



Roll Call Number

Agenda Item Number
BDH 1

Date July 13, 2015

WHEREAS, the property located at 3140 Indianola Avenue, Lot 12, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the 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, Mark Ogden, was notified via personal service more than thirty days ago to repair or demolish the main structure and as of this date has 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 The East 10 feet of the South 30 feet of Lot Fifty-four (54) and the East 10 feet of Lots 64, 65, 66, 67, 68 and 76 in Block B, JEFFERSON HEIGHTS, No. 2, an Official Plat; and Lot 54 in OAK HILL, an Official Plat, except the North 95 feet, and except the South 25 feet and except that part of said Lot 54 in Oak Hill lying within the following described lines, to-wit: Commencing at a point in the Southeast corner of Lot 54 where the northerly line of Park Avenue intersects the Westerly line of Indianola Avenue, thence West along the South line of said Lot 54, 180.04 feet, thence North 23 degrees and 30 minutes East, 75 feet, thence North 58 degrees and 26 minutes East, 82.6 feet, thence south 35 degrees and 35 minutes East along the Easterly line of said Lot 54 and the Westerly line of Indianola Avenue 137.7 feet to the place of beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3140 Indianola Avenue, Lot 12, 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 structure.

Moved by _____ to adopt.

FORM APPROVED:

Vicky Long Hill
Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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

CITY OF DES MOINES, IOWA
Office of Legal
Community Development Department

TO: Mayor and Council Members
Phil Delafield, Director
Community Development

DATE: July 8, 2015

FROM: Victoria Cresta
Legal Assistant

SUBJECT: Board of Health
July 13, 2015

AUTHORIZING:

1. The Legal Department to proceed with court action for authority to abate the public nuisances at the following locations:
 - (A) 3140 Indianola Avenue, Lot 12, main structure, Titleholder: Mark Ogden
 - 03/04/2015 The main structure was inspected and found to be a public nuisance. Interior photos were taken at this time.
 - 04/22/2015 The Public Nuisance Notice was served on Titleholder, Mark Ogden.
 - 07/06/2015 The property was re-inspected and found to remain a public nuisance. Photos were taken at this time.
 - 07/06/2015 The inspector reports no permits have been requested and no visual progress toward abatement.

AUTHORIZING:

cc: Jeff Lester
Vicky Long Hill
Su Donovan



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

BDH

DATE OF NOTICE: April 17, 2015

DATE OF INSPECTION: March 04, 2015

CASE NUMBER: COD2015-01064

PROPERTY ADDRESS: 3140 INDIANOLA AVE Lot 12

LEGAL DESCRIPTION: E 10F S 30F LT 54 & E10F LTS 64, 65, 66, 67, 68 & 76 BLK B JEFFERSON HEIGHTS NO 2; AND
 -EX N 95F & NE 21F- & -EX S 25F & SE OF LN BEG 25F N & 251.8F W OF SE COR THN E 54.53F
 TO PT 30F N OF SLN NELY134.27F TO PT 21F SW OF NE LN- LT 54 OAK HILL

MARK OGDEN
 Title Holder
 906 E PARK AVE
 DES MOINES IA 50315-2409

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. The violations noted must be corrected within 30 days from date of 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.

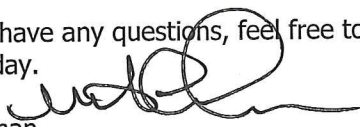
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Appropriate building permits may be required for those violations noted in the "Special Requirements" section on the notice. Should you have questions regarding permits, contact the Permit and Development Center at (515) 283-4200. All work performed 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.


Mike F Lehman

(515) 283-4299

Nid Inspector

DATE MAILED: 4/17/2015

MAILED BY: JDH

Areas that need attention: 3140 INDIANOLA AVE


Component:	Bathroom Lavatory	Defect:	In poor repair
Requirement:	Compliance, International Property Maintenance Code	Location:	Bathroom
Comments:			
Component:	Electrical System	Defect:	In disrepair
Requirement:	Electrical Permit	Location:	Throughout
Comments:			
Component:	Functioning Water Closet	Defect:	Not Supplied
Requirement:	Compliance, International Property Maintenance Code	Location:	Bathroom
Comments:			
Component:	Mechanical System	Defect:	Not Supplied
Requirement:	Mechanical Permit	Location:	Kitchen
Comments:			
Component:	Interior Walls /Ceiling	Defect:	In poor repair
Requirement:	Compliance, International Property Maintenance Code	Location:	Throughout
Comments:			
Component:	Mechanical System	Defect:	In disrepair
Requirement:	Mechanical Permit	Location:	Throughout
Comments:			
Component:	Plumbing System	Defect:	In disrepair
Requirement:	Plumbing Permit	Location:	Throughout
Comments:			
Component:	Roof	Defect:	In poor repair
Requirement:	Compliance with International Building Code	Location:	Roof
Comments:			

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Component: Smoke Detectors	Defect: Not Supplied
Requirement: Compliance with International Building Code	Location: Throughout
Comments:	

