

Date April 7, 2014

WHEREAS, the property located at 1941 Francis Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the fire-damaged structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders William Nelson and Caryl Sundland were notified via publication and the Contract Buyers Erin L. Massman f/k/a Erin Reifschneider, Heather Conner, James Roper, Jeanette Miller, and Abram Swoboda were notified via personal service and/or publication more than thirty days ago to repair or demolish the structure and as of this date have failed to abate the nuisance.

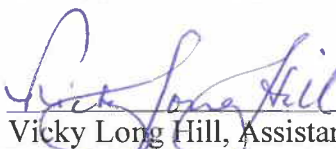
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, AND SITTING AS THE LOCAL BOARD OF HEALTH:

The fire-damaged structure on the real estate legally described as Lot 25 in GASTON'S SUBDIVISION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1941 Francis 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 structure.

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

FORM APPROVED:

  
\_\_\_\_\_  
Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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 1(C)**

**DATE OF NOTICE: January 14, 2014**

**DATE OF INSPECTION: November 25, 2013**

**CASE NUMBER: COD2013-07426**

**PROPERTY ADDRESS: 1941 FRANCIS AVE**

**LEGAL DESCRIPTION: LOT 25 GASTONS SUB DIV**

ERIN L MASSMAN A/K/A REIFSCHNEIDER  
 Contract Buyer  
 13646 GEAR ST  
 INDIANOLA IA 50125

JEANETTE MILLER  
 Contract Buyer  
 100 E MCKINLEY AVE APT 301  
 DES MOINES IA 50315

ABRAM SWOBODA  
 Contract Buyer  
 10458 SE VANDALIA DR  
 RUNNELLS IA 50237

WILLIAM NELSON  
 Title Holder  
 UNKNOWN

CARYL SUNDLAND  
 Title Holder  
 UNKNOWN

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.

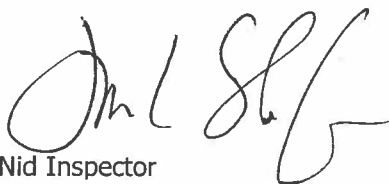
**ALL ELECTRICAL, MECHANICAL, PLUMBING, AND STRUCTURAL COMPONENTS IN NEED OF REPLACEMENT OR REPAIR, ARE TO BE BROUGHT TO MINIMUM CODE REQUIREMENTS WITH NECESSARY PERMITS AS REQUIRED TO MEET CITY CODES.**

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 (515) 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 (515) 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: 1/14/2014

MAILED BY: JDH

**Areas that need attention:** 1941 FRANCIS AVE

<b>Component:</b>	Windows/Window Frames	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with International Building Code	<b>Location:</b>	
<b>Comments:</b>			
<b>Component:</b>	Interior Walls /Ceiling	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with International Building Code	<b>Location:</b>	
<b>Comments:</b>	Permit and final inspect required for compliance.		
<b>Component:</b>	Exterior Walls	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with International Building Code	<b>Location:</b>	
<b>Comments:</b>	Permit and final inspect required for compliance.		
<b>Component:</b>	Mechanical System	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance, Uniform Mechanics Code	<b>Location:</b>	
<b>Comments:</b>	Permit and final inspect required for compliance.		
<b>Component:</b>	Roof	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with International Building Code	<b>Location:</b>	
<b>Comments:</b>	Permit and final inspect required for compliance.		
<b>Component:</b>	Electrical Service	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with National Electrical Code	<b>Location:</b>	
<b>Comments:</b>	Permit and final inspect required for compliance.		
<b>Component:</b>	Soffit/Facia/Trim	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with International Building Code	<b>Location:</b>	
<b>Comments:</b>			
<b>Component:</b>	Wiring	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with National Electrical Code	<b>Location:</b>	
<b>Comments:</b>	Permit and final inspect required for compliance.		

