



Roll Call Number

Agenda Item Number

BDH 1-B

Date July 25, 2011

WHEREAS, the property located at 3130 2nd Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure and garage structure in their present conditions constitute not only a menace to health and safety but are also a public nuisance; and

WHEREAS, the Titleholder Michael J. Cross and Mortgage Holder The Bank of New York Mellon f/k/a The Bank of New York were notified more than thirty days ago to repair or demolish the structures and as of this date have failed to abate the nuisance.

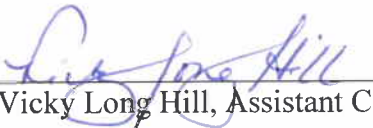
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, AND SITTING AS THE LOCAL BOARD OF HEALTH:

The main structure and garage structure on the real estate legally described as LOT 311 MANN'S 2ND ADD TO LAKE PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3130 2nd 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 structures.

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



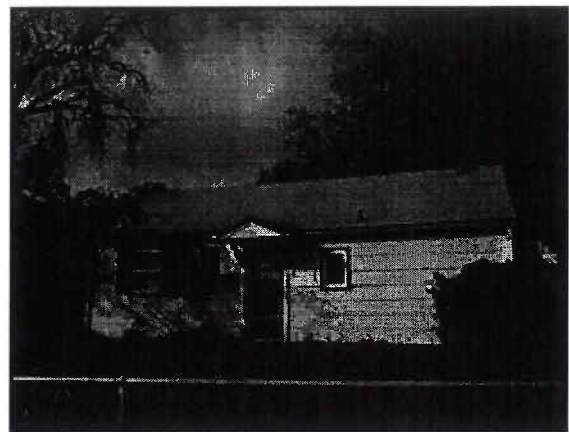
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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
070/02935-000-000	7924-27-281-035	0224	DM82/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
3130 2ND AVE			DES MOINES IA 50313-4434		

Click on parcel to get new listing

[Get Bigger Map](#)

3223	3218	3221	3216
3219	3214	3215	3214
3217	3210	3211	3208
3208	3208	3205	3206
3209	3204	3201	3204
3205	3200	3201	3204
3201	3130	TIFFIN AVE	
3131	3128	3123	3122
3127	3126	3117	3118
3123	3122	3113	3114
3119		3109	3110
3115		3107	3108
3109		3107	3104



Approximate date of photo 10/29/2004

Mailing Address
MICHAEL CROSS 3130 2ND AVE DES MOINES, IA 50313-4434

Legal Description
LOT 311 MANN'S 2ND ADD TO LAKE PARK

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	CROSS, MICHAEL J	2005-11-17	11400/415	53.60

