



**Roll Call Number**

**Agenda Item Number**

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**Date** April 17, 2017

**ABATEMENT OF PUBLIC NUISANCE AT 1303 OAK PARK AVENUE**

WHEREAS, the property located at 1303 Oak Park 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, Patriot Partners, LLC, and mortgage holder, First American Bank, were notified more than thirty days ago to repair or demolish the main structure and as of this date has failed to abate the nuisance.

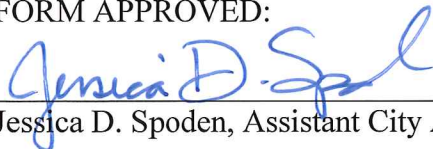
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure on the real estate legally described as Lot 18 and the West one-half of Lot 19 in SOUTH OAK PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1303 Oak Park 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(s) 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:

  
\_\_\_\_\_  
Jessica D. Spoden, Assistant City Attorney

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

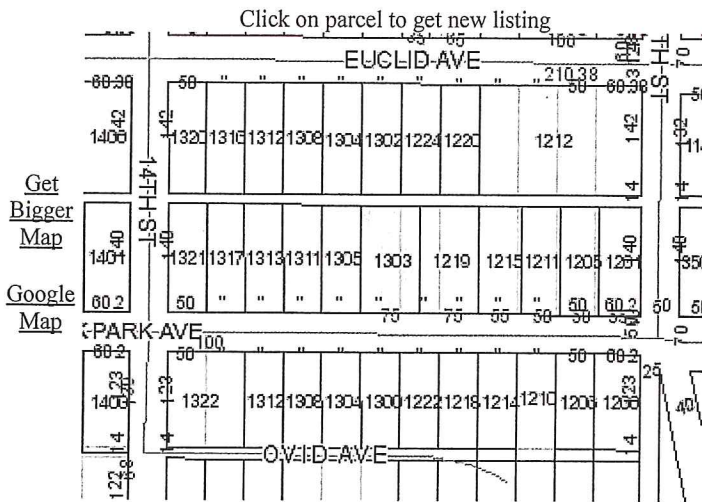
\_\_\_\_\_  
City Clerk

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**Polk County Assessor** 

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 [ [Comm Sales Query](#) ] [ [Help](#) ]

<b>District/Parcel</b>	<b>GeoParcel</b>	<b>Map</b>	<b>Nbhd</b>	<b>Jurisdiction</b>	<b>Status</b>
070/04987-001-000	7924-27-107-015	0289	DM82/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>		
1303 OAK PARK AVE			DES MOINES IA 50313-3112		



<b>Mailing Address</b>
PATRIOT PARTNERS LLC 4407 SW 9TH ST DES MOINES, IA 50315-3909

<b>Legal Description</b>
LOT 18 & W 1/2 LOT 19 SOUTH OAK PARK

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	PATRIOT PARTNERS LLC	2014-03-14	15129/196	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Assmt Roll	Residential	Full	20,200	76,000	0	96,200
Current	Residential	Full	18,100	69,100	0	87,200