**Component:** Plumbing System  
**Requirement:** Compliance with Uniform Plumbing Code

**Defect:** Fire damaged

**BDH 1 (C)**

**Location:**

**Comments:** Permit and final inspect required for compliance.



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

**BDH 1(c)**

**DATE OF NOTICE:** December 4, 2013

**DATE OF INSPECTION:** November 25, 2013

**CASE NUMBER:** COD2013-07426

**PROPERTY ADDRESS:** 1941 FRANCIS AVE

**LEGAL DESCRIPTION:** LOT 25 GASTONS SUB DIV

JEANETTE MILLER  
Contract Buyer  
100 E MCKINLEY AVE APT 301  
DES MOINES IA 50315

HEATHER CONNER  
Contract Buyer  
425 S WALNUT ST  
DOUGLASS KS 67039-3900

JAMES ROPER  
Contract Buyer  
425 S WALNUT ST  
DOUGLASS KS 67039-3903

ABRAM SWOBODA  
Contract Buyer  
10458 SE VANDALIA DR  
RUNNELLS IA 50237

WILLIAM NELSON  
Title Holder  
UNKNOWN

CARYL SUNDLAND  
Title Holder  
UNKNOWN

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

Jan L. Shafer  
(515) 283-4008



Nid Inspector

DATE MAILED: 12/4/2013

MAILED BY: JDH

**Areas that need attention:** 1941 FRANCIS AVE

<b><u>Component:</u></b>	Windows/Window Frames	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Compliance with International Building Code	<b><u>Location:</u></b>	
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Interior Walls /Ceiling	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Compliance with International Building Code	<b><u>Location:</u></b>	
<b><u>Comments:</u></b>	Permit and final inspect required for compliance.		
<b><u>Component:</u></b>	Exterior Walls	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Compliance with International Building Code	<b><u>Location:</u></b>	
<b><u>Comments:</u></b>	Permit and final inspect required for compliance.		
<b><u>Component:</u></b>	Mechanical System	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Compliance, Uniform Mechanics Code	<b><u>Location:</u></b>	
<b><u>Comments:</u></b>	Permit and final inspect required for compliance.		
<b><u>Component:</u></b>	Roof	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Compliance with International Building Code	<b><u>Location:</u></b>	
<b><u>Comments:</u></b>	Permit and final inspect required for compliance.		
<b><u>Component:</u></b>	Electrical Service	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Compliance with National Electrical Code	<b><u>Location:</u></b>	
<b><u>Comments:</u></b>	Permit and final inspect required for compliance.		
<b><u>Component:</u></b>	Soffit/Facia/Trim	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Compliance with International Building Code	<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>	Compliance with National Electrical Code	<b><u>Location:</u></b>	
<b><u>Comments:</u></b>	Permit and final inspect required for compliance.		



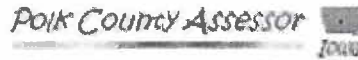
**Component:** Plumbing System  
**Requirement:** Compliance with Uniform Plumbing Code

**Defect:** Fire damaged

**BDH 1(c)**

**Comments:** Permit and final inspect required for compliance.

**BDH** ICC)



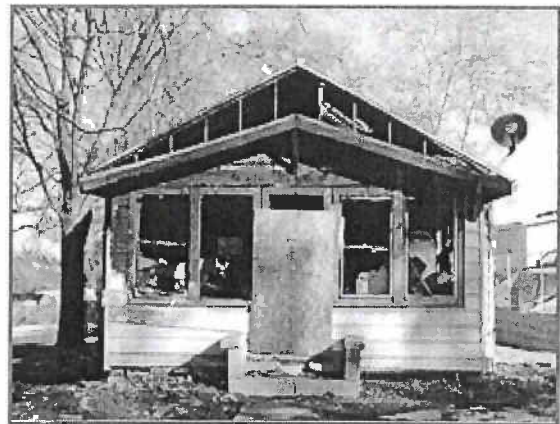
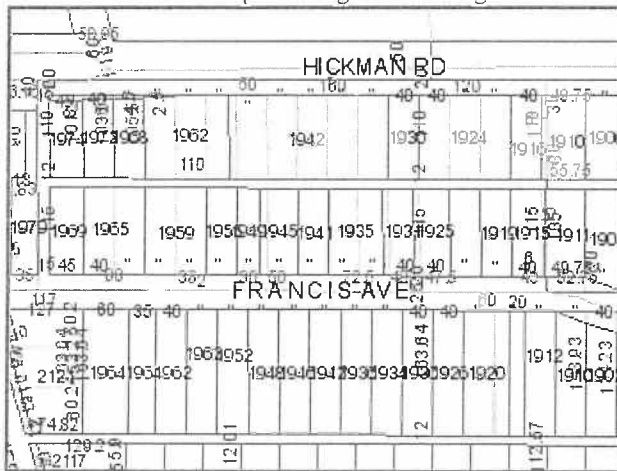
[ Home ] [ General Query ] [ Legal Query ] [ HomeOwner Query ] [ Book/Page Query ] [ Commercial Query ] [ Res Sales Query ] [ Comm Sales Query ] [ Help ]

