

Date December 7, 2009

WHEREAS, the property located at 1004 Virginia Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the garage structure in its present condition constitutes not only a menacc to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders Daniel Lewis and Pamela Lewis and the Mortgage Holder Wells Fargo Financial Iowa 3, Inc. were notified by personal service more than thirty days ago to repair or demolish the 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 garage structure on the real estate legally described as VAC E/W ALLEY ROW S & ADJ & W 1/2 LOT 23 VIRGINIA HEIGHTS, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1004 Virginia 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 owners 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 garage structure.

Moved by _____ to adopt.

FORM APPROVED:


Vicky Long Hill, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VCLASSIS | | | | |
| TOTAL | | | | |

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.

MOTION CARRIED APPROVED

Mayor

City Clerk



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

BDH 1-B

DATE OF NOTICE: October 21, 2009

DATE OF INSPECTION: July 30, 2009

CASE NUMBER: COD2009-05494

PROPERTY ADDRESS: 1004 VIRGINIA AVE

LEGAL DESCRIPTION: VAC E/W ALLEY ROW S & ADJ & W 1/2 LOT 23 VIRGINIA HEIGHTS

DANIEL LEWIS & PAMELA LEWIS

Title Holder

440 PENNSYLVANIA ST

CARLISLE IA 50047

WELLS FARGO FINANCIAL IOWA 3, INC.

Mortgage Holder

CORPORATION SER.COMP.REG.AGENT

729 INS EXCHG BLDG

DES MOINES IA 50309

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.

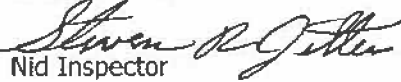
If you believe the building is beyond repair and decide to remove it, all debris must be removed from the property and the basement excavation if any, filled in the manner required by the City. You are encouraged to arrange for this demolition yourself; however a demolition permit must be obtained from 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.

Steve Jetter

(515) 237-1484


Nid Inspector

DATE MAILED: 10/21/2009

MAILED BY: TSY

Areas that need attention: 1004 VIRGINIA AVE

| | | | |
|---------------------|-------------------------------------|------------------|----------------------|
| Component: | Roof | Defect: | Structurally Unsound |
| Requirement: | Building Permit | Location: | Garage |
| Comments: | Replace roof, rafters and sheeting. | | |
| Component: | Exterior Walls | Defect: | Deteriorated |
| Requirement: | Building Permit | Location: | Garage |
| Comments: | Straighten and tuck point walls. | | |
| Component: | Shingles Flashing | Defect: | In disrepair |
| Requirement: | Building Permit | Location: | Garage |
| Comments: | Replace shingles and flashing. | | |
| Component: | Windows/Window Frames | Defect: | Excessive rot |
| Requirement: | Building Permit | Location: | Garage |
| Comments: | Replace windows | | |
| Component: | | Defect: | |
| Requirement: | | Location: | |
| Comments: | UNABLE TO INSPECT INTERIOR | | |

BDH 1-B



12/02/2009

100 V Virginia

Fort of George

SPB



BDH-B

12/02/2009

1004 Virginia

West side of garage

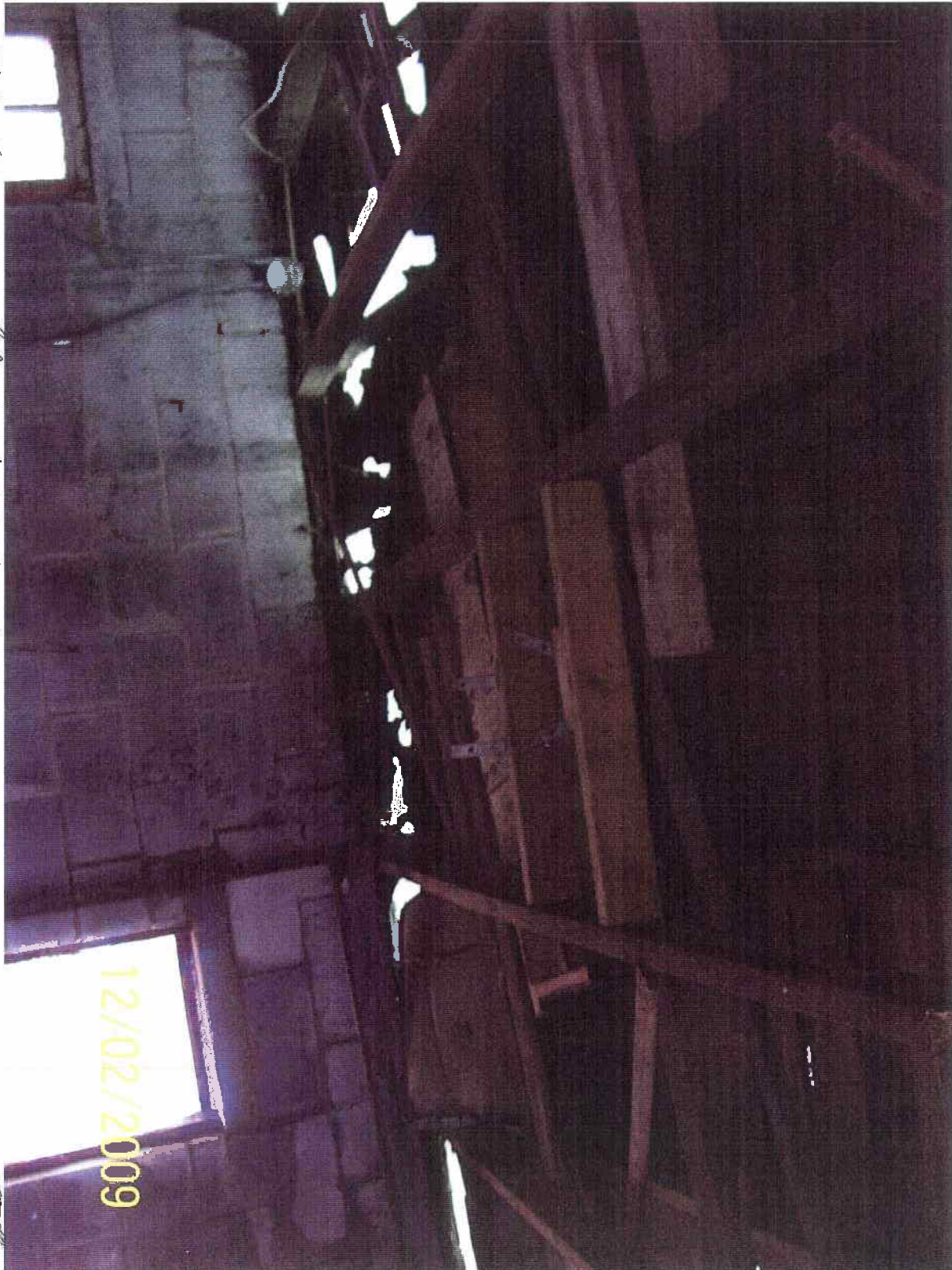
SPH

BDH1-B

1004 Virginia

Looking up inside of roof

ESW



12/02/2009

