



# Roll Call Number

Agenda Item Number

58 B

Date September 28, 2015

## ABATEMENT OF PUBLIC NUISANCE AT 1716 E ARMY POST ROAD

WHEREAS, the property located at 1716 E Army Post Road, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the garage structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders, Richard D Heiken and Kathleen G Heiken were notified by personal service more than thirty days ago to repair or demolish the garage structure and as of this date have failed to abate the nuisance.

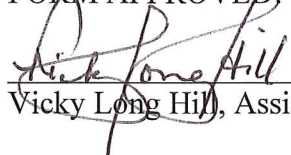
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The garage structure on the real estate legally described as Lot 36 except the South 233 feet of the East 75 feet thereof and further except that portion for right of way on Army Post Road described as follows: Commencing at the Southwest corner of said Lot 36, thence North 32.9 feet along the West line of said Lot 36, thence East 75 feet, thence south 32.95 feet, thence West 75 feet to point of beginning; in NEW HOPE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1716 E Army Post Road, 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 garage structure.

(Council Communication No. 15-516) 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

### 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



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top

1716 E. Army Post Rd





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top



1716 E. Army Post Rd





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

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**DATE OF NOTICE:** April 16, 2015

**DATE OF INSPECTION:** January 13, 2015

**CASE NUMBER:** COD2015-00141

**PROPERTY ADDRESS:** 1716 E ARMY POST RD

**LEGAL DESCRIPTION:** -EX S 233 F E 75 F & S 32.9F W 75F RD- LT 36 NEW HOPE

RICHARD D HEIKEN & KATHLEEN HEIKEN  
Title Holder  
10934 DRAKE ST  
NORWALK IA 50211

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 data 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.

Richard Bright

(515) 283-4245

  
Nid Inspector

DATE MAILED: 4/16/2015

MAILED BY: JDH

**Areas that need attention:** 1716 E ARMY POST RD

<b><u>Component:</u></b>	Roof	<b><u>Defect:</u></b>	Holes or major defect
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Exterior Walls	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Exterior Doors/Jams	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Windows/Window Frames	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Flooring	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>	Not all visible due to accumulation of interior junk/deteriorated lumber and exterior ground cover		
<b><u>Component:</u></b>	Foundation	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>	Not all visible due to accumulation of interior junk/deteriorated lumber and exterior ground cover		

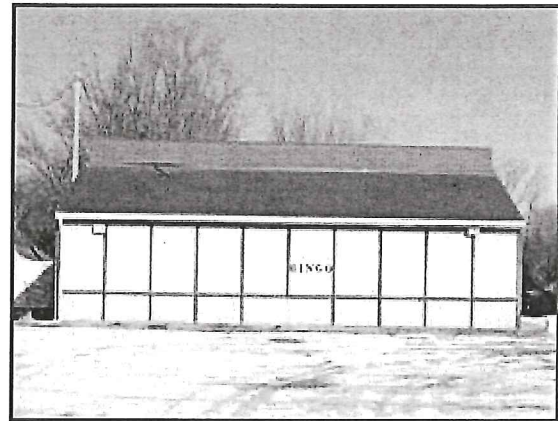


[\[ Home \]](#) [\[ General Query \]](#) [\[ Legal Query \]](#) [\[ HomeOwner Query \]](#) [\[ Book/Page Query \]](#) [\[ Commercial Query \]](#) [\[ Res Sales Query \]](#) [\[ Comm Sales Query \]](#) [\[ Help \]](#)

<b><u>District/Parcel</u></b>	<b>GeoParcel</b>	<b>Map</b>	<b>Nbhd</b>	<b>Jurisdiction</b>	<b>Status</b>
<b>120/03367-136-000</b>	<b>7824-26-377-011</b>	A185	DM97/D	<b>DES MOINES</b>	<u>ACTIVE</u>
<b>School District</b>	<b>Tax Increment Finance District</b>	<b>Bond/Fire/Sewer/Cemetery</b>			
1/Des Moines					
<b><u>Street Address</u></b>			<b>City State Zipcode</b>		
<b>1716 E ARMY POST RD</b>			<b>DES MOINES IA 50320</b>		

[Click on parcel to get new listing](#)