<b>District/Parcel</b>	<b>GeoParcel</b>	<b>Map</b>	<b>Nbhd</b>	<b>Jurisdiction</b>	<b>Status</b>
080/02409-000-000	7924-33-226-034	0176	DM73/Z	DES MOINES	ACTIVE
<b>School District</b>	<b>Tax Increment Finance District</b>	<b>Bond/Fire/Sewer/Cemetery</b>			
1/Des Moines					
<b>Street Address</b>			<b>City State Zipcode</b>		
1941 FRANCIS AVE			DES MOINES IA 50314		

Click on parcel to get new listing

Get Bigger Map

Google Map



Approximate date of photo 02/19/2014

<b>Mailing Address</b>
JEANETTE MILLER 1941 FRANCIS AVE DES MOINES, IA 50314

<b>Legal Description</b>
LOT 25 GASTONS SUB DIV

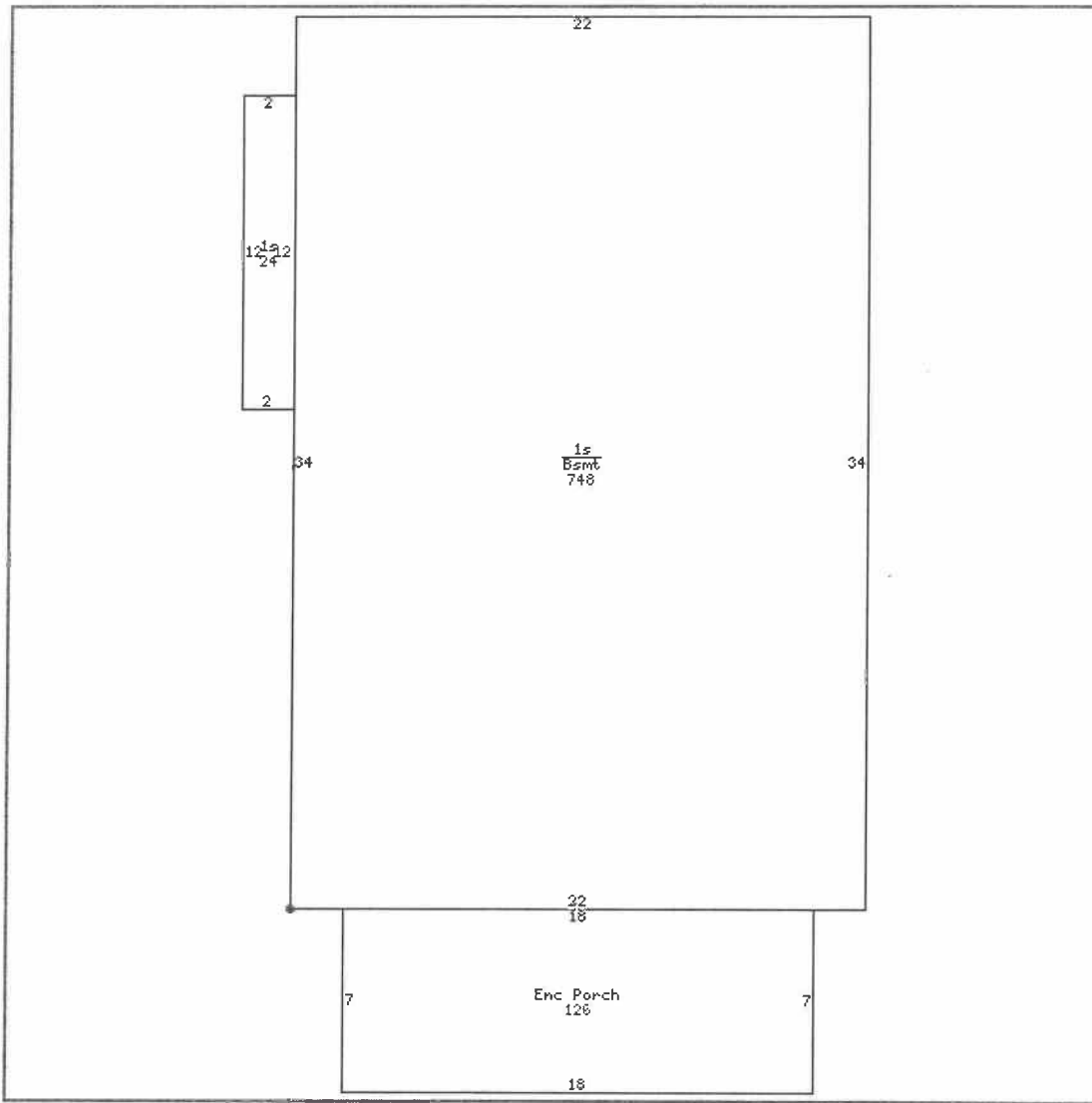
<b>Ownership</b>	<b>Name</b>	<b>Recorded</b>	<b>Book/Page</b>	<b>RevStamps</b>
Title Holder #1	SUNDLAND, CARYL	1982-05-10	5167/23	20.35
Title Holder #2	NELSON, WILLIAM			
Contract Buyer #1	SWOBODA, ABRAM	2004-12-30	10886/593	
Contract Buyer #2	MILLER, JEANETTE			
Contract Buyer #3	ROPER, JAMES ✓			
Contract Buyer #4	CONNER, HEATHER ✓			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Assmt Roll	Residential	Full	5,000	2,000	0	7,000
<a href="#">Assessment Roll Notice</a> <a href="#">Market Adjusted Cost Report</a> <a href="#">Estimate Taxes</a> <a href="#">Polk County Treasurer</a> <a href="#">Tax Information</a> <a href="#">Pay Taxes</a>						

