



Roll Call Number

Agenda Item Number

55 B

Date May 21, 2018

ABATEMENT OF PUBLIC NUISANCE AT 701 CLINTON AVENUE

WHEREAS, the property located at 701 Clinton 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, Daniel Scullen, and the Mortgage Holder, Marine Credit Union, 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 Lot 19 in Block 1 in 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 701 Clinton 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				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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



05/14/2018 10:55

55B
701 Clinton Ave

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55B
701 Clinton Ave



05/14/2018 10:56



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

55B

DATE OF NOTICE: March 8, 2018

DATE OF INSPECTION: January 02, 2018

CASE NUMBER: COD2018-00001

PROPERTY ADDRESS: 701 CLINTON AVE

LEGAL DESCRIPTION: LOT 19 BLK 1 OAK PARK

DANIEL SCULLEN
Title Holder
9680 160TH AVE
INDIANOLA IA 50125

MARINE CREDIT UNION
Mortgage Holder
ATTN: SHAWN HANSON, PRES.& CEO
1848 E MAIN ST
ONALASKA WI 54650

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: 3/8/2018

MAILED BY: JDH

Areas that need attention: 701 CLINTON AVE

Component:	Accessory Buildings	Defect:	See Comments
Requirement:		Location:	Shed
Comments:	The shed 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 shed must be demolished as well because it is an accessory use only pursuant to Des Moines Municipal Code Section 134-343.		
Component:	Ductwork	Defect:	Smoke Damage
Requirement:		Location:	Throughout
Comments:	Cleaned and safe for use.		
Component:	Electrical System	Defect:	Fire damaged
Requirement:	Electrical Permit	Location:	Throughout
Comments:			
Component:	Floor Joists/Beams	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Throughout
Comments:			
Component:	Flooring	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	Throughout
Comments:			
Component:	Interior Walls /Ceiling	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Throughout
Comments:			
Component:	Smoke Detectors	Defect:	Fire damaged
Requirement:	Compliance with International Building Code	Location:	Throughout
Comments:			
Component:	Sub Floor	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Throughout
Comments:			


Component: Windows/Window Frames
Requirement: Compliance with Int Residential Code

Defect: Cracked/Broken

Location: Throughout

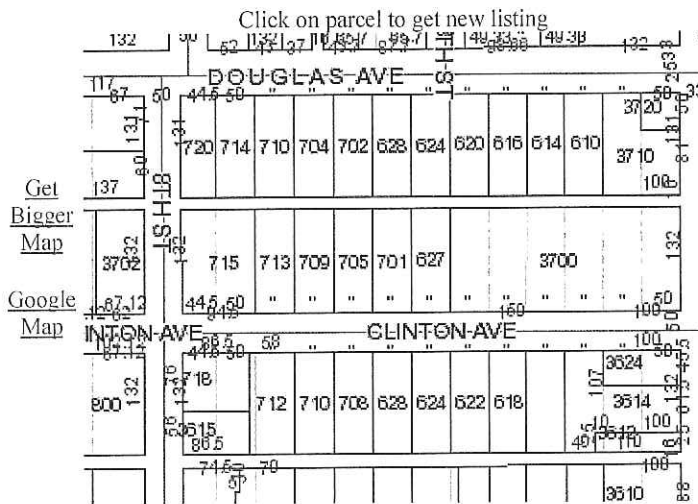
Comments:

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Polk County Assessor 

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

District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
070/04013-000-000	7924-27-204-018	0544	DM82/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
I/Des Moines					
Street Address			City State Zipcode		
701 CLINTON AVE			DES MOINES IA 50313-4160		



Approximate date of photo 08/18/2016

Mailing Address
DANIEL SCULLEN 701 CLINTON AVE DES MOINES, IA 50313-4160

Legal Description
LOT 19 BLK 1 OAK PARK

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	SCULLEN, DANIEL	2017-12-20	16767/881	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	17,400	73,700	0	91,100

