

**Date** July 23, 2012

WHEREAS, the property located at 325 Indiana Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the fire-damaged main structure and fire-damaged garage structure in their present conditions constitute not only a menace to health and safety but are also a public nuisance; and

WHEREAS, the Titleholders Lincoln O. Allison (deceased), Ralph W. Maxwell, Jr., Heir, and Latrenda Maxwell, 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 fire-damaged main structure and garage structure on the real estate legally described as LOT 34 RUTHERFURD HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 325 Indiana Avenue, have 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 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 |        |

**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.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk



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

**BDH 1-C**

**DATE OF NOTICE: May 4, 2012**

**DATE OF INSPECTION: August 16, 2011**

**CASE NUMBER: COD2011-05580**

**PROPERTY ADDRESS: 325 INDIANA AVE**

**LEGAL DESCRIPTION: LOT 34 RUTHERFURD HEIGHTS**

LINCOLN O ALLISON- DECEASED  
Title Holder

LATREDA MAXWELL & RALPH W MAXWELL JR  
Heir  
3406 MERRITT RD  
MARSHALLTOWN IA 50158

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.**

BDH 1-C

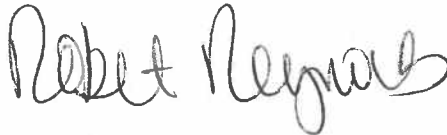
Appropriate building permits may be required for those violations noted in the "Special Requirements" section on the notice. Should you have questions regarding permits, contact the Permit and Development Center at 283-4200. All work performed by a contractor or you must be completed in a workmanlike 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.

Robert Reynolds  
(515) 283-4128



Nid Inspector

DATE MAILED: 5/4/2012

MAILED BY: TSY

**Areas that need attention:** 325 INDIANA AVE

|                     |                                  |                  |                       |
|---------------------|----------------------------------|------------------|-----------------------|
| <b>Component:</b>   | Windows/Window Frames            | <b>Defect:</b>   | Cracked/Broken        |
| <b>Requirement:</b> |                                  | <b>Location:</b> | Throughout            |
| <b>Comments:</b>    |                                  |                  |                       |
| <b>Component:</b>   | Exterior Walls                   | <b>Defect:</b>   | Cracked/Broken        |
| <b>Requirement:</b> | Building Permit                  | <b>Location:</b> | Throughout            |
| <b>Comments:</b>    |                                  |                  |                       |
| <b>Component:</b>   | Roof                             | <b>Defect:</b>   | Major sagging         |
| <b>Requirement:</b> | Building Permit                  | <b>Location:</b> | Throughout            |
| <b>Comments:</b>    |                                  |                  |                       |
| <b>Component:</b>   | Exterior Doors/Jams              | <b>Defect:</b>   | Cracked/Broken        |
| <b>Requirement:</b> |                                  | <b>Location:</b> | Throughout            |
| <b>Comments:</b>    |                                  |                  |                       |
| <b>Component:</b>   | Floor Joists/Beams               | <b>Defect:</b>   | Water Damage          |
| <b>Requirement:</b> | Building Permit                  | <b>Location:</b> | Throughout            |
| <b>Comments:</b>    |                                  |                  |                       |
| <b>Component:</b>   | Exterior Walls                   | <b>Defect:</b>   | In poor repair        |
| <b>Requirement:</b> | Building Permit                  | <b>Location:</b> | Throughout            |
| <b>Comments:</b>    |                                  |                  |                       |
| <b>Component:</b>   | Protective Covering/Junction Box | <b>Defect:</b>   | Holes or major defect |
| <b>Requirement:</b> | Building Permit                  | <b>Location:</b> | Throughout            |
| <b>Comments:</b>    |                                  |                  |                       |
| <b>Component:</b>   | Roof                             | <b>Defect:</b>   | Holes or major defect |
| <b>Requirement:</b> | Building Permit                  | <b>Location:</b> | Throughout            |
| <b>Comments:</b>    |                                  |                  |                       |

**BDH** 1-C

**Component:** Shingles Flashing  
**Requirement:**  
**Defect:** Missing  
**Location:** Throughout  
**Comments:**

**Component:** Soffit/Facia/Trim  
**Requirement:** Building Permit  
**Defect:** Deteriorated  
**Location:** Throughout  
**Comments:**

**Component:** Bathroom Lavatory  
**Requirement:** Plumbing Permit  
**Defect:** Smoke Damage  
**Location:**  
**Comments:**