Component: Windows/Window Frames	Defect: In disrepair
Requirement: Compliance, International Property Maintenance Code	Location: Throughout
Comments:	

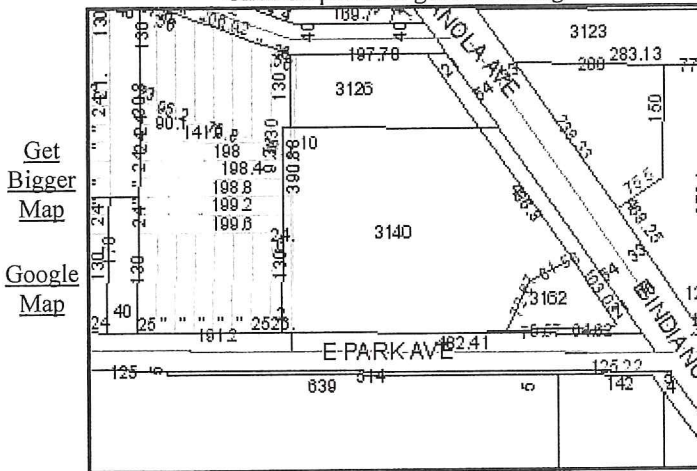


Polk County Assessor 

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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
010/03883-002-001	7824-15-478-011	0472	DM37/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
3140 INDIANOLA AVE			DES MOINES IA 50315-2431		

Click on parcel to get new listing



Approximate date of photo 02/13/2009

Mailing Address
MARK OGDEN 906 E PARK AVE DES MOINES, IA 50315-2409

Legal Description
E 10F S 30F LT 54 & E10F LTS 64, 65, 66, 67, 68 & 76 BLK B JEFFERSON HEIGHTS NO 2; AND -EX N 95F & NE 21F- & -EX S 25F & SE OF LN BEG 25F N & 251.8F W OF SE COR THN E 54.53F TO PT 30F N OF SLN NELY134.27F TO PT 21F SW OF NE LN- LT 54 OAK HILL

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	OGDEN, MARK	2014-02-13	15104/219	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Multi-Residential	Full	144,000	116,000	0	260,000

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



Zoning	Description	SF	Assessor Zoning
C-2	General Retail and Highway Oriented Commercial District	82948	Highway Commercial
R1-60	One Family, Low Density Residential District	2698	Residential

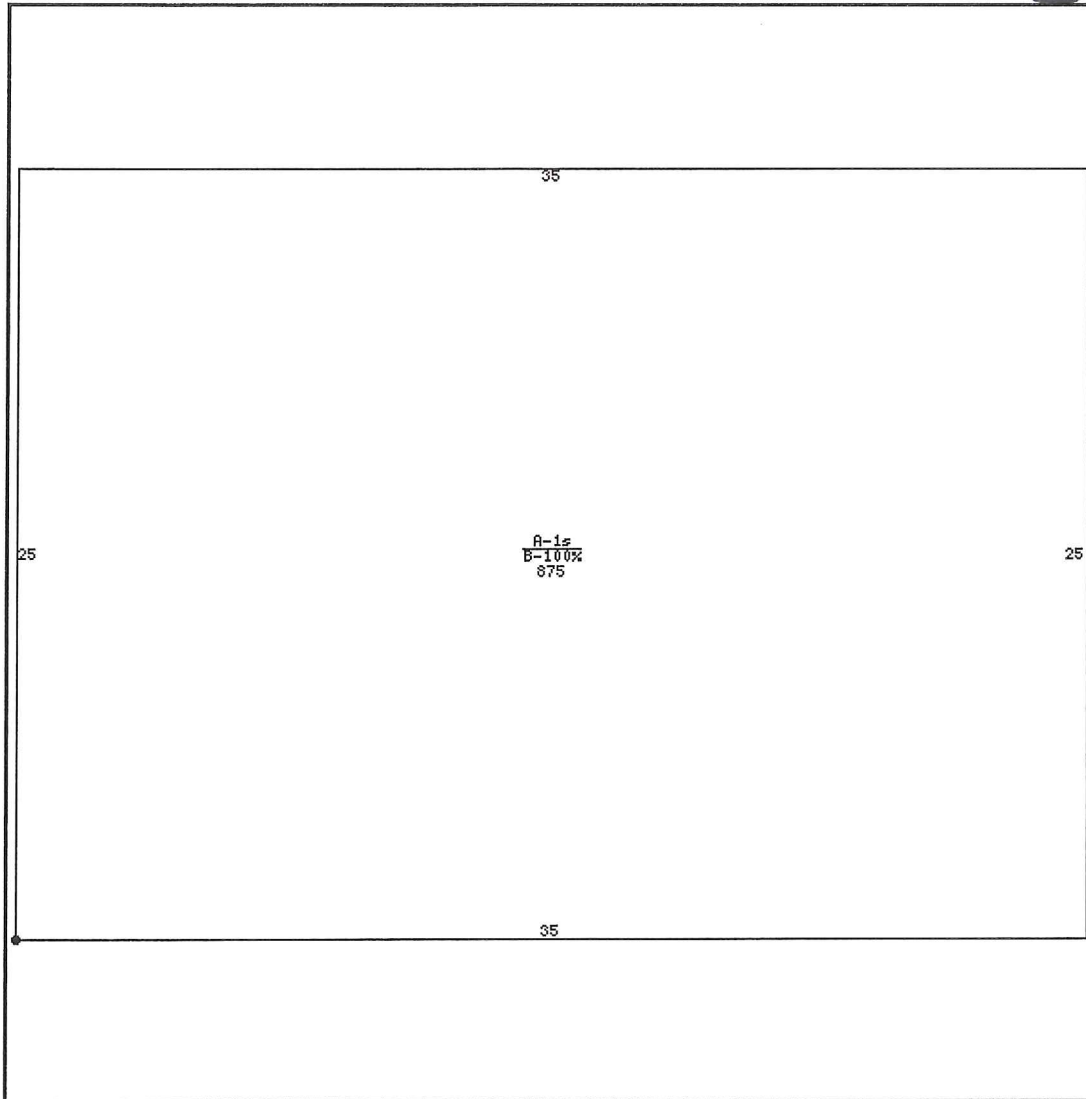
Source: City of Des Moines Community Development **Published:** 2012-03-20 **Contact:** Planning and Urban Design 515 283-4182

