



Roll Call Number

Agenda Item Number

43A

Date December 18, 2017

ABATEMENT OF PUBLIC NUISANCE AT 37 E GRAY STREET

WHEREAS, the property located at 37 E Gray Street, 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, Austin Nittler, was notified more than thirty days ago to repair or demolish the main structure and as of this date has failed to abate the nuisance.

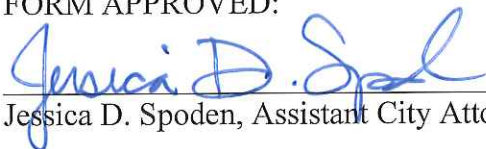
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure on the real estate legally described as The North 1/2 of Lot 254 in CRAWFORD PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 37 E Gray Street, 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

4

top 37 E. Gray St.



12/11/2017 13:52

43A

top 37 E. Gray St



12/11/2017 13:52

WCA



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

H3A

DATE OF NOTICE: August 15, 2017

DATE OF INSPECTION: July 07, 2017

CASE NUMBER: COD2017-04716

PROPERTY ADDRESS: 37 E GRAY ST

LEGAL DESCRIPTION: N 1/2 LOT 254 CRAWFORD PLACE

AUSTIN NITTLER
Title Holder
3201 SE 21ST ST
DES MOINES IA 50320

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 60-192 and 60-191 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.

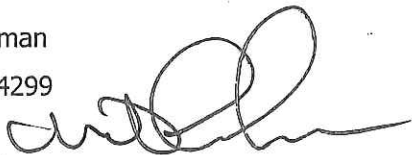
If you believe the building is beyond repair and decide to remove it, all debris must be removed from the property and the basement excavation if any, filled in the manner required by the City. You are encouraged to arrange for this demolition yourself; however a demolition permit must be obtained from 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.

Mike F Lehman

(515) 283-4299



Nid Inspector

DATE MAILED: 8/15/2017

MAILED BY: JDH

43A

Areas that need attention: 37 E GRAY ST

Component:	Accessory Buildings	Defect:	
Requirement:		Location:	Garage
Comments:	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 upon 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.		

Component:	Exterior Walls	Defect:	In poor repair
Requirement:	Building Permit	Location:	Throughout
Comments:			

Component:	Roof	Defect:	Major sagging
Requirement:	Building Permit	Location:	Roof
Comments:			

Component:	Soffit/Facia/Trim	Defect:	In poor repair
Requirement:	Compliance with Int Residential Code	Location:	Throughout
Comments:			

Component:	Water	Defect:	Not Supplied
Requirement:	Plumbing Permit	Location:	Throughout
Comments:			

Component:	Window Glazing/Paint	Defect:	In poor repair
Requirement:	Compliance with Int Residential Code	Location:	Throughout
Comments:			

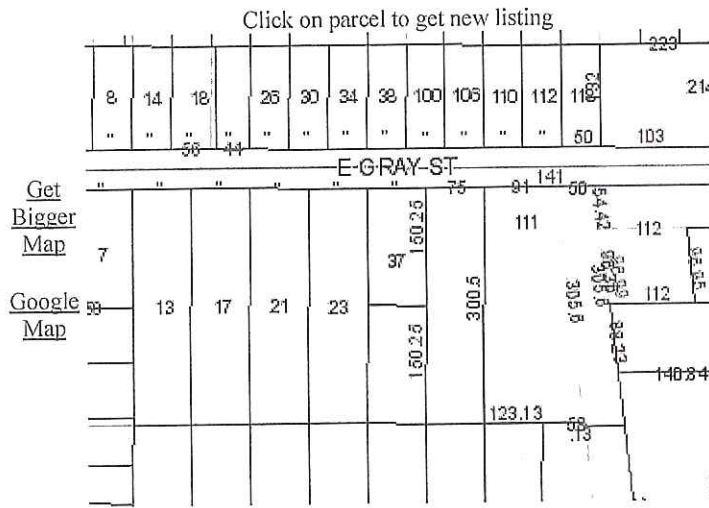
Component:	Windows/Window Frames	Defect:	In poor repair
Requirement:	Building Permit	Location:	Throughout
Comments:			

43A

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
010/01398-000-000	7824-15-104-007	0601	DM26/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
I/Des Moines					
Street Address			City State Zipcode		
37 E GRAY ST			DES MOINES IA 50315		



Approximate date of photo 07/07/2017

Mailing Address
JACKIE NITTLER 3201 SE 21ST ST DES MOINES, IA 50320-1917

Legal Description
N 1/2 LOT 254 CRAWFORD PLACE

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	NITTLER, AUSTIN	2015-08-19	15703/725	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	16,000	35,000	0	51,000