Get Bigger Map		50	100	114	6205	1716	454	1730	654	1750	6538
Google Map		130	115	6225							
1650		140	110	6285							
187		150	100	1700							
340		225	330	300	1720	75	33				



Approximate date of photo 01/15/2008

<b>Mailing Address</b>
FORT DES MOINES AMERICAN LEGION POB 35456 DES MOINES, IA 50315-0304

<b><u>Legal Description</u></b>
-EX S 233 F E 75 F & S 32.9F W 75F RD- LT 36 NEW HOPE

<b><u>Ownership</u></b>	<b>Name</b>	<b>Recorded</b>	<b>Book/Page</b>	<b>RevStamps</b>
Title Holder #1	HEIKEN, RICHARD D	2014-11-04	<u>15373/543</u>	103.20
Title Holder #2	HEIKEN, KATHLEEN G			

<u>Assessment</u>	Class	Kind	Land	Bldg	AgBd	Total
Current	Commercial	Full	60,500	69,500	0	130,000

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

Zoning	Description	SF	Assessor Zoning

BIB

C-2	General Retail and Highway Oriented Commercial District	Highway Commercial
Source: City of Des Moines Community Development Published: 2012-03-20 Contact: Planning and Urban Design 515 283-4182		

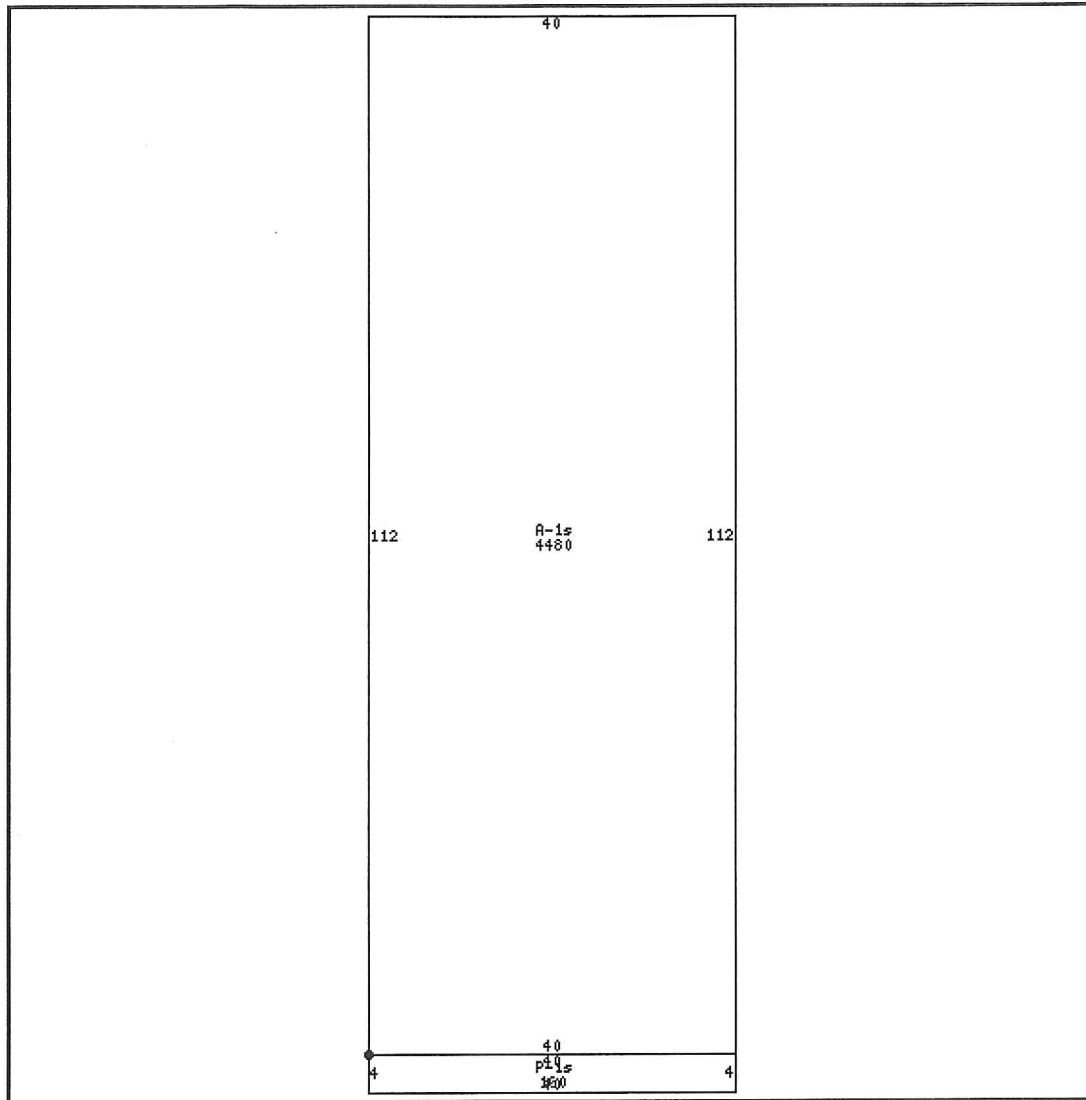
<b>Land</b>					
SQUARE FEET	83,100	ACRES	1.908	TOPOGRAPHY	B/Blank

