



**Roll Call Number**

**Agenda Item Number**

44D

**Date** December 17, 2018

**ABATEMENT OF PUBLIC NUISANCE AT 2906 STATE AVENUE**

WHEREAS, the property located at 2906 State 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, and the Mortgage Holder, Suzanne Oeth, were notified by personal service more than thirty days ago to repair or demolish the garage structure and as of this date have failed to abate the nuisance.

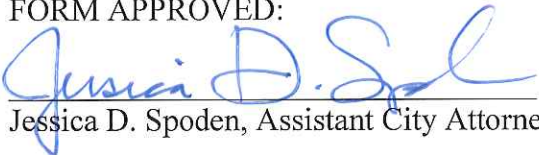
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The garage structure on the real estate legally described as The East 25 feet of Lot 15 (except the North 7 feet thereof) and the West 25 feet of Lot 16, Block 4, in HYDE PARK PLAT 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2906 State 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 garage 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				

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

**Polk County Assessor**111 Court Avenue #195  
Des Moines, IA 50309-0904(515) 286-3014 Fax (515) 286-3386  
[polkweb@assess.co.polk.ia.us](mailto:polkweb@assess.co.polk.ia.us)

Location					
Address	2906 STATE AVE				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	060/06438-000-000	Geoparcels	7923-32-353-017	Status	Active
School	Des Moines	Nbhd/Pocket	DM14/Z	Tax Authority Group	DEM-C-DEM-77392
TIF	3/Des Moines Accent UR	Submarket	Northeast Des Moines	Appraiser	Victor Scaglione 515- 286-3898

Map and Current Photos - 1 Record	
<p>Click on parcel to get a new listing</p> <p><a href="#">Bigger Map</a> <a href="#">Google Map</a> <a href="#">Pictometry</a></p>	<p>Photo Processed on 2013-09-20 a</p>

Historical Photos				
Ownership - 1 Record				
Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	OETH, GARY	2009-06-09	13076/650

Legal Description and Mailing Address	
E 25F LOT 15 & W 25F LOT 16 BLK 4 HYDE PARK PLAT NO 2	GARY OETH 2245 CAPITOL AVE DES MOINES, IA 50317-2233

Current Values					
Type	Class	Kind	Land	Bldg	Total
2018 Value	Residential	Full	\$15,800	\$65,800	\$81,600

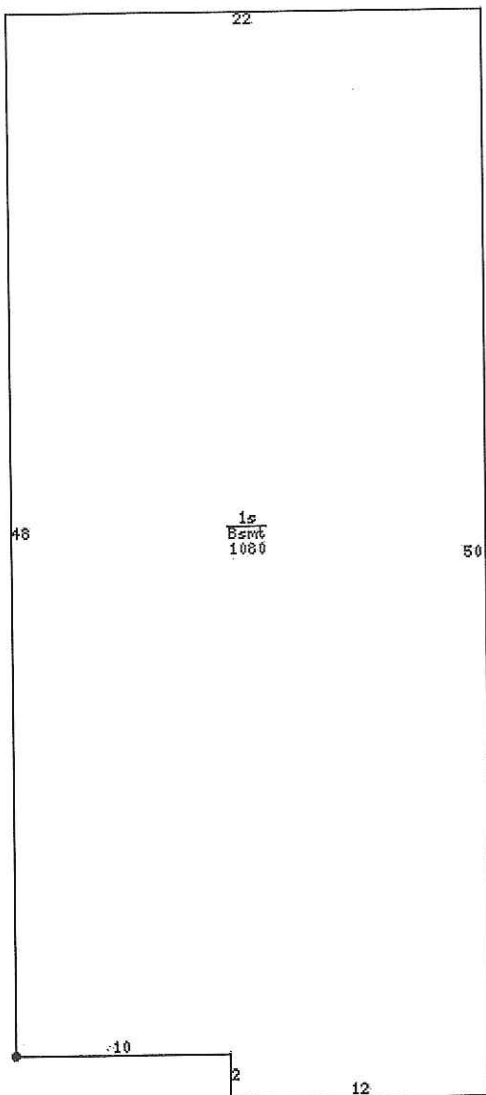
Market Adjusted Cost Report	
Zoning - 1 Record	



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Polk County Assessor's Office

Zoning	Description			SF	Assessor Zoning
R1-60	One Family, Low Density Residential District				Residential
City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)					
Land					
Square Feet	6,950	Acres	0.160	Frontage	50.0
Depth	139.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Bungalow
Year Built	1920	Number Families	1	Grade	4-05
Condition	Below Normal	Total Square Foot Living Area	1080	Main Living Area	1080
Basement Area	1080	Foundation	Brick	Exterior Wall Type	Wood Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning	0	Number Bathrooms	1	Bedrooms	3
Rooms	5				



