTERS, MICHELLE L	29208	

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential

**Source:** City of Des Moines Community Development **Published:** 2010-03-05 **Contact:** Planning and Urban Design 515 283-4200

Land					
SQUARE FEET	29,877	FRONTAGE	70.0	DEPTH	422.0
ACRES	0.686	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	UA/1 Story with Unfinished Attic	BLDG STYLE	CV/Conventional
YEAR BUILT	1948	YEAR REMODEL	1995	# FAMILIES	1
GRADE	4	GRADE ADJUST	+00	CONDITION	BN/Below Normal
TSFLA	986	MAIN LV AREA	986	ATTIC UNFIN	328
BSMT AREA	941	FOUNDATION	B/Brick	EXT WALL TYP	MT/Metal Siding
ROOF TYPE	GB/Gable	ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air
AIR COND	100	BATHROOMS	1	BEDROOMS	2
ROOMS	6				



Detached # 101					
<b>OCCUPANCY</b>	GAR/Garage	<b>CONSTR TYPE</b>	FR/Frame	<b>MEASCODE</b>	S/Square Feet
<b>MEASURE1</b>	500	<b>STORY HEIGHT</b>	1	<b>GRADE</b>	5
<b>YEAR BUILT</b>	1948	<b>CONDITION</b>	BN/Below Normal		
<b>COMMENT</b>	GARAGE MOVED ON				
<b>COMMENT</b>	AGE ESTIMATED				

Detached # 201					
<b>OCCUPANCY</b>	SHS/Summer House	<b>CONSTR TYPE</b>	FR/Frame	<b>MEASCODE</b>	D/Dimensions
				<b>STORY</b>	

<b>MEASURE1</b>	24	<b>MEASURE2</b>	11	<b>HEIGHT</b>	1
<b>GRADE</b>	6	<b>YEAR BUILT</b>	1948	<b>CONDITION</b>	VP/Very Poor
<b>COMMENT</b>	AGE ESTIMATED				

<b>Detached # 301</b>					
<b>OCCUPANCY</b>	SHD/Shed	<b>CONSTR TYPE</b>	FR/Frame	<b>MEASCODE</b>	D/Dimensions
<b>MEASURE1</b>	16	<b>MEASURE2</b>	18	<b>STORY HEIGHT</b>	1
<b>GRADE</b>	6	<b>YEAR BUILT</b>	1948	<b>CONDITION</b>	PR/Poor
<b>COMMENT</b>	AGE ESTIMATED				

<b>Seller</b>	<b>Buyer</b>	<b>Sale Date</b>	<b>Sale Price</b>	<b>Instrument</b>	<b>Book/Page</b>
LIPOVAC, STEVE	FETTERS, MICHELLE	1995-10-25	64,500	C/Contract	7286/774
JER-ELA PROPERTIES	LIPOVAC, STEVEN A	1995-10-23	64,500	D/Deed	7286/764
SRS, INC	JER-ELA PROPERTIES	1995-02-14	30,000	D/Deed	7154/674
NOLAN, VIRGINIA M ESTATE	SRS INC	1994-12-02	20,000	D/Deed	7130/621

<b>Year</b>	<b>Type</b>	<b>Status</b>	<b>Application</b>	<b>Permit/Pickup Description</b>
1996	U/Pickup	CP/Complete	1995-07-07	AL/REMODEL
1996	U/Pickup	CA/Cancel	1995-03-31	RV/REINSPECT
1993	U/Pickup	CA/Cancel	1992-07-08	Fireplace
1988	P/Permit	CP/Complete	1987-08-31	Moving Garage onto Lot

<b>Year</b>	<b>Type</b>	<b>Class</b>	<b>Kind</b>	<b>Land</b>	<b>Bldg</b>	<b>AgBd</b>	<b>Total</b>
2009	<u>Assessment Roll</u>	Residential	Full	29,400	67,600	0	97,000
2007	<u>Assessment Roll</u>	Residential	Full	27,600	63,500	0	91,100
2005	<u>Assessment Roll</u>	Residential	Full	21,600	70,200	0	91,800
			Adj	21,600	47,200	0	68,800
2003	<u>Assessment Roll</u>	Residential	Full	20,170	65,980	0	86,150
			Adj	20,170	42,980	0	63,150
2001	<u>Assessment Roll</u>	Residential	Full	16,830	49,140	0	65,970

			Adj	16,830	26,140	0	42,970
1999	Assessment Roll	Residential	Full	13,450	56,840	0	70,290
			Adj	13,450	33,840	0	47,290
1997	Assessment Roll	Residential	Full	12,760	55,020	0	67,780
			Adj	12,760	32,020	0	44,780
1996	Assessment Roll	Residential	Full	11,560	49,830	0	61,390
1995	Board Action	Residential	Full	11,560	18,440	0	30,000
1995	Assessment Roll	Residential	Full	11,560	34,640	0	46,200
1993	Assessment Roll	Residential	Full	9,710	29,090	0	38,800
1992	Board Action	Residential	Full	9,710	25,400	0	35,110
1992	Was Prior Year	Residential	Full	12,130	25,400	0	37,530