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

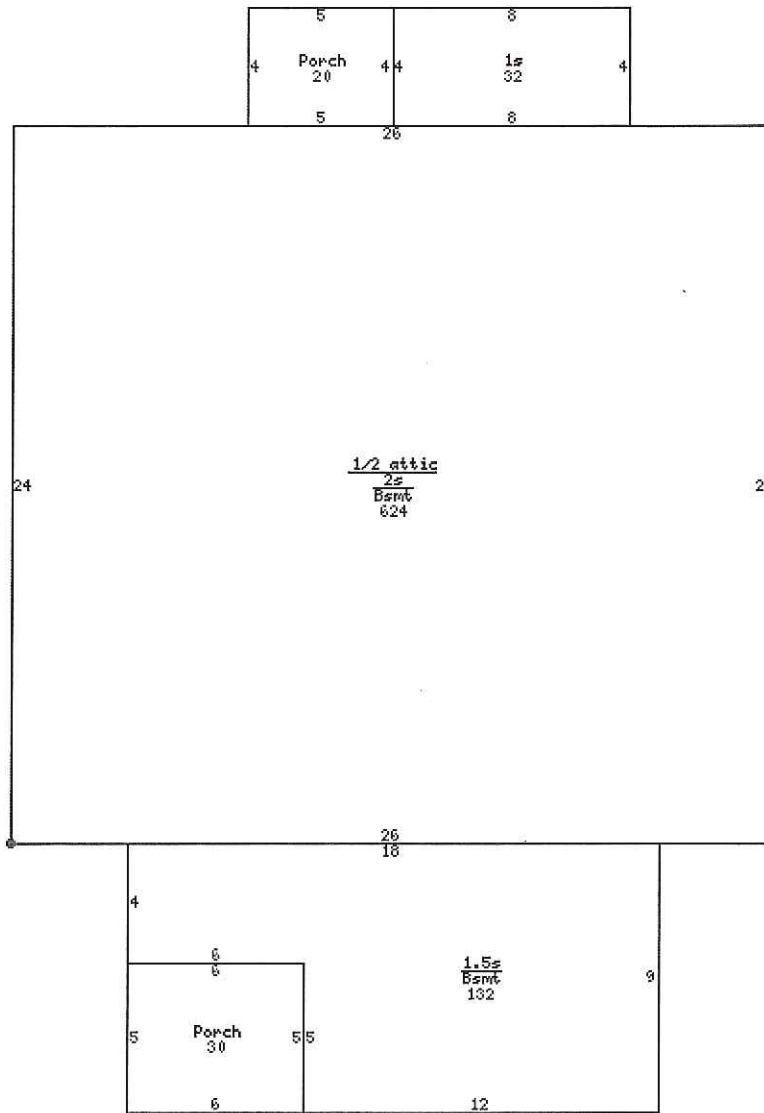
Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential

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

Land					
SQUARE FEET	6,600	FRONTAGE	50.0	DEPTH	132.0
ACRES	0.152	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	SP/Over 2 Stories	BLDG STYLE	CV/Conventional
YEAR BUILT	1910	# FAMILIES	1	GRADE	4
GRADE ADJUST	+00	CONDITION	BN/Below Normal	TSFLA	1,719
MAIN LV AREA	788	UPPR LV AREA	712	ATTIC FINISH	218
BSMT AREA	756	OPEN PORCH	50	FOUNDATION	B/Brick
EXT WALL TYP	AS/Asbestos	ROOF TYPE	GB/Gable	ROOF MATERL	A/Asphalt Shingle
HEATING	A/Gas Forced Air	AIR COND	100	BATHROOMS	1
TOILET ROOMS	1	BEDROOMS	4	ROOMS	7

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Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
TURNING LEAF PROPERTIES	SCULLEN, DANIEL	<u>2015-08-20</u>	97,000	C/Contract	15705/152
SRS, INC	TURNING LEAF PROPERTIES, LLC	<u>2006-06-01</u>	66,000	D/Deed	11694/10
MC CLISH, MICHAEL T	SRS, INC	<u>2006-04-19</u>	45,000	D/Deed	11641/65
WELLS, PAUL O	MCCLISH, MICHAEL	<u>2006-04-12</u>	24,000	D/Deed	11609/973

Year	Type	Status	Application	Permit/Pickup Description
2007	U/Pickup	NA/No Add	2007-02-20	RV/ABATEMENT FILED

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2017	Assessment Roll	Residential	Full	17,400	73,700	0	91,100

SSB

2015	Assessment Roll	Residential	Full	15,700	66,600	0	82,300
			Adj	15,700	50,960	0	66,660
2013	Assessment Roll	Residential	Full	15,300	65,700	0	81,000
			Adj	15,300	50,060	0	65,360
2011	Assessment Roll	Residential	Full	15,300	65,200	0	80,500
			Adj	15,300	49,560	0	64,860
2009	Assessment Roll	Residential	Full	16,200	65,400	0	81,600
			Adj	16,200	49,760	0	65,960
2007	Assessment Roll	Residential	Full	16,000	64,600	0	80,600
			Adj	16,000	48,960	0	64,960
2005	Assessment Roll	Residential	Full	15,000	82,000	0	97,000
2003	Assessment Roll	Residential	Full	13,680	74,150	0	87,830
2001	Assessment Roll	Residential	Full	11,880	62,000	0	73,880
1999	Assessment Roll	Residential	Full	10,500	53,780	0	64,280
1997	Assessment Roll	Residential	Full	9,830	50,360	0	60,190
1995	Assessment Roll	Residential	Full	8,690	44,510	0	53,200
1993	Assessment Roll	Residential	Full	7,520	38,510	0	46,030
1990	Assessment Roll	Residential	Full	7,520	33,580	0	41,100

email this page

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 Phone 515 286-3140 / Fax 515 286-3386
polkweb@assess.co.polk.ia.us