### Detached Structures - 1 Record

#### Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	12	Measure 2	22	Story Height	1
Grade	5	Year Built	1940	Condition	Poor

### Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
FEDERAL NATIONAL MORTGAGE ASSOC	OETH, GARY	<u>2009-06-05</u>	\$35,110	Deed	<u>13076/650</u>
AMTRUST BANK	FEDERAL NATIONAL MORTGAGE ASSOC	<u>2008-11-17</u>	\$100,200	Deed	<u>12838/77</u>
MORLAN, BONNIE L ESTATE	MALLORY, MIKE	<u>2007-05-17</u>	\$89,500	Deed	<u>12203/249</u>

**Permits - 1 Record**

Year	Type	Permit Status	Application	Description
Current	Permit	To Work	2018-04-16	fix damage/fire

**Historical Values**

Yr	Type	Class	Kind	Land	Bldg	Total
2017	<u>Assessment Roll</u>	Residential	Full	\$15,800	\$65,800	\$81,600
2015	<u>Assessment Roll</u>	Residential	Full	\$14,900	\$62,700	\$77,600
2013	<u>Assessment Roll</u>	Residential	Full	\$14,500	\$61,400	\$75,900
2011	<u>Assessment Roll</u>	Residential	Full	\$14,500	\$60,800	\$75,300
2009	<u>Assessment Roll</u>	Residential	Full	\$15,100	\$62,200	\$77,300
2007	<u>Assessment Roll</u>	Residential	Full	\$15,100	\$62,200	\$77,300
2005	<u>Assessment Roll</u>	Residential	Full	\$13,100	\$46,800	\$59,900
2003	<u>Assessment Roll</u>	Residential	Full	\$11,360	\$40,960	\$52,320
2001	<u>Assessment Roll</u>	Residential	Full	\$8,940	\$30,500	\$39,440
1999	Assessment Roll	Residential	Full	\$5,930	\$29,730	\$35,660
1997	Assessment Roll	Residential	Full	\$5,370	\$26,930	\$32,300
1995	Assessment Roll	Residential	Full	\$4,890	\$24,500	\$29,390
1993	Assessment Roll	Residential	Full	\$4,220	\$21,150	\$25,370
1991	Assessment Roll	Residential	Full	\$4,220	\$19,400	\$23,620
1991	Was Prior Year	Residential	Full	\$4,220	\$16,830	\$21,050

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

44D

**DATE OF NOTICE:** August 15, 2018

**DATE OF INSPECTION:** February 09, 2018

**CASE NUMBER:** COD2018-00770

**PROPERTY ADDRESS:** 2906 STATE AVE

**LEGAL DESCRIPTION:** E 25F LOT 15 & W 25F LOT 16 BLK 4 HYDE PARK PLAT NO 2

GARY OETH  
Title Holder  
2245 CAPITOL AVE  
DES MOINES IA 50317-2233

SUZANNE OETH  
Mortgage Holder  
6501 MADISON AVE  
DES MOINES IA 50322

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 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: 8/15/2018



MAILED BY: CAD1

44D

**Areas that need attention:** 2906 STATE AVE

<b><u>Component:</u></b>	Accessory Buildings	<b><u>Defect:</u></b>	Structurally Unsound
<b><u>Requirement:</u></b>	Permit Required	<b><u>Location:</u></b>	Shed
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Accessory Buildings	<b><u>Defect:</u></b>	Structurally inadequate
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>	Repair or replace north wall on garage.		
<b><u>Component:</u></b>	Accessory Buildings	<b><u>Defect:</u></b>	In disrepair
<b><u>Requirement:</u></b>	Electrical Permit	<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>	Repair and replace electrical throughout.		
<b><u>Component:</u></b>	Roof	<b><u>Defect:</u></b>	Flame/Smoke Spread
<b><u>Requirement:</u></b>	Licensed Contractor Certification	<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>	Have roof inspected by licensed contractor and provide detailed report.		
<b><u>Component:</u></b>	Exterior Walls	<b><u>Defect:</u></b>	Inadequate
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>	Repair or replace damage siding. Paint to match.		
<b><u>Component:</u></b>	Soffit/Facia/Trim	<b><u>Defect:</u></b>	Inadequate
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>	Repair or replace damaged soffit, facia and trim. Paint to match.		
<b><u>Component:</u></b>	Interior Walls /Ceiling	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	Garage
<b><u>Comments:</u></b>	Repair or replace damaged interior walls and ceiling. Paint to match.		



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2906 State Ave



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2906 State Ave



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2900 State Ave

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