



Roll Call Number

Agenda Item Number

64B

Date December 21, 2015

ABATEMENT OF PUBLIC NUISANCES AT 3200 E UNIVERSITY AVENUE

WHEREAS, the property located at 3200 E University Avenue, 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, First Contract Corp, and the contract buyers, Jose Arivas and Karina Rios, were notified more than thirty days ago to repair or demolish the main structure and as of this date have failed to abate the nuisance.

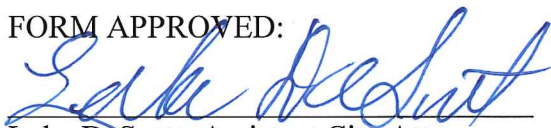
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure on the real estate legally described as The West 1/2 of Lot 16 in Block "E" and the vacated alley 7 feet North of and adjoining said W 1/2 Lot 16 in GRAY HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa and locally known as 3200 E University 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:


Luke DeSmet, Assistant City Attorney

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.

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

MOTION CARRIED

APPROVED

Mayor

City Clerk



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

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DATE OF NOTICE: October 8, 2015

DATE OF INSPECTION: September 30, 2015

CASE NUMBER: COD2015-05879

PROPERTY ADDRESS: 3200 E UNIVERSITY AVE

LEGAL DESCRIPTION: W 1/2 LOT 16 & 7F VAC ALLEY ADJ ON N W 1/2 LOT 16 BLK E GRAY HEIGHTS

JOSE ARIVAS & KARINA RIOS
Contract Buyer
2731 E ELM ST
DES MOINES IA 50317

FIRST CONTRACT CORP
Title Holder
DAVID M ERICKSON, REG. AGT.
215 TENTH ST STE 1300
DES MOINES IA 50309

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.

Justin S. Denning
(515) 237-1484

Nid Inspector



DATE MAILED: 10/8/2015

MAILED BY: JDH

WFB

Areas that need attention: 3200 E UNIVERSITY AVE


Component: Electrical System Requirement: Compliance with National Electrical Code Comments:	Defect: Fire damaged Location: Main Structure
Component: Furnace Requirement: Building Permit Comments:	Defect: Not Supplied Location: Main Structure
Component: Mechanical System Requirement: Compliance, Uniform Mechanics Code Comments: Permit Required.	Defect: Fire damaged Location: Main Structure
Component: Plumbing System Requirement: Compliance with Uniform Plumbing Code Comments: Permit Required.	Defect: In disrepair Location: Main Structure
Component: Exterior Walls Requirement: Building Permit Comments: Permit Required.	Defect: Fire damaged Location: Main Structure
Component: Interior Walls /Ceiling Requirement: Building Permit Comments: Permit Required.	Defect: Fire damaged Location: Main Structure
Component: Roof Requirement: Building Permit Comments: Permit Required.	Defect: Fire damaged Location: Main Structure
Component: Exterior Doors/Jams Requirement: Complainece with Int Residential Code Comments:	Defect: In disrepair Location: Main Structure

<u>Component:</u>	Flooring	<u>Defect:</u>	In disrepair
<u>Requirement:</u>	Compliance with International Building Code	<u>Location:</u>	Main Structure
<u>Comments:</u>	Permit Required.		

<u>Component:</u>	Soffit/Facia/Trim	<u>Defect:</u>	In poor repair
<u>Requirement:</u>	Compliance with Int Residential Code	<u>Location:</u>	Main Structure
<u>Comments:</u>			

<u>Component:</u>	Accessory Buildings	<u>Defect:</u>	See Comments
<u>Requirement:</u>	Permit Required	<u>Location:</u>	Garage
<u>Comments:</u>	The garage in its current condition does not constitute a public nuisance. However, if the primary structure is demolished and no primary structure is immediately built on the property, the garage must be demolished as well because it is an accessory use only pursuant to Des Moines Municipal Code Section 134-343		

