



**Roll Call Number**

Agenda Item Number  
**BDH 1(A)**

Date November 22, 2010

WHEREAS, the property located at 3130 6<sup>th</sup> Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the fire-damaged 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 First National Acceptance Company and Contract Buyers Bernardo R. Lopez and Armando Perez, were notified more than thirty days ago to repair or demolish the fire-damaged 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, AND SITTING AS THE LOCAL BOARD OF HEALTH:

The main structure on the real estate legally described as N 5.5 F LOT 242 & ALL LOT 243 MANN'S 2ND ADD TO LAKE PARK, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3130 6<sup>th</sup> 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 main 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				
TOTAL				
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



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

**BDH / (A)**

**DATE OF NOTICE: September 24, 2009**

**DATE OF INSPECTION:**

**CASE NUMBER:** COD2009-07010

**PROPERTY ADDRESS:** 3130 6TH AVE

**LEGAL DESCRIPTION:** N 5.5 F LOT 242 & ALL LOT 243 MANNS 2ND ADD TO LAKE PARK

BERNARDO R LOPEZ  
Contract Buyer  
3130 6TH AVE  
DES MOINES IA 50313

ARMANDO PEREZ  
Contract Buyer  
3130 6TH AVE  
DES MOINES IA 50313

FIRST NATIONAL ACCEPTANCE CO  
Title Holder  
CT CORPORATION SYS. REG.AGENT  
2222 GRAND AVE  
DES MOINES IA 50312

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 COMPONETS 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: 9/24/2009

MAILED BY: JDH

**Areas that need attention:** 3130 6TH AVE

<b>Component:</b> Electrical System <b>Requirement:</b> Electrical Permit  <b>Comments:</b>	<b>Defect:</b> Fire damaged  <b>Location:</b>
<b>Component:</b> Exterior Doors/Jams <b>Requirement:</b> Building Permit  <b>Comments:</b>	<b>Defect:</b> Fire damaged  <b>Location:</b>
<b>Component:</b> Exterior Walls <b>Requirement:</b> Building Permit  <b>Comments:</b>	<b>Defect:</b> Fire damaged  <b>Location:</b>
<b>Component:</b> Floor Joists/Beams <b>Requirement:</b> Building Permit  <b>Comments:</b>	<b>Defect:</b> Fire damaged  <b>Location:</b>
<b>Component:</b> Flooring <b>Requirement:</b> Building Permit  <b>Comments:</b>	<b>Defect:</b> Fire damaged  <b>Location:</b>
<b>Component:</b> Foundation <b>Requirement:</b> Building Permit  <b>Comments:</b>	<b>Defect:</b> In poor repair  <b>Location:</b>
<b>Component:</b> Hand Rails <b>Requirement:</b> Building Permit  <b>Comments:</b>	<b>Defect:</b> Fire damaged  <b>Location:</b>
<b>Component:</b> Interior Stairway <b>Requirement:</b> Building Permit  <b>Comments:</b>	<b>Defect:</b> Fire damaged  <b>Location:</b>

<b>Component:</b> Landings <b>Requirement:</b> Building Permit <b>Comments:</b>	<b>Defect:</b> Fire damaged <b>Location:</b>
<b>Component:</b> Mechanical System <b>Requirement:</b> Mechanical Permit <b>Comments:</b>	<b>Defect:</b> Fire damaged <b>Location:</b>
<b>Component:</b> Plumbing System <b>Requirement:</b> Plumbing Permit <b>Comments:</b>	<b>Defect:</b> Fire damaged <b>Location:</b>
<b>Component:</b> Roof <b>Requirement:</b> Building Permit <b>Comments:</b>	<b>Defect:</b> Fire damaged <b>Location:</b>
<b>Component:</b> Shingles Flashing <b>Requirement:</b> Building Permit <b>Comments:</b>	<b>Defect:</b> Fire damaged <b>Location:</b>
<b>Component:</b> Soffit/Facia/Trim <b>Requirement:</b> Building Permit <b>Comments:</b>	<b>Defect:</b> Fire damaged <b>Location:</b>
<b>Component:</b> Sub Floor <b>Requirement:</b> Building Permit <b>Comments:</b>	<b>Defect:</b> Fire damaged <b>Location:</b>
<b>Component:</b> Windows/Window Frames <b>Requirement:</b> Building Permit <b>Comments:</b>	<b>Defect:</b> Fire damaged <b>Location:</b>