Land					
SQUARE FEET	85,647	ACRES	1.966	SHAPE	RC/Rectangle
TOPOGRAPHY	B/Blank				

Commercial Summary					
OCCUPANCY	23/Mobile Home Park	WEIGHTED AGE	1939	STORY HEIGHT	1
LAND AREA	85,647	GROSS AREA	875	FINISH AREA	875
BSMT UNFIN	875	BSMT FINISH	0	NUMBER UNITS	0

Csection # 101					
SECT MULTIPL	1	OCCUPANCY	23/Mobile Home Park	FOUNDATION	CN/Concrete
EXT WALL	CT/Concrete Block or Tile	ROOF	F/Flat	ROOF MATERL	B/Built-up
WIRING	A/Adequate	PLUMBING	A/Adequate	TOTAL ST HT	1
FRAME TYPE	FR/Frame	FIREPRF CNST	N/No	BLDG CLASS	4/Frame, Concrete Blk, Tile, Tilt Up
TOT SCT AREA	1,750	GRND FL AREA	875	PERIMETER	120
GRADE	5	GRADE ADJUST	+00	YEAR BUILT	1939
CONDITION	PR/Poor				
COMMENT	old office/laundry (storage only)				

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Cgroup # 101 1					
USE CODE	216/Laundromat	BASE STORY	1	NUM STORIES	1
TOT GRP AREA	875	BASE FL AREA	875	HEATING	C/Central
AIR COND	N	EXHAUST SYS	N/No	CONDITION	PR/Poor
COMMENT	WASHHOUSE				

Cgroup # 101 2					
USE CODE	005/Basement Entire	NUM STORIES	1	TOT GRP AREA	875
BASE FL AREA	875	HEATING	N/None	AIR COND	N
	N/No	CONDITION	PR/Poor		

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EXHAUST SYS				
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Detached # 101					
OCCUPANCY	MHP/Mobile Home Pads	MEASCODE	Q/Quantity	MEASURE1	39
GRADE	5	YEAR BUILT	1939	CONDITION	PR/Poor

Detached # 201					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	24	MEASURE2	35	STORY HEIGHT	1
GRADE	4	YEAR BUILT	1880	CONDITION	BN/Below Normal
COMMENT	mobile home office				

Detached # 301					
OCCUPANCY	PVA/Asphalt Paving	MEASCODE	S/Square Feet	MEASURE1	7,000
GRADE	4	YEAR BUILT	1966	CONDITION	BN/Below Normal

Year	Type	Status	Application	Permit/Pickup Description
2011	U/Pickup	CP/Complete	2011-03-18	RV/REVAL
1997	U/Pickup	CP/Complete	1997	RV/REVAL

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2015	Assessment Roll	Multi-Residential	Full	144,000	116,000		260,000
2013	Assessment Roll	Commercial	Full	144,000	87,000	0	231,000
2011	Assessment Roll	Commercial	Full	144,000	87,000	0	231,000
2009	Assessment Roll	Commercial	Full	143,500	111,000	0	254,500
2007	Assessment Roll	Commercial	Full	143,500	111,000	0	254,500
2005	Assessment Roll	Commercial	Full	130,500	108,000	0	238,500
2003	Assessment Roll	Commercial	Full	113,500	101,000	0	214,500
2001	Assessment Roll	Commercial	Full	107,060	95,200	0	202,260
1999	Board Action	Commercial	Full	92,500	95,200	0	187,700
1999	Assessment Roll	Commercial	Full	92,500	113,500	0	206,000
1997	Assessment Roll	Commercial	Full	90,000	110,000	0	200,000

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1997	Was Prior Year	Commercial	Full	39,300	63,300	0	102,600
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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

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