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	13,000	35,000	0	48,000

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

Taxable Value Credit	Name	Number	Info

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Homestead	<u>CROSS, MICHAEL</u>	148917	
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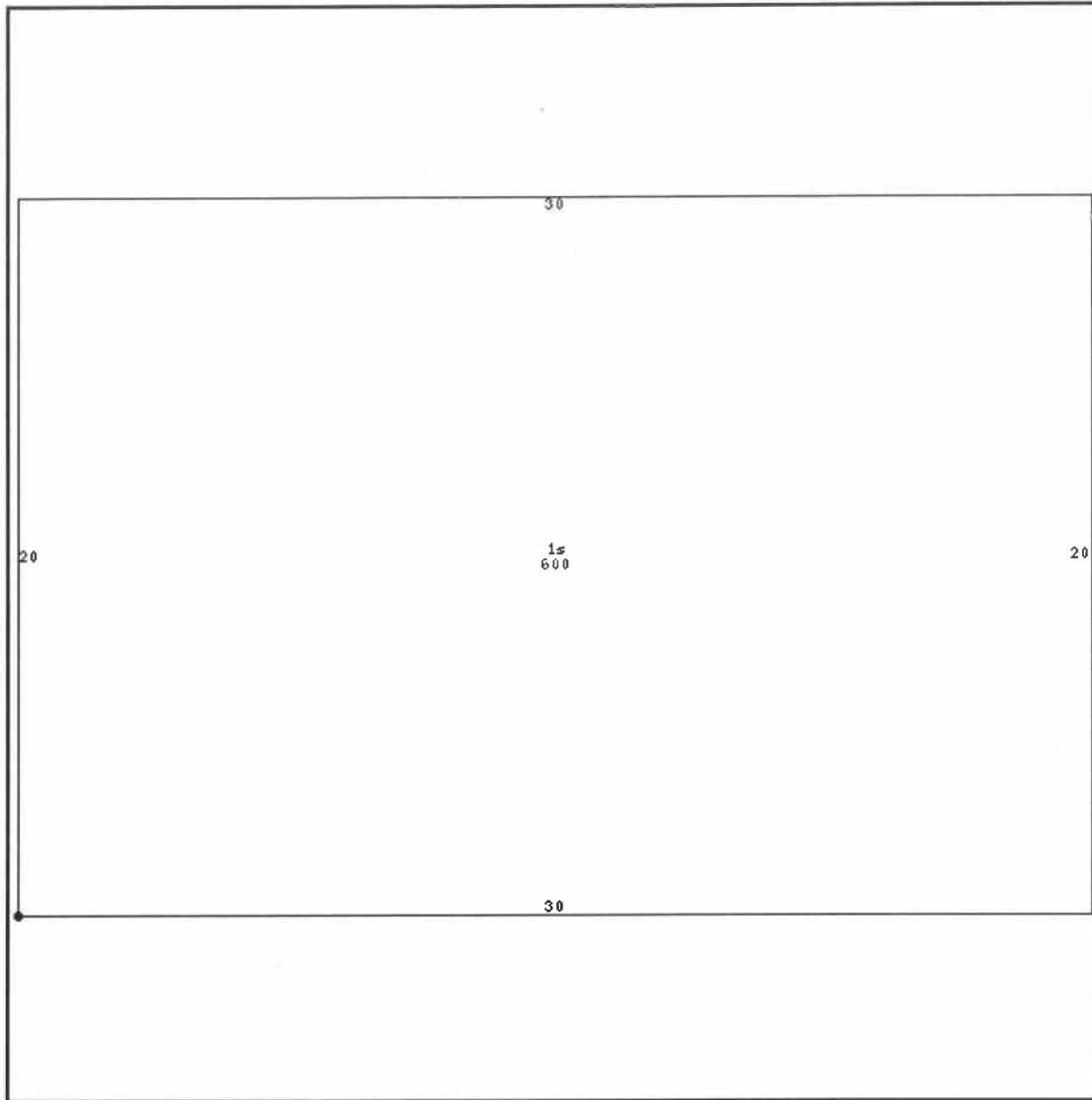
Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential
*Condition	Docket_no <u>14361</u>		

Source: City of Des Moines Community Development **Published:** 2011-05-25 **Contact:** Planning and Urban Design 515 283-4200

Land					
SQUARE FEET	6,500	FRONTAGE	50.0	DEPTH	130.0
ACRES	0.149	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	RN/Ranch
YEAR BUILT	1956	# FAMILIES	1	GRADE	5
GRADE ADJUST	+10	CONDITION	BN/Below Normal	TSFLA	600
MAIN LV AREA	600	FOUNDATION	C/Concrete Block	EXT WALL TYP	WS/Wood Siding
ROOF TYPE	GB/Gable	ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air
AIR COND	100	BATHROOMS	1	BEDROOMS	2
ROOMS	4				

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Detached # 101					
OCCUPANCY	GAR/Garage	CONSTR TYPE	MA/Masonry	MEASCODE	D/Dimensions
MEASURE1	25	MEASURE2	32	STORY HEIGHT	1
GRADE	5	YEAR BUILT	1949	CONDITION	PR/Poor
COMMENT	& Shop				

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
HALTOM, LARRY D	CROSS, MICHAEL	2003-08-08	34,000	C/Contract	10103/884
SCHEMMEL, ROBERT L	HALTON, LARRY D	1984-07-30	17,000	C/Contract	7449/759