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential
<b>Source:</b> City of Des Moines Community Development <b>Published:</b> 2012-03-20 <b>Contact:</b> Planning and Urban Design 515 283-4182			

Land					
SQUARE FEET	4,600	FRONTAGE	40.0	DEPTH	115.0
ACRES	0.106	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	BG/Bungalow
YEAR BUILT	1920	# FAMILIES	1	GRADE	5
GRADE ADJUST	+10	CONDITION	VP/Very Poor	TSFLA	772
MAIN LV AREA	772	BSMT AREA	748	ENCL PORCH	126
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	5



<u>Seller</u>	<u>Buyer</u>	<u>Sale Date</u>	<u>Sale Price</u>	<u>Instrument</u>	<u>Book/Page</u>
REIFSCHNEIDER, ERIN L NKA: E. MASSMAN	SWOBODA, ABRAM	2004- 12-06	36,000	C/Contract	10886/593
REIFSCHNEIDER, ERIN L NKA: MASSMAN, E L	ROPER, JAMES	2003- 10-06	28,000	C/Contract	10210/950

<u>Year</u>	<u>Type</u>	<u>Status</u>	<u>Application</u>	<u>Permit/Pickup Description</u>
Current	U/Pickup	CP/Complete	2013-12-05	CL/Correct Data LISTING
2006	P/Permit	NA/No Add	2004-10-27	AL/REMODEL
2005	P/Permit	PA/Pass	2004-10-27	AL/REMODEL

<u>Year</u>	<u>Type</u>	<u>Class</u>	<u>Kind</u>	<u>Land</u>	<u>Bldg</u>	<u>AgBd</u>	<u>Total</u>
2013	Assessment Roll	Residential	Full	5,000	16,400	0	21,400

2011	Assessment Roll	Residential	Full	5,900	19,400	0	25,300
2009	Assessment Roll	Residential	Full	6,500	21,700	0	28,200
2007	Board Action	Residential	Full	6,300	20,800	0	27,100
2007	Assessment Roll	Residential	Full	6,300	32,900	0	39,200
2005	Assessment Roll	Residential	Full	3,600	24,900	0	28,500
2003	Assessment Roll	Residential	Full	3,060	24,810	0	27,870
2001	Assessment Roll	Residential	Full	3,470	21,520	0	24,990
1999	Assessment Roll	Residential	Full	3,510	18,980	0	22,490
1997	Assessment Roll	Residential	Full	3,040	16,460	0	19,500
1995	Assessment Roll	Residential	Full	2,760	14,920	0	17,680
1989	Assessment Roll	Residential	Full	2,390	12,910	0	15,300