**Component:** Ductwork  
**Requirement:** Mechanical Permit  
**Defect:** Fire damaged  
**Location:**  
**Comments:**

**Component:** Electrical Lighting Fixtures  
**Requirement:** Electrical Permit  
**Defect:** Fire damaged  
**Location:**  
**Comments:**

**Component:** Electrical Other Fixtures  
**Requirement:** Electrical Permit  
**Defect:** Fire damaged  
**Location:**  
**Comments:**

**Component:** Electrical Receptacles  
**Requirement:** Electrical Permit  
**Defect:** Fire damaged  
**Location:**  
**Comments:**

**Component:** Electrical System  
**Requirement:** Electrical Permit  
**Defect:** Fire damaged  
**Location:**  
**Comments:**

**Component:** Electrical System  
**Requirement:** Electrical Permit  
**Defect:** Smoke Damage  
**Location:**  
**Comments:**

|                     |                     |                  |              |                |
|---------------------|---------------------|------------------|--------------|----------------|
| <b>Component:</b>   | Exterior Doors/Jams | <b>Defect:</b>   | Fire damaged | <b>BDH</b> 1-C |
| <b>Requirement:</b> | Building Permit     | <b>Location:</b> |              |                |
| <b>Comments:</b>    |                     |                  |              |                |

|                     |                    |                  |              |
|---------------------|--------------------|------------------|--------------|
| <b>Component:</b>   | Floor Joists/Beams | <b>Defect:</b>   | Fire damaged |
| <b>Requirement:</b> | Building Permit    | <b>Location:</b> |              |
| <b>Comments:</b>    |                    |                  |              |

|                     |                 |                  |              |
|---------------------|-----------------|------------------|--------------|
| <b>Component:</b>   | Flooring        | <b>Defect:</b>   | Fire damaged |
| <b>Requirement:</b> | Building Permit | <b>Location:</b> |              |
| <b>Comments:</b>    |                 |                  |              |

|                     |                 |                  |              |
|---------------------|-----------------|------------------|--------------|
| <b>Component:</b>   | Flooring        | <b>Defect:</b>   | Water Damage |
| <b>Requirement:</b> | Building Permit | <b>Location:</b> |              |
| <b>Comments:</b>    |                 |                  |              |

|                     |                         |                  |              |
|---------------------|-------------------------|------------------|--------------|
| <b>Component:</b>   | Interior Walls /Ceiling | <b>Defect:</b>   | Water Damage |
| <b>Requirement:</b> | Building Permit         | <b>Location:</b> |              |
| <b>Comments:</b>    |                         |                  |              |

|                     |                         |                  |              |
|---------------------|-------------------------|------------------|--------------|
| <b>Component:</b>   | Interior Walls /Ceiling | <b>Defect:</b>   | Fire damaged |
| <b>Requirement:</b> | Building Permit         | <b>Location:</b> |              |
| <b>Comments:</b>    |                         |                  |              |

|                     |                   |                  |              |
|---------------------|-------------------|------------------|--------------|
| <b>Component:</b>   | Interior Stairway | <b>Defect:</b>   | Water Damage |
| <b>Requirement:</b> | Building Permit   | <b>Location:</b> |              |
| <b>Comments:</b>    |                   |                  |              |

|                     |                 |                  |              |
|---------------------|-----------------|------------------|--------------|
| <b>Component:</b>   | Roof            | <b>Defect:</b>   | Fire damaged |
| <b>Requirement:</b> | Building Permit | <b>Location:</b> |              |
| <b>Comments:</b>    |                 |                  |              |

|                     |                   |                  |              |
|---------------------|-------------------|------------------|--------------|
| <b>Component:</b>   | Shingles Flashing | <b>Defect:</b>   | Fire damaged |
| <b>Requirement:</b> | Building Permit   | <b>Location:</b> |              |
| <b>Comments:</b>    |                   |                  |              |