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Polk County Assessor  Iowa

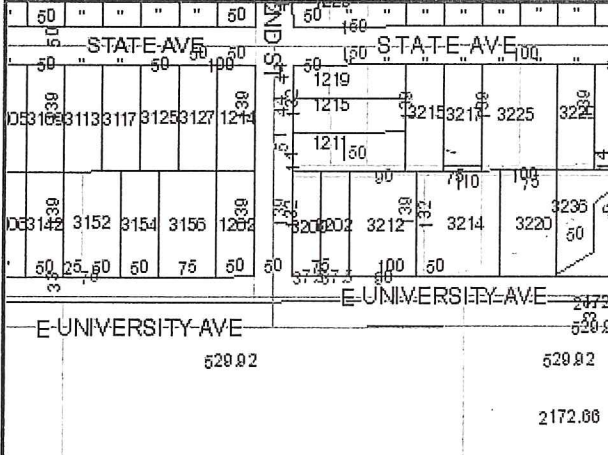
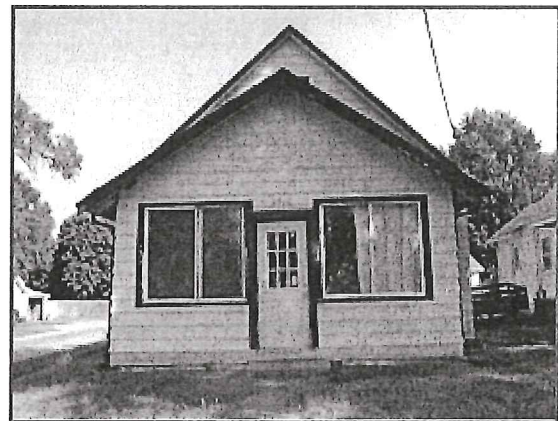
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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
060/05540-000-000	7923-32-379-019	0329	DM14/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines	5/Accent UR				
Street Address			City State Zipcode		
3200 E UNIVERSITY AVE			DES MOINES IA 50317-2414		

Click on parcel to get new listing

Get Bigger Map

Google Map

Approximate date of photo 09/18/2013

Mailing Address
JOSE ARIVAS 3200 E UNIVERSITY AVE DES MOINES, IA 50317-2414

Legal Description
W 1/2 LOT 16 & 7F VAC ALLEY ADJ ON N W 1/2 LOT 16 BLK E GRAY HEIGHTS

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	FIRST CONTRACT CORP	2012-01-24	14133/392	18.40
Contract Buyer #1	ARIVAS, JOSE	2013-07-11	14872/475	
Contract Buyer #2	RIOS, KARINA			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	9,900	9,800	0	19,700

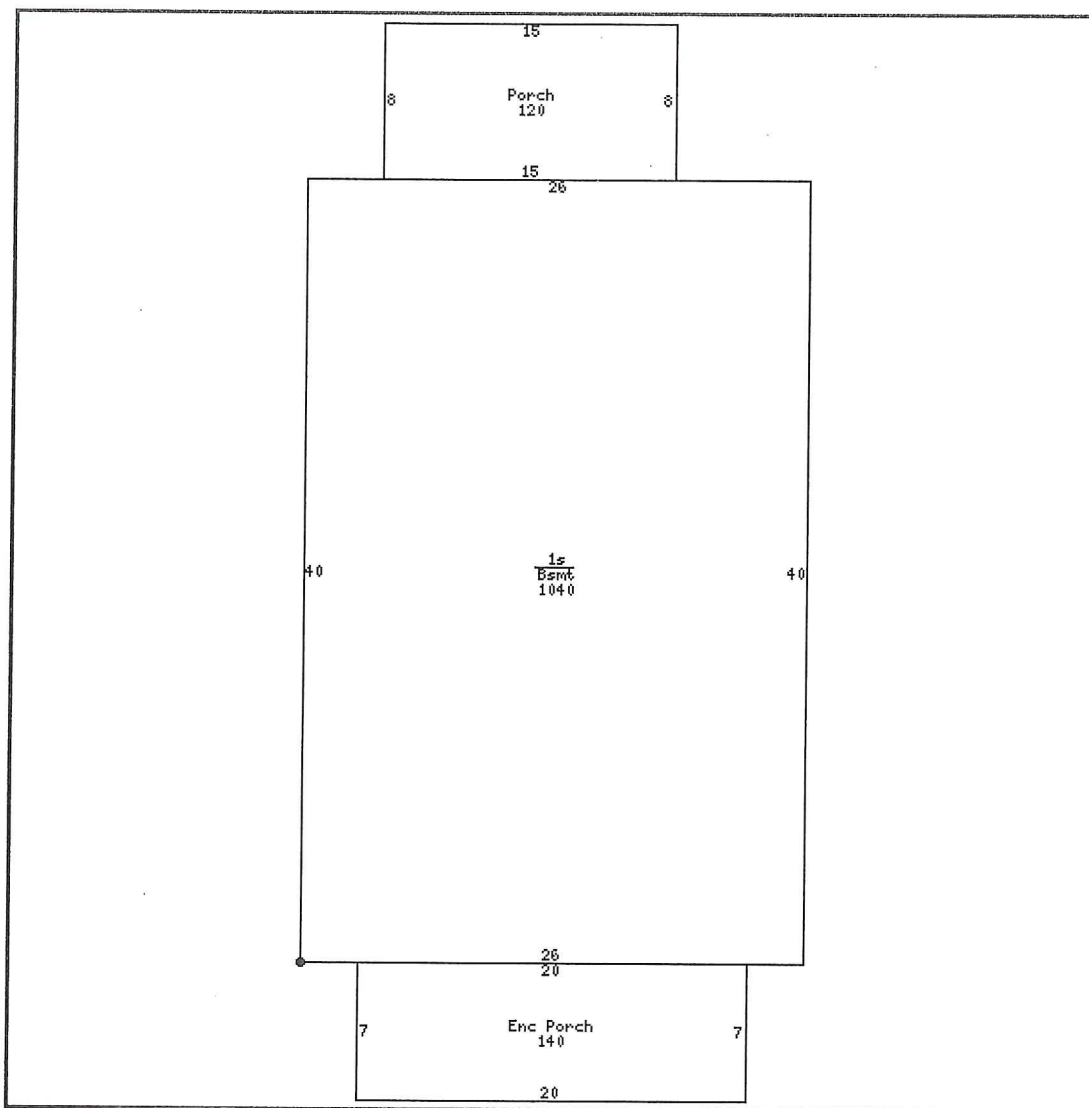
[Market Adjusted Cost Report](#) [Assessment Roll Notice](#) [Estimate Taxes](#) [Polk County Treasurer](#)
[Tax Information](#) [Pay Taxes](#)