**Polk County Assessor**   
Iowa

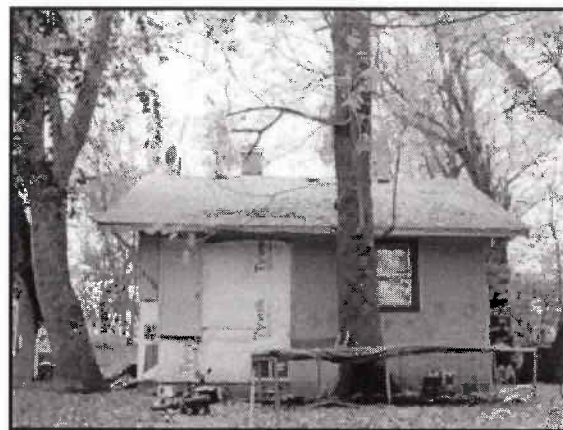
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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
070/02861-000-000	7924-27-255-014	0226	DM81/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
<b>3130 6TH AVE</b>			DES MOINES IA 50313-4133		

Click on parcel to get new listing

Get Bigger Map

3204	3207	3206	3219	3218
3200 130	3203 130	3200 174	3215	3214
3138	3139	3136	3211	3210
3132	3135	3134	3205	3204
3130	3131	3130	3201	3200
3126	3129	3128	3131	3130
3120	3127	3124	3125	3125
3118	3121	3120	3121	3122
3112	3119	3118		3118
3110	3117	3114	3115	3114
	3111		3111	3110



Approximate date of photo 10/28/2004

Mailing Address
BERNARDO R LOPEZ 3130 6TH AVE DES MOINES, IA 50313-4133

Legal Description
N 5.5 F LOT 242 & ALL LOT 243 MANN'S 2ND ADD TO LAKE PARK

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	LOPEZ, BERNARDO R	2009-12-07	13298/809	71.20
Title Holder #2	PEREZ, ARMANDO			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	11,800	25,000	0	36,800

[Market Adjusted Cost Report](#)   [Assessment Roll Notice](#)   [Estimate Taxes](#)   [Polk County Treasurer Tax Information](#)   [Pay Taxes](#)



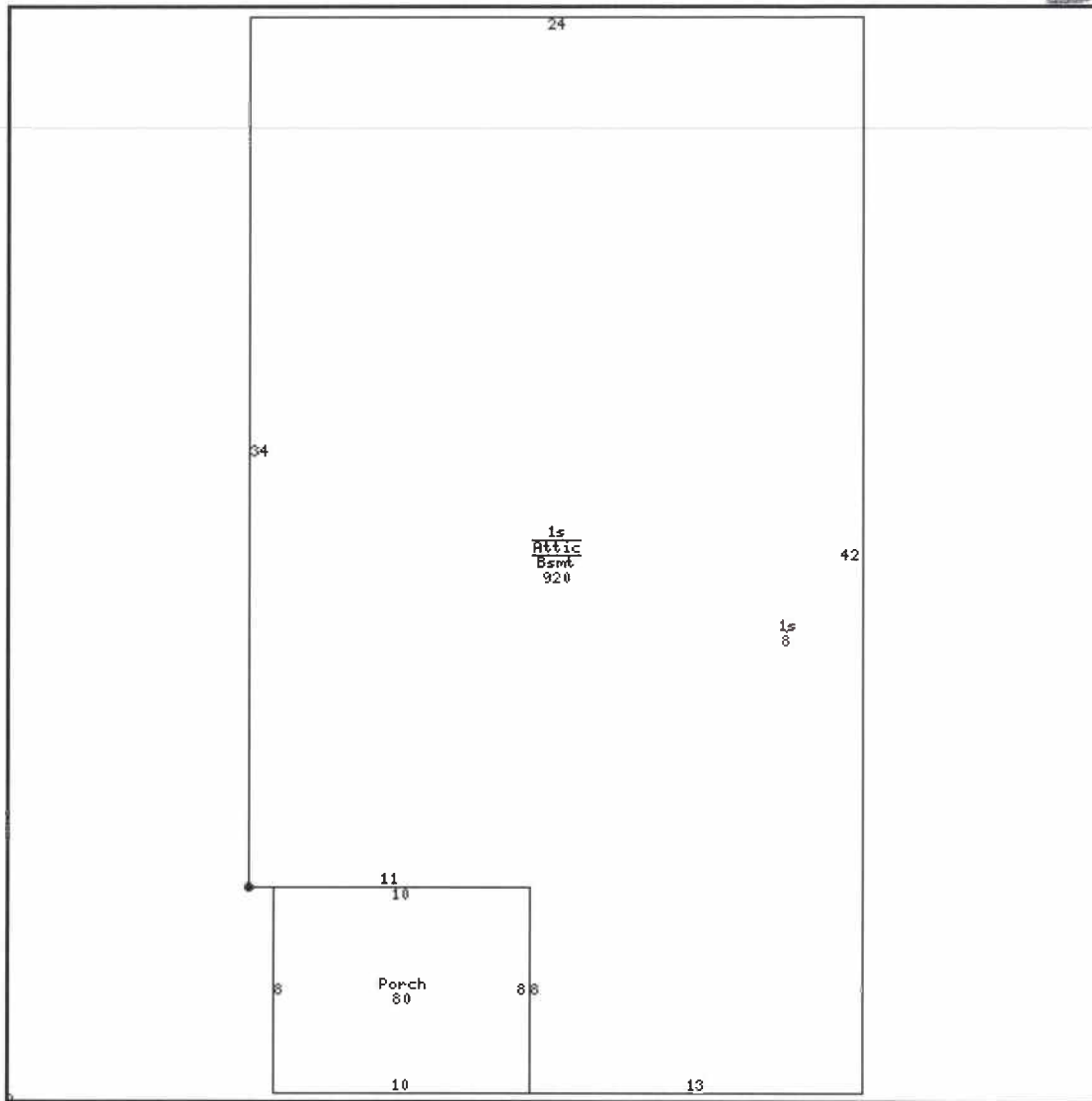
Taxable Value Credit	Name	Number	Info
Homestead	PEREZ, ARMANDO	163139	