[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

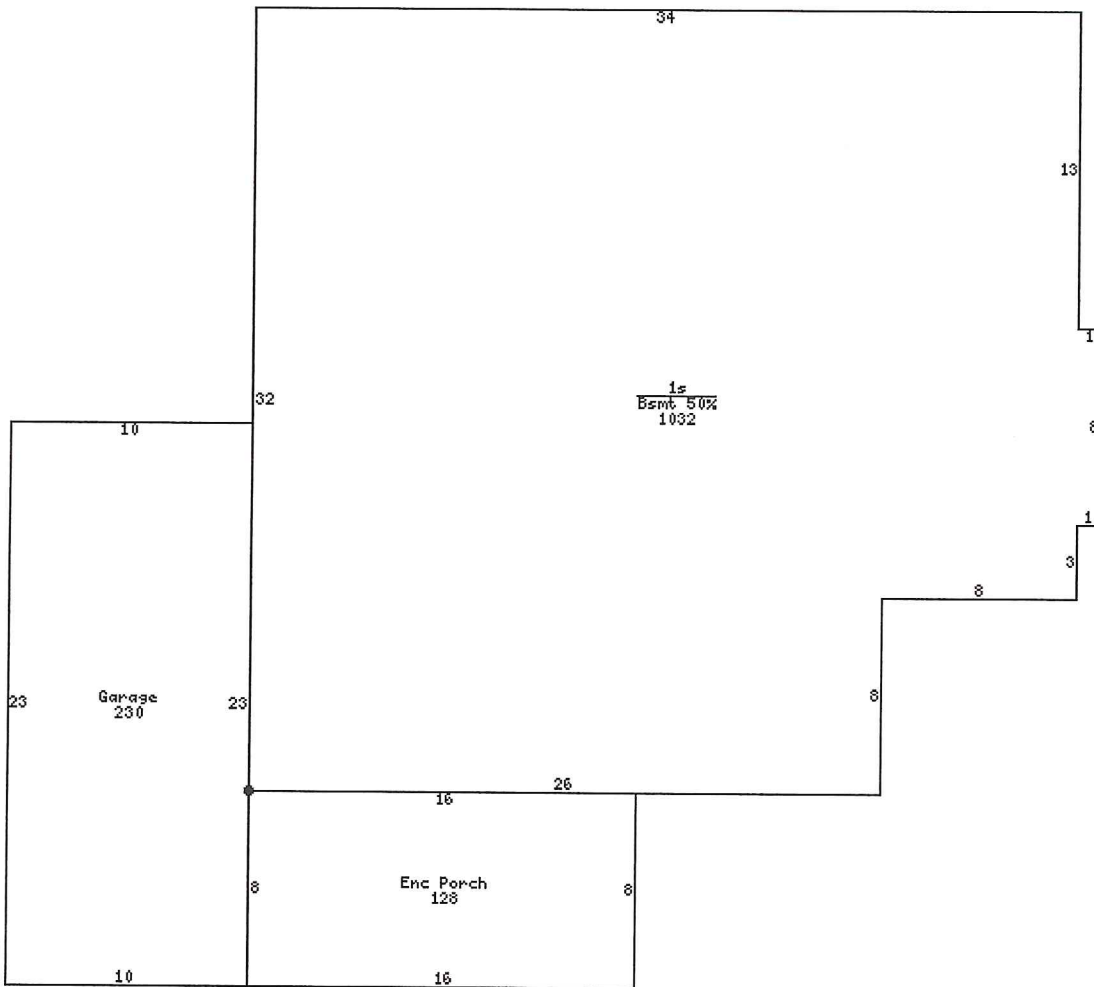
Source: City of Des Moines Community Development Published: 2012-03-20 Contact: Planning and Urban Design  
515 283-4182

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<b>Land</b>					
<b>SQUARE FEET</b>	10,515	<b>FRONTAGE</b>	75.1	<b>DEPTH</b>	140.0
<b>ACRES</b>	0.241	<b>SHAPE</b>	RC/Rectangle	<b>TOPOGRAPHY</b>	N/Normal

<b>Residence # 1</b>					
<b>OCCUPANCY</b>	SF/Single Family	<b>RESID TYPE</b>	S1/1 Story	<b>BLDG STYLE</b>	BG/Bungalow
<b>YEAR BUILT</b>	1910	<b># FAMILIES</b>	1	<b>GRADE</b>	4
<b>GRADE ADJUST</b>	-05	<b>CONDITION</b>	AN/Above Normal	<b>TSFLA</b>	1,032
<b>MAIN LV AREA</b>	1,032	<b>ATT GAR AREA</b>	230	<b>BSMT AREA</b>	516
<b>ENCL PORCH</b>	128	<b>FOUNDATION</b>	B/Brick	<b>EXT WALL TYP</b>	VN/Vinyl Siding
<b>ROOF TYPE</b>	GB/Gable	<b>ROOF MATERL</b>	A/Asphalt Shingle	<b>FIREPLACES</b>	1
<b>HEATING</b>	A/Gas Forced Air	<b>AIR COND</b>	100	<b>BATHROOMS</b>	1
<b>BEDROOMS</b>	2	<b>ROOMS</b>	5		