Zoning	Description	SF	Assessor Zoning
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			

<u>Land</u>					
SQUARE FEET	5,143	FRONTAGE	37.0	DEPTH	139.0
ACRES	0.118	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

<u>Residence # 1</u>					
OCCUPANCY	SF/Single Family	RESID TYPE	UA/1 Story with Unfinished Attic	BLDG STYLE	BG/Bungalow
YEAR BUILT	1920	# FAMILIES	1	GRADE	4
GRADE ADJUST	-05	CONDITION	VP/Very Poor	TSFLA	1,040
MAIN LV AREA	1,040	ATTIC UNFIN	364	BSMT AREA	1,040
OPEN PORCH	120	ENCL PORCH	140	FOUNDATION	M/Masonry
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		

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Detached # 101					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	16	MEASURE2	22	STORY HEIGHT	1
GRADE	5	YEAR BUILT	1979	CONDITION	NM/Normal

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
FIRST CONTRACT CORP	ARIVAS, JOSE	2013-07-01	24,900	C/Contract	14872/475
FIRST CONTRACT CORP	BRANDT, NICHOLAS J.	2012-05-01	33,000	C/Contract	14264/654
			12,000	D/Deed	14133/392

BANK OF AMERICA NA	FIRST CONTRACT CORPORATION	2012-01- 11			
DMA ENTERPRISES	LAKE, KRISTANN	2004-08- 22	72,900	C/Contract	10717/496
NEIGHBORHD FIN CORP	DMA ENTERPRISES	2004-03- 30	34,000	D/Deed	10485/14
GLASSELL, RANDALL J.	FUDGE, VERONICA L	1996-05- 25	36,500	D/Deed	7415/936
GLASSELL, WILLIAM L	GLASSELL, RANDALL	1995-06- 26	26,730	D/Deed	7225/999
DAY, SCOTT E	GLASSELL, WILLWIM L	1990-04- 24	30,090	D/Deed	6228/475
UNKNOWN	DAY, SCOTT E.	1987-03- 26	29,900	D/Deed	5703/378

Year	Type	Status	Application	Permit/Pickup Description
2015	U/Pickup	CP/Complete	2012-07-16	RV/BOARD OF REVIEW
2014	U/Pickup	PR/Partial	2012-07-16	RV/BOARD OF REVIEW
2013	U/Pickup	PA/Pass	2012-07-16	RV/BOARD OF REVIEW

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2015	Assessment Roll	Residential	Full	9,900	9,800		19,700
2014	Assessment Roll	Residential	Full	10,000	10,000	0	20,000
2013	Assessment Roll	Residential	Full	10,000	8,800	0	18,800
2012	Board Action	Residential	Full	10,000	8,900	0	18,900
2011	Assessment Roll	Residential	Full	10,000	56,600	0	66,600
2009	Assessment Roll	Residential	Full	10,100	60,900	0	71,000
2007	Assessment Roll	Residential	Full	10,100	60,900	0	71,000
2005	Assessment Roll	Residential	Full	7,600	50,800	0	58,400
2003	Assessment Roll	Residential	Full	6,370	43,270	0	49,640
2001	Assessment Roll	Residential	Full	5,860	38,160	0	44,020
1999	Assessment Roll	Residential	Full	5,500	35,790	0	41,290
1997	Assessment Roll	Residential	Full	4,980	32,420	0	37,400
1995	Assessment Roll	Residential	Full	4,530	30,690	0	35,220
1993	Assessment Roll	Residential	Full	3,910	26,490	0	30,400
1991	Assessment Roll	Residential	Full	3,910	25,140	0	29,050
1991	Was Prior Year	Residential	Full	3,910	21,980	0	25,890

WB

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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