<b>Commercial Summary</b>					
OCCUPANCY	35/Retail	WEIGHTED AGE	1960	STORY HEIGHT	1
LAND AREA	83,100	GROSS AREA	4,480	FINISH AREA	4,480
BSMT UNFIN	0	BSMT FINISH	0	NUMBER UNITS	0

<b>Csection # 101</b>					
OCCUPANT	BINGO				
SECT MULTIPL	1	OCCUPANCY	35/Retail	FOUNDATION	CN/Concrete
EXT WALL	CT/Concrete Block or Tile	INSULATION	Y/Yes	ROOF	F/Flat
ROOF MATERL	B/Built-up	COVERED AREA	160	COVER QUAL	BN/Below Normal
WIRING	A/Adequate	PLUMBING	A/Adequate	TOTAL ST HT	1
FRAME TYPE	FR/Frame	BLDG CLASS	4/Frame, Concrete Blk, Tile, Tilt Up	TOT SCT AREA	4,480
GRND FL AREA	4,480	PERIMETER	304	GRADE	5
GRADE ADJUST	+00	YEAR BUILT	1960	CONDITION	NM/Normal
COMMENT	AGE OF BLDG EST.				



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<u>Cgroup # 101 1</u>					
USE CODE	215/Retail Small	BASE STORY	1	NUM STORIES	1
TOT GRP AREA	4,480	BASE FL AREA	4,480	HEATING	C/Central
AIR COND	Y	EXHAUST SYS	N/No		

<u>Detached # 101</u>					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	20	MEASURE2	40	GRADE	4
YEAR BUILT	1960	CONDITION	PR/Poor		

<u>Seller</u>	Buyer	Sale Date	Sale Price	Instrument	Book/Page
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FORT DES MOINES AMERICAN LEGION	HEIKEN, RICHARD D	1994-11- 07	65,000	D/Deed	15373/543
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Year	Type	Status	Application	Permit/Pickup Description
1991	U/Pickup	NA/No Add	1990-10-01	Change Measurements

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2015	<u>Assessment Roll</u>	Commercial	Full	60,500	69,500		130,000
2013	<u>Assessment Roll</u>	Commercial	Full	60,500	61,500	0	122,000
2011	<u>Assessment Roll</u>	Commercial	Full	60,500	61,500	0	122,000
2009	<u>Assessment Roll</u>	Commercial	Full	60,500	61,500	0	122,000
2007	<u>Assessment Roll</u>	Commercial	Full	60,500	74,000	0	134,500
2005	<u>Assessment Roll</u>	Commercial	Full	55,000	72,000	0	127,000
2003	<u>Assessment Roll</u>	Commercial	Full	48,000	67,500	0	115,500
2001	<u>Assessment Roll</u>	Commercial	Full	45,240	63,660	0	108,900
1999	Assessment Roll	Commercial	Full	24,200	63,900	0	88,100
1995	Assessment Roll	Commercial	Full	23,500	62,000	0	85,500
1993	Assessment Roll	Commercial	Full	22,400	59,000	0	81,400
1991	Assessment Roll	Commercial	Full	21,580	56,720	0	78,300
1991	Was Prior Year	Commercial	Full	21,580	56,840	0	78,420

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](mailto:polkweb@assess.co.polk.ia.us)