|                            |                       |                         |              |                |
|----------------------------|-----------------------|-------------------------|--------------|----------------|
| <b><u>Component:</u></b>   | Soffit/Facia/Trim     | <b><u>Defect:</u></b>   | Fire damaged | <b>BDH</b> 1-C |
| <b><u>Requirement:</u></b> | Building Permit       | <b><u>Location:</u></b> |              |                |
| <b><u>Comments:</u></b>    |                       |                         |              |                |
| <b><u>Component:</u></b>   | Window Glazing/Paint  | <b><u>Defect:</u></b>   | Fire damaged |                |
| <b><u>Requirement:</u></b> | Building Permit       | <b><u>Location:</u></b> |              |                |
| <b><u>Comments:</u></b>    |                       |                         |              |                |
| <b><u>Component:</u></b>   | Windows/Window Frames | <b><u>Defect:</u></b>   | Fire damaged |                |
| <b><u>Requirement:</u></b> | Building Permit       | <b><u>Location:</u></b> |              |                |
| <b><u>Comments:</u></b>    |                       |                         |              |                |
| <b><u>Component:</u></b>   | Wiring                | <b><u>Defect:</u></b>   | Fire damaged |                |
| <b><u>Requirement:</u></b> | Electrical Permit     | <b><u>Location:</u></b> |              |                |
| <b><u>Comments:</u></b>    |                       |                         |              |                |
| <b><u>Component:</u></b>   | Wiring                | <b><u>Defect:</u></b>   | Smoke Damage |                |
| <b><u>Requirement:</u></b> | Electrical Permit     | <b><u>Location:</u></b> |              |                |
| <b><u>Comments:</u></b>    |                       |                         |              |                |
| <b><u>Component:</u></b>   | Wiring                | <b><u>Defect:</u></b>   | Water Damage |                |
| <b><u>Requirement:</u></b> | Electrical Permit     | <b><u>Location:</u></b> |              |                |
| <b><u>Comments:</u></b>    |                       |                         |              |                |



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

**BDH** 1-C

**DATE OF NOTICE: September 16, 2011**

**DATE OF INSPECTION: August 16, 2011**

**CASE NUMBER: COD2011-05580**

**PROPERTY ADDRESS: 325 INDIANA AVE**

**LEGAL DESCRIPTION: LOT 34 RUTHERFURD HEIGHTS**

LINCOLN O ALLISON- DECEASED  
Title Holder

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.**



**Areas that need attention:** 325 INDIANA AVE

|   |   |
|---|---|
| <b>Component:</b> Windows/Window Frames<br><b>Requirement:</b><br><b>Comments:</b>                            | <b>Defect:</b> Cracked/Broken<br><b>Location:</b> Throughout        |
| <b>Component:</b> Exterior Walls<br><b>Requirement:</b> Building Permit<br><b>Comments:</b>                   | <b>Defect:</b> Cracked/Broken<br><b>Location:</b> Throughout        |
| <b>Component:</b> Roof<br><b>Requirement:</b> Building Permit<br><b>Comments:</b>                             | <b>Defect:</b> Major sagging<br><b>Location:</b> Throughout         |
| <b>Component:</b> Exterior Doors/Jams<br><b>Requirement:</b><br><b>Comments:</b>                              | <b>Defect:</b> Cracked/Broken<br><b>Location:</b> Throughout        |
| <b>Component:</b> Floor Joists/Beams<br><b>Requirement:</b> Building Permit<br><b>Comments:</b>               | <b>Defect:</b> Water Damage<br><b>Location:</b> Throughout          |
| <b>Component:</b> Exterior Walls<br><b>Requirement:</b> Building Permit<br><b>Comments:</b>                   | <b>Defect:</b> In poor repair<br><b>Location:</b> Throughout        |
| <b>Component:</b> Protective Covering/Junction Box<br><b>Requirement:</b> Building Permit<br><b>Comments:</b> | <b>Defect:</b> Holes or major defect<br><b>Location:</b> Throughout |
| <b>Component:</b> Roof<br><b>Requirement:</b> Building Permit<br><b>Comments:</b>                             | <b>Defect:</b> Holes or major defect<br><b>Location:</b> Throughout |

|  |                                    |                |
|--|------------------------------------|----------------|
| <b><u>Component:</u></b> Shingles Flashing | <b><u>Defect:</u></b> Missing      | <b>BDH</b> 1-C |
| <b><u>Requirement:</u></b>                 | <b><u>Location:</u></b> Throughout |                |
| <b><u>Comments:</u></b>                    |                                    |                |

|  |                                    |
|--|------------------------------------|
| <b><u>Component:</u></b> Soffit/Facia/Trim | <b><u>Defect:</u></b> Deteriorated |
| <b><u>Requirement:</u></b> Building Permit | <b><u>Location:</u></b> Throughout |
| <b><u>Comments:</u></b>                    |                                    |

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.



Nid Inspector

DATE MAILED: 9/16/2011

MAILED BY: KMD