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Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
PATRIOT PARTNERS LLC	PIZARRO, JAVIER BENITEZ	2014-07-08	105,000	C/Contract	15252/687
VAN PELT, LINDA, ESTATE	PATRIOT PARTNERS, LLC	2014-03-11	40,000	D/Deed	15129/196

Year	Type	Status	Application	Permit/Pickup Description
2016	P/Permit	CP/Complete	2015-01-23	RD/FOUNDATION
2015	P/Permit	CP/Complete	2014-05-27	AD/AIR CONDITIONING

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2016	Assessment Roll	Residential	Full	18,100	69,100	0	87,200
2015	Board Action	Residential	Full	18,100	61,900	0	80,000
2015	Assessment Roll	Residential	Full	18,100	69,100	0	87,200
2013	Assessment Roll	Residential	Full	16,800	63,200	0	80,000
2011	Assessment Roll	Residential	Full	16,800	62,700	0	79,500

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2009	<u>Assessment Roll</u>	Residential	Full	19,300	69,700	0	89,000
2007	<u>Assessment Roll</u>	Residential	Full	19,100	68,800	0	87,900
2005	<u>Assessment Roll</u>	Residential	Full	26,400	64,400	0	90,800
2003	<u>Assessment Roll</u>	Residential	Full	22,520	54,230	0	76,750
2001	<u>Assessment Roll</u>	Residential	Full	19,100	44,390	0	63,490
1999	Assessment Roll	Residential	Full	15,270	39,080	0	54,350
1997	Assessment Roll	Residential	Full	14,300	36,590	0	50,890
1997	Was Prior Year	Residential	Full	12,640	32,340	0	44,980

email this page

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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)



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

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**DATE OF NOTICE:** September 20, 2016

**DATE OF INSPECTION:** August 15, 2016

**CASE NUMBER:** COD2016-04923

**PROPERTY ADDRESS:** 1303 OAK PARK AVE

**LEGAL DESCRIPTION:** LOT 18 & W 1/2 LOT 19 SOUTH OAK PARK

PATRIOT PARTNERS LLC  
Title Holder  
CALEB W FITZLER, REG. AGENT  
4700 SW 9TH ST  
DES MOINES IA 50315-3909

JAVIER BENITEZ PIZARRO  
Contract Buyer  
1303 OAK PARK AVE  
DES MOINES IA 50313

MARIA MENDEZ URBINA  
Contract Buyer  
1303 OAK PARK AVE  
DES MOINES IA 50313

FIRST AMERICAN BANK  
Mortgage Holder  
ATTN:CINDY BURKE, CFO & COO  
12333 UNIVERSITY AVE  
CLIVE IA 50325

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.

Robert Reynolds  
(515) 283-4128



Nid Inspector

DATE MAILED: 9/20/2016

MAILED BY: JDH

**Areas that need attention:** 1303 OAK PARK AVE

<b><u>Component:</u></b> Exterior Walls <b><u>Requirement:</u></b> Building Permit <b><u>Comments:</u></b> STRUCTURAL ENGINEER REPORT FILED WITH THIS OFFICE	<b><u>Defect:</u></b> Cracked/Broken <b><u>Location:</u></b> Unknown
<b><u>Component:</u></b> Exterior Walls <b><u>Requirement:</u></b> Building Permit <b><u>Comments:</u></b> STRUCTURAL ENGINEER REPORT FILED WITH THIS OFFICE	<b><u>Defect:</u></b> Collapsed <b><u>Location:</u></b> Unknown
<b><u>Component:</u></b> Interior Stairway <b><u>Requirement:</u></b> Building Permit <b><u>Comments:</u></b> STRUCTURAL ENGINEER REPORT FILED WITH THIS OFFICE	<b><u>Defect:</u></b> Cracked/Broken <b><u>Location:</u></b> Stairway
<b><u>Component:</u></b> Exterior Walls <b><u>Requirement:</u></b> Building Permit <b><u>Comments:</u></b> BUILDING PERMIT MUST PASS FINAL INSPECTION ON EAST WALL.	<b><u>Defect:</u></b> Improperly Installed <b><u>Location:</u></b> Unknown



1303 Oak Park Ave

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04/10/2017 11:43

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