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential
*Condition	Docket_no 14361		

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

Land					
SQUARE FEET	7,743	FRONTAGE	44.5	DEPTH	174.0
ACRES	0.178	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	FA/1 Story with Finished Attic	BLDG STYLE	CV/Conventional
YEAR BUILT	1912	# FAMILIES	1	GRADE	4
GRADE ADJUST	+00	CONDITION	BN/Below Normal	TSFLA	1,434
MAIN LV AREA	928	ATTIC FINISH	506	BSMT AREA	920
OPEN PORCH	80	FOUNDATION	B/Brick	EXT WALL TYP	MF/Mixed Frame
ROOF TYPE	GB/Gable	ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air
AIR COND	0	BATHROOMS	1	BEDROOMS	4
ROOMS	7				



Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
BANNING, ARLAN L	LOPEZ, BERNARDO ROJAS	<u>1996-10-06</u>	45,000	C/Contract	7531/80
KUBBY, ROSE	BANNING, ARLAN	<u>1990-12-10</u>	4,200	D/Deed	6326/840

Year	Type	Status	Application	Permit/Pickup Description
Current	P/Permit	TW/To Work	2009-10-30	RD/Fix Damage FIRE Cost Estimate 10000
2010	P/Permit	PR/Partial	2009-10-30	RD/FIRE

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2010	Assessment Roll	Residential	Full	11,800	25,000	0	36,800



**BDH** (W)

2009	<u>Assessment Roll</u>	Residential	Full	11,800	44,600	0	56,400
2007	<u>Assessment Roll</u>	Residential	Full	11,700	44,100	0	55,800
2005	<u>Assessment Roll</u>	Residential	Full	9,400	44,500	0	53,900
2003	<u>Assessment Roll</u>	Residential	Full	7,740	36,260	0	44,000
2001	<u>Assessment Roll</u>	Residential	Full	8,760	29,730	0	38,490
1999	<u>Assessment Roll</u>	Residential	Full	6,390	23,430	0	29,820
1997	<u>Assessment Roll</u>	Residential	Full	5,790	22,040	0	27,830
1990	<u>Assessment Roll</u>	Residential	Full	5,200	19,800	0	25,000

email this page

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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)

3150 6TH FROST & JONES 11/17/10 DICKT.



NOV 17 2010



2130 6th Rear 11/17/10 Rick T.



3130 6TH SOUTH WILMINGTON DELAWARE

