



Roll Call Number

Agenda Item Number

56D

Date October 12, 2015

ABATEMENT OF PUBLIC NUISANCE AT 2245 Capitol Avenue

WHEREAS, the property located at 2245 Capitol Avenue, 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 Titleholder, Gary Oeth, was notified by personal service more than thirty days ago to repair or demolish the garage 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:

The garage structure on the real estate legally described as Lot 1 and the East 22 feet of the south 68.2 feet of Lot 2 in block 2 in the Official Plat of the North 1/2 of the East 1/2 of the West 1/2 of the southwest 1/4 of the Northwest 1/4 of Section 1, Township 78 North, Range 24, West of the 5th P.M., an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2245 Capitol 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 garage structure.

Moved by _____ to adopt.

FORM APPROVED:

Luke DeSmet, 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

56 D

Polk County Assessor 

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

District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
050/04407-000-000	7824-01-152-014	0432	DM16/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
2245 CAPITOL AVE			DES MOINES IA 50317-2233		

Click on parcel to get new listing

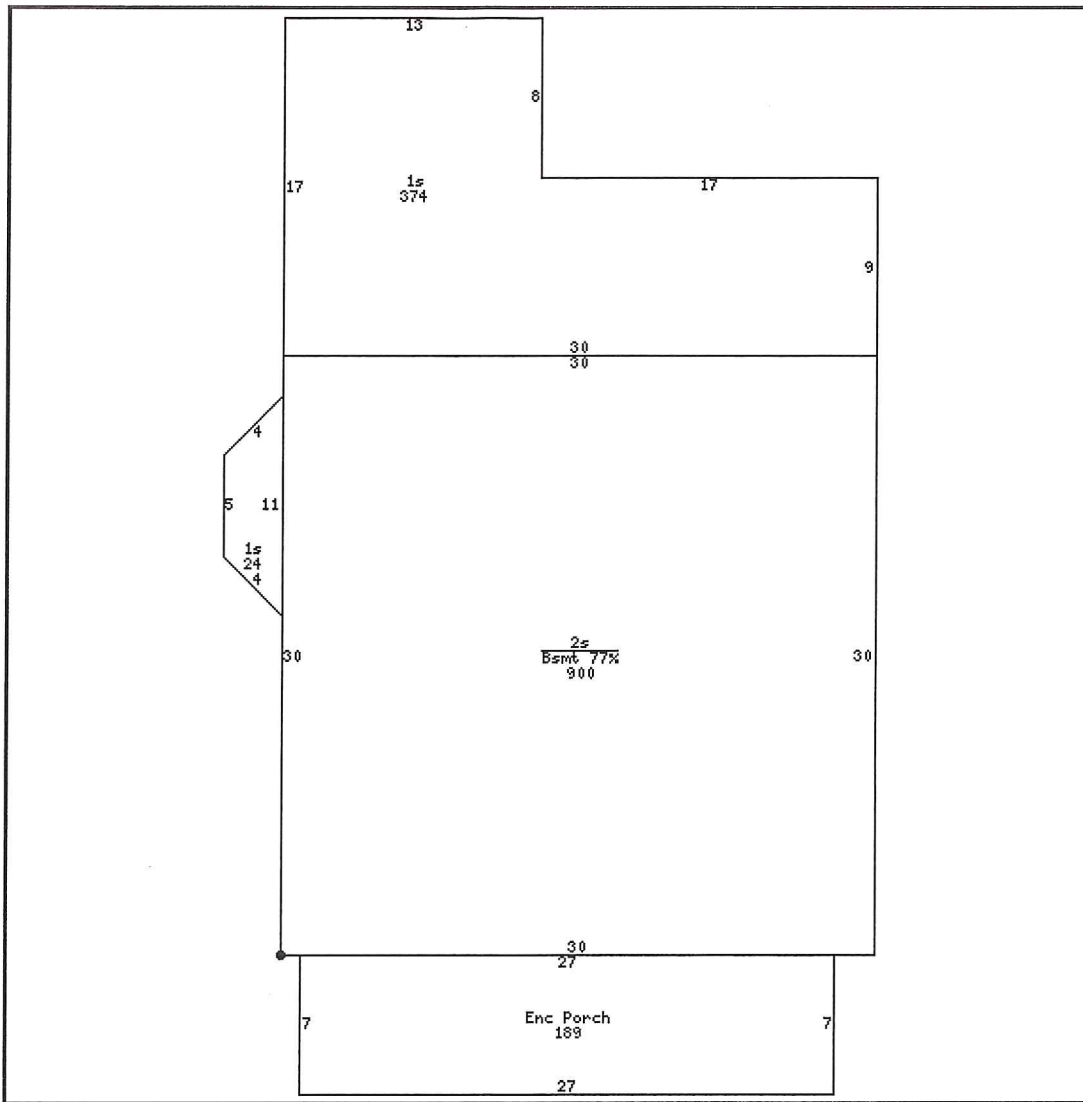
Get Bigger Map

Google Map

R1-60	One Family, Low Density Residential District	Residential
Source: City of Des Moines Community Development Published: 2012-03-20 Contact: Planning and Urban Design 515 283-4182		