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

Zoning	Description	SF	Assessor Zoning
R1-70	One Family, Low Density Residential District		Residential
*Condition	Docket_no 14361		

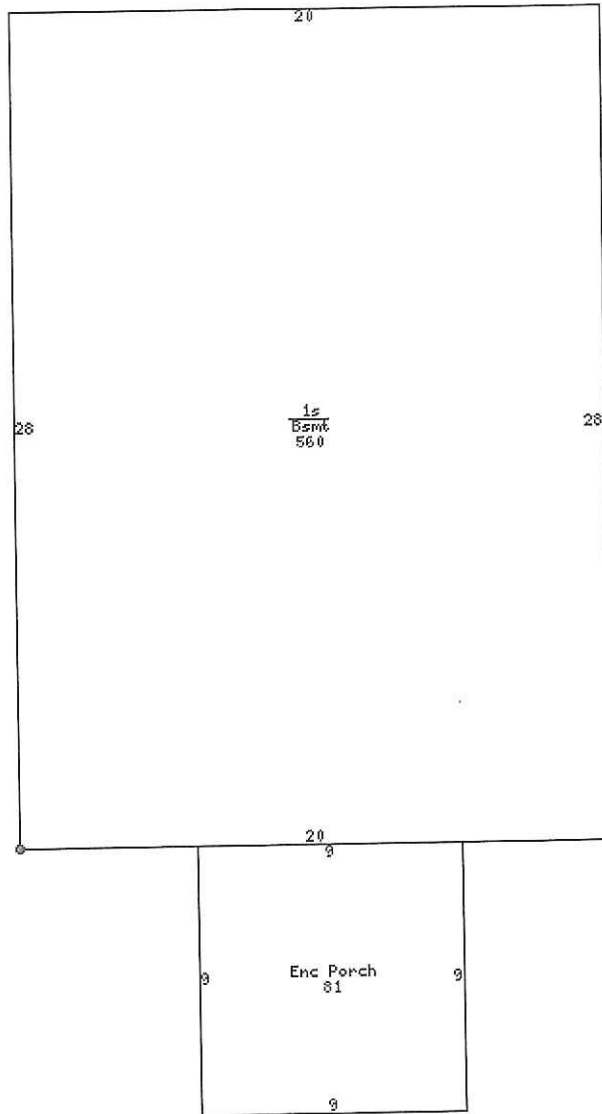
Source: City of Des Moines Community Development **Published:** 2012-03-20 **Contact:** Planning and Urban Design
515 283-4182

Land

SQUARE FEET	11,250	FRONTAGE	75.0	DEPTH	150.0
ACRES	0.258	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1

OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	BG/Bungalow
YEAR BUILT	1912	# FAMILIES	1	GRADE	5
GRADE ADJUST	+00	CONDITION	BN/Below Normal	TSFLA	560
MAIN LV AREA	560	BSMT AREA	560	ENCL PORCH	81
FOUNDATION	B/Brick	EXT WALL TYP	MS/Hardboard	ROOF TYPE	GB/Gable
ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air	AIR COND	100
BATHROOMS	1	BEDROOMS	2	ROOMS	4



Detached # 101					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	14	MEASURE2	20	STORY HEIGHT	1
GRADE	4	YEAR BUILT	1957	CONDITION	NM/Normal

Year	Type	Status	Application	Permit/Pickup Description
2013	P/Permit	NA/No Add	2012-04-03	AL/INTERIOR

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2017	Assessment Roll	Residential	Full	16,000	35,000	0	51,000
2015	Assessment Roll	Residential	Full	14,600	32,000	0	46,600
2013	Assessment Roll	Residential	Full	13,900	30,800	0	44,700
2011	Assessment Roll	Residential	Full	13,800	29,700	0	43,500
2009	Assessment Roll	Residential	Full	15,500	32,700	0	48,200

2007	Assessment Roll	Residential	Full	15,700	34,800	0	50,500
2005	Assessment Roll	Residential	Full	17,100	29,400	0	46,500
2003	Assessment Roll	Residential	Full	15,770	27,060	0	42,830
2001	Assessment Roll	Residential	Full	14,230	23,290	0	37,520
1999	Assessment Roll	Residential	Full	12,450	21,710	0	34,160
1997	Assessment Roll	Residential	Full	11,090	19,330	0	30,420
1995	Assessment Roll	Residential	Full	10,080	17,570	0	27,650
1993	Assessment Roll	Residential	Full	9,420	16,420	0	25,840
1991	Assessment Roll	Residential	Full	8,560	14,930	0	23,490
1991	Was Prior Year	Residential	Full	8,560	15,730	0	24,290

[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