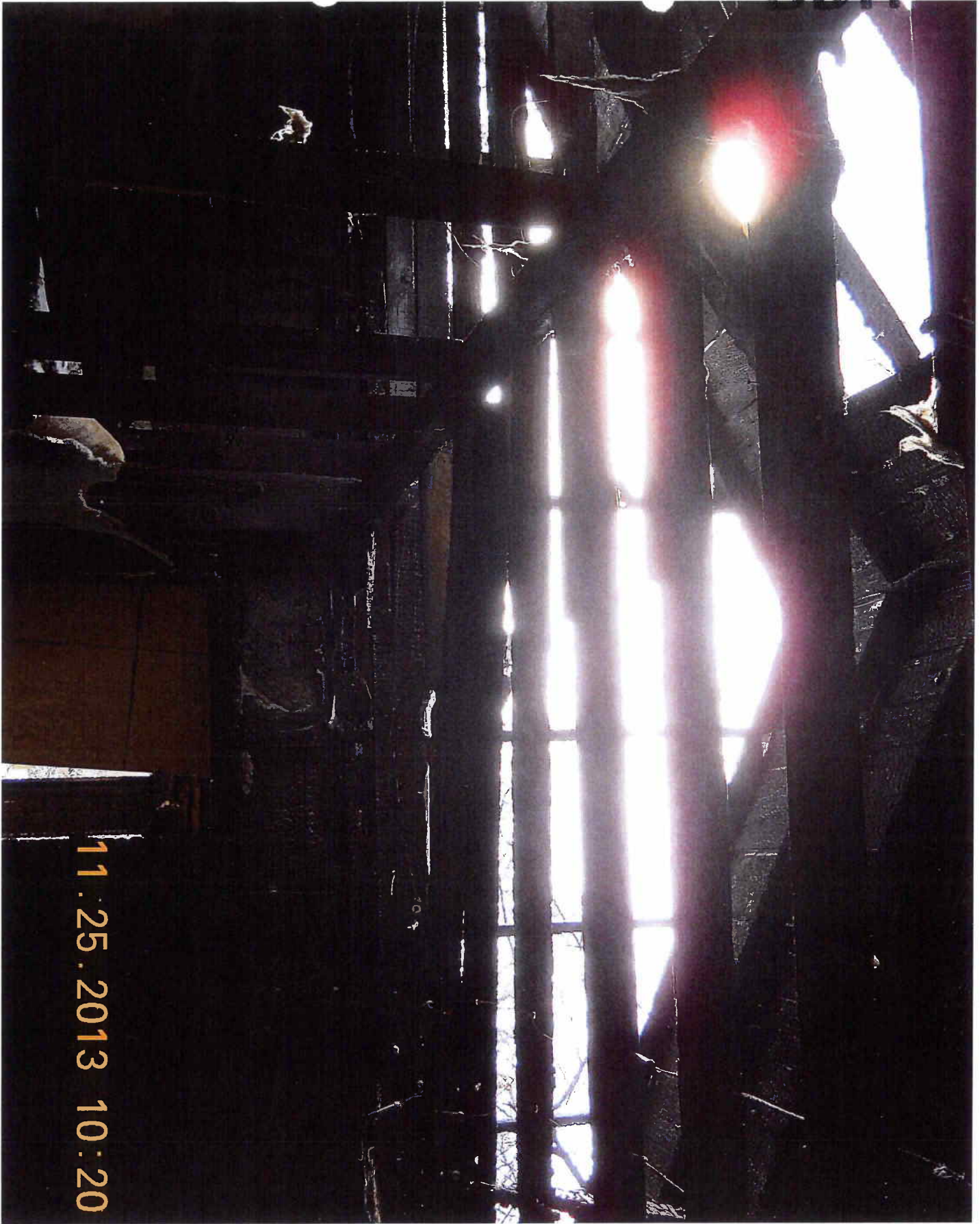
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Room 195, 111 Court Avenue, Des Moines, IA 50309  
 Phone 515 286-3140 / Fax 515 286-3386  
[polkwebi@assess.co.polk.ia.us](mailto:polkwebi@assess.co.polk.ia.us)

1941 FRANCIS AVE.

BDH 1(c)



11.25.2013 10:20

1941 FRANCIS AVE.

BDH 1(C)



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BDH/CC

1941 Francis Ave



04 02 2014 13:49



BDH Inc

1941 FRANKS AVE

04 02 2014 13:50





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