Year	Type	Status	Application	Permit/Pickup Description

BDH1-B

2010	P/Permit	NA/No Add	2009-01-21	AD/DECK (88 sf)
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Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2011	<u>Assessment Roll</u>	Residential	Full	13,000	35,000	0	48,000
2009	<u>Assessment Roll</u>	Residential	Full	14,400	38,400	0	52,800
2007	<u>Assessment Roll</u>	Residential	Full	14,300	37,900	0	52,200
2005	<u>Assessment Roll</u>	Residential	Full	13,300	29,800	0	43,100
2003	<u>Assessment Roll</u>	Residential	Full	11,630	26,430	0	38,060
2001	<u>Assessment Roll</u>	Residential	Full	8,990	19,580	0	28,570
1999	Assessment Roll	Residential	Full	7,370	20,300	0	27,670
1997	Assessment Roll	Residential	Full	6,900	19,010	0	25,910
1995	Assessment Roll	Residential	Full	6,100	16,800	0	22,900
1993	Assessment Roll	Residential	Full	5,280	14,540	0	19,820
1990	Assessment Roll	Residential	Full	5,280	12,420	0	17,700

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



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

BDH 1-B

DATE OF NOTICE: May 20, 2011

DATE OF INSPECTION: April 13, 2011

CASE NUMBER: COD2011-02593

PROPERTY ADDRESS: 3130 2ND AVE

LEGAL DESCRIPTION: LOT 311 MANNS 2ND ADD TO LAKE PARK

MICHAEL J CROSS
Title Holder
908 14TH ST
WEST DES MOINES IA 50265

THE BANK OF NY MELLON CORP FKA THE BANK OF NEW YORK
Mortgage Holder - ATTN: GENERAL COUNSEL
ONE WALL STREET
NEW YORK NY 10286

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. 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.

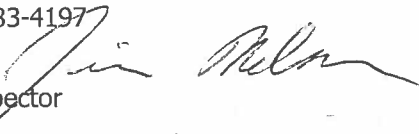
If you believe the building is beyond repair and decide to remove it, all debris must be removed from the property and the basement excavation if any, filled in the manner required by the City. You are encouraged to arrange for this demolition yourself; however a demolition permit must be obtained from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

Jim Nelson

(515) 283-4197



Nid Inspector

DATE MAILED: 5/20/2011

MAILED BY: TSY

Areas that need attention: 3130 2ND AVE

<u>Component:</u>	Exterior Walls	<u>Defect:</u>	Structurally Unsound
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure
<u>Comments:</u>	Repairs to damage walls need to have building permit		
<u>Component:</u>	Foundation	<u>Defect:</u>	See Comments
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure
<u>Comments:</u>	Have construction engineer inspect and provide report.		
<u>Component:</u>	Interior Walls /Ceiling	<u>Defect:</u>	Absence of paint
<u>Requirement:</u>		<u>Location:</u>	Throughout
<u>Comments:</u>			
<u>Component:</u>	Interior Walls /Ceiling	<u>Defect:</u>	In poor repair
<u>Requirement:</u>		<u>Location:</u>	Throughout
<u>Comments:</u>			
<u>Component:</u>	Windows/Window Frames	<u>Defect:</u>	In poor repair
<u>Requirement:</u>		<u>Location:</u>	Living Room
<u>Comments:</u>			
<u>Component:</u>	Windows/Window Frames	<u>Defect:</u>	Cracked/Broken
<u>Requirement:</u>		<u>Location:</u>	Main Structure
<u>Comments:</u>	South side of home		
<u>Component:</u>	Exterior Walls	<u>Defect:</u>	Absence of paint
<u>Requirement:</u>		<u>Location:</u>	Garage
<u>Comments:</u>			
<u>Component:</u>	Exterior Doors/Jams	<u>Defect:</u>	In poor repair
<u>Requirement:</u>		<u>Location:</u>	Garage
<u>Comments:</u>			

<u>Component:</u> Electrical Service	<u>Defect:</u> See Comments
<u>Requirement:</u> Compliancne with Int Residential Code	<u>Location:</u> BDH1B
<u>Comments:</u> Have licensed personnel check out system	

<u>Component:</u> Plumbing System	<u>Defect:</u> See Comments
<u>Requirement:</u> Compliancne with Int Residential Code	<u>Location:</u>
<u>Comments:</u> Have licensed personnel check out system	

<u>Component:</u> Mechanical System	<u>Defect:</u> See Comments
<u>Requirement:</u> Compliancne with Int Residential Code	<u>Location:</u>
<u>Comments:</u> Have licensed personnel check out system	

3130 2nd Ave

110

3130



07/20/2011

RD# 115

3/30 2nd



No hesitation

07/20/2011

07/20/2011

3/30 7nd

00815

07/20/2011