[email this page](#)

---

Room 195, 111 Court Avenue, Des Moines, IA 50309  
 Phone 515 286-3140 / Fax 515 286-3386  
[polkweb@assess.co.polk.ia.us](mailto:polkweb@assess.co.polk.ia.us)



**PUBLIC NUISANCE  
NOTICE OF INSPECTION  
NEIGHBORHOOD INSPECTION DIVISION  
COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF DES MOINES, IOWA**

**BDH-1C**

**DATE OF NOTICE:** October 14, 2009

**DATE OF INSPECTION:**

**CASE NUMBER:** COD2009-06517

**PROPERTY ADDRESS:** 1312 E MADISON AVE

**LEGAL DESCRIPTION:** S 421.75 F LOT 44 SHAWNEE ACRES

MICHELLE L BUTLER A/K/A MICHELLE FETTERS

Contract Buyer  
102 SILVER CREEK DR  
MADISON SD 57075

LAS 2004 REV TRUST C/O STEVE LIPOVAC

Title Holder  
328 5TH ST  
WEST DES MOINES IA 50265

LRR 2004 REV TRUST C/O STEVE LIPOVAC

Title Holder  
328 5TH ST  
WEST DES MOINES IA 50265

An inspection of the referenced property was conducted for its conformance to the Municipal Code of the City of Des Moines. It has been determined from that inspection that the dwelling currently constitutes not only a menace to health and safety, but is also a public nuisance. Accordingly, the dwelling will be placarded as unfit for human habitation pursuant to the Municipal Code of the City of Des Moines and the Code of Iowa.

If not occupied at the present time, the dwelling is to remain vacant and unoccupied until occupancy is authorized by this office. If the dwelling 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 will issue a Municipal Infraction in accordance with Section 60-304 and 60-306 pursuant to the Municipal code of the City of Des Moines. Additionally, if the property had a Certificate of Inspection, it is hereby revoked.

Attached is a listing of the violations existing on the date of the inspection and a recommendation as to the remedial action required to correct such violations. Failure to correct these violations will result in legal action. The violations noted must be corrected within 30 days from the date of this notice. Failure to correct these violations will result in a request to the City Council, sitting as the board of Health, to approve legal action. As a result of this public nuisance action there will be costs incurred by the City. Costs will be billed out when the nuisance has been abated. Failure to pay the costs will result in collection by assessment to the property or personal judgment.

**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.**

Appropriate building permits may be required for those violations noted in the "Special Requirements" section on the notice. Should you have questions regarding permits, contact the Permit and Development Center at 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 a period in excess of one year, there may be zoning issues, which will affect the proposed use of the structure and/or real estate. Please contact the Development Zoning Division at 283-4207 to determine what the legal use for the structure and/or the real estate is prior to commencement of any renovation.

If you believe the building is beyond repair and decide to remove it, all debris must be removed from the property and the basement excavation if any, filled in the manner required by the City. You are encouraged to arrange for this demolition yourself; however a demolition permit must be obtained from the Building Department. In the event you are unable to arrange for demolition, you may sign a waiver voluntarily authorizing the City to do so. However, the city may take a personal judgment against you for the costs of removal.

If you no longer own the property, notify us in writing of the name, address, and telephone number of the new owner. A copy of the real estate contract or deed, if it has not been recorded at the Polk county Recorder's Office, shall likewise be furnished to the Neighborhood Inspection Division.

Should you have any questions, feel free to call. I can usually be reached between 8:00am and 9:00am, Monday through Friday.

  
Dick Tillinghast

(515) 283-4008

Nid Inspector

DATE MAILED: 10/14/2009

MAILED BY: TSY



**Areas that need attention:** 1312 E MADISON AVE

<b>Component:</b>	Electrical System	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Electrical Permit	<b>Location:</b>	
<b>Comments:</b>	garage		
<b>Component:</b>	Exterior Doors/Jams	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	
<b>Comments:</b>	garage		
<b>Component:</b>	Exterior Walls	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	
<b>Comments:</b>	garage		
<b>Component:</b>	Roof	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	
<b>Comments:</b>	garage		
<b>Component:</b>	Shingles Flashing	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	
<b>Comments:</b>	garage		
<b>Component:</b>	Soffit/Facia/Trim	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	
<b>Comments:</b>	garage		
<b>Component:</b>	Windows/Window Frames	<b>Defect:</b>	Flame/Smoke Spread
<b>Requirement:</b>	Building Permit	<b>Location:</b>	
<b>Comments:</b>	garage		
<b>Component:</b>		<b>Defect:</b>	
<b>Requirement:</b>		<b>Location:</b>	
<b>Comments:</b>			