Land					
SQUARE FEET	8,800	ACRES	0.202	SHAPE	IR/Irregular
TOPOGRAPHY	N/Normal				

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	S2/2 Stories	BLDG STYLE	ET/Early 20s
YEAR BUILT	1900	# FAMILIES	1	GRADE	4
GRADE ADJUST	-10	CONDITION	PR/Poor	TSFLA	2,198
MAIN LV AREA	1,298	UPPR LV AREA	900	BSMT AREA	693
ENCL PORCH	189	FOUNDATION	C/Concrete Block	EXT WALL TYP	BR/Brick
%BRICK	90	ROOF TYPE	H/Hip	ROOF MATERL	A/Asphalt Shingle
HEATING	A/Gas Forced Air	AIR COND	0	BATHROOMS	3
BEDROOMS	4	ROOMS	7		



Detached # 101					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	S/Square Feet
MEASURE1	4,312	GRADE	5	YEAR BUILT	1902
CONDITION	PR/Poor				
COMMENT	USED TO BE A STORE				
COMMENT	50% CP				

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
CITIFINANCIAL INC. %OLYPUS ASSET MANGT.	OETH, GARY J	2005-04-08	27,000	D/Deed	11037/343
CASE, JAMES E SR & VIVIAN	BARNETT, JAMES JR	1998-06-29	50,000	C/Contract	8140/948

CASE, JAMES E	FISCHER, PERRY A	1995- 02-10	54,800	C/Contract	7155/34
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Year	Type	Status	Application	Permit/Pickup Description
Current	P/Permit	TW/To Work	2015-01-13	AL/Alterations GARAGE Cost Estimate 2500
2015	P/Permit	NA/No Add	2013-12-18	AL/GARAGE
2014	P/Permit	PA/Pass	2013-12-18	AL/GARAGE
2008	P/Permit	CP/Complete	2005-05-13	AL/REMODEL (4312 sf)
2007	P/Permit	PP/Pass/Partial	2005-05-13	AL/REMODEL (4312 sf)
2007	P/Permit	CP/Complete	2005-05-13	CL/USE CHANGE
2006	P/Permit	PR/Partial	2005-05-13	AL/REMODEL (4312 sf)
2006	P/Permit	PR/Partial	2005-05-13	CL/USE CHANGE
2000	U/Pickup	CP/Complete	1999-08-19	RV/REVAL

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2015	Assessment Roll	Residential	Full	14,500	30,400		44,900
2013	Assessment Roll	Residential	Full	14,700	30,900	0	45,600
2011	Assessment Roll	Residential	Full	16,700	34,800	0	51,500
2009	Assessment Roll	Residential	Full	17,300	34,600	0	51,900
2008	Assessment Roll	Residential	Full	17,100	34,300	0	51,400
2007	Assessment Roll	Residential	Full	13,700	21,600	0	35,300
2006	Assessment Roll	Residential	Full	13,300	17,900	0	31,200
2005	Board Action	Residential	Full	13,500	13,500	0	27,000
2005	Assessment Roll	Commercial	Full	13,500	79,700	0	93,200
2003	Assessment Roll	Commercial	Full	11,700	73,800	0	85,500
2001	Assessment Roll	Commercial	Full	11,000	50,100	0	61,100
2000	Assessment Roll	Commercial	Full	12,500	50,100	0	62,600
1999	Assessment Roll	Commercial	Full	12,500	31,500	0	44,000
1995	Assessment Roll	Commercial	Full	12,100	29,200	0	41,300
1993	Board Action	Commercial	Full	11,500	27,850	0	39,350
1993	Assessment Roll	Commercial	Full	11,500	35,300	0	46,800
1991	Assessment Roll	Commercial	Full	11,080	33,920	0	45,000
1991	Was Prior Year	Commercial	Full	11,080	32,260	0	43,340

email this page

Room 195, 111 Court Avenue, Des Moines, IA 50309



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

56 D

DATE OF NOTICE: July 9, 2015

DATE OF INSPECTION: August 01, 2013

CASE NUMBER: COD2013-04845

PROPERTY ADDRESS: 2245 CAPITOL AVE

LEGAL DESCRIPTION: LOT 1 & E 22 F S 68.2 F LOT 2 BLK 2 OP N 1/2 E 1/2 W 1/2 SW 1/4 NW 1/4 SEC 1-78-24

GARY OETH
Title Holder
2245 CAPITOL AVE
DES MOINES IA 50317

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.

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.

Neighborhood Inspection Division

(515) 283-4208



Nid Inspector

DATE MAILED: 7/9/2015

MAILED BY: JDH

Areas that need attention: 2245 CAPITOL AVE

Component:	Floor Joists/Beams	Defect:	In poor repair
Requirement:	Building Permit	Location:	Garage
Comments:	Engineer Report Required with any repairs		
Component:	Foundation	Defect:	In poor repair
Requirement:	Building Permit	Location:	Garage
Comments:	Engineer Report Required with any repairs		
Component:	Flooring	Defect:	In poor repair
Requirement:	Building Permit	Location:	Garage
Comments:	Engineer Report Required with any repairs		
Component:	Roof	Defect:	In poor repair
Requirement:	Building Permit	Location:	Garage
Comments:	Engineer Report Required with any repairs		
Component:	Electrical System	Defect:	In poor repair
Requirement:	Electrical Permit	Location:	Garage
Comments:			
Component:	Exterior Walls	Defect:	In poor repair
Requirement:	Building Permit	Location:	Garage
Comments:	Engineer Report Required with any repairs		
Component:	Interior Walls /Ceiling	Defect:	In poor repair
Requirement:	Building Permit	Location:	Garage
Comments:	Engineer Report Required with any repairs		
Component:	See Comments	Defect:	
Requirement:	Building Permit	Location:	Garage
Comments:	Building Permit Required for any Demolition		

10.06.2015



2245 Capitol Ave

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10.06.2015



2245 Capital Ave

top

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