



Date April 22, 2019

ABATEMENT OF PUBLIC NUISANCE AT 3921 52<sup>nd</sup> STREET

WHEREAS, the property located at 3921 52<sup>nd</sup> Street, 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 Titleholders, Fernando Lopez Lara and Ninfa G. Perez-Buzani, 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 Lot 71 and 72 in Block "J" in AVIATION PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3921 52<sup>nd</sup> 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 garage structure.

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

Jessica D. Spoden signature

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



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

**DATE OF NOTICE:** January 10, 2019

**DATE OF INSPECTION:** December 13, 2018

**CASE NUMBER:** COD2018-09522

**PROPERTY ADDRESS:** 3921 52ND ST

**LEGAL DESCRIPTION:** LTS 71 & 72 BLK J AVIATION PARK

FERNANDO LOPEZ LARA & NINFA PEREZ-BUZANI  
Title Holder  
967 MCCLURE ST  
GALESBURG IL 61401-5754

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.

Justin S. Denning

(515) 237-1484

Nid Inspector



DATE MAILED: 1/10/2019

MAILED BY: JSD

**Areas that need attention:** 3921 52ND ST

|                     |                                      |                  |                         |
|---------------------|--------------------------------------|------------------|-------------------------|
| <b>Component:</b>   | Roof                                 | <b>Defect:</b>   | Collapsed               |
| <b>Requirement:</b> | Building Permit                      | <b>Location:</b> | Garage                  |
| <b>Comments:</b>    | Roof                                 |                  |                         |
| <b>Component:</b>   | Interior Walls /Ceiling              | <b>Defect:</b>   | Insect Infestation      |
| <b>Requirement:</b> | Building Permit                      | <b>Location:</b> | Garage                  |
| <b>Comments:</b>    | Structure/walls                      |                  |                         |
| <b>Component:</b>   | Interior Walls /Ceiling              | <b>Defect:</b>   | Structurally inadequate |
| <b>Requirement:</b> | Building Permit                      | <b>Location:</b> | Garage                  |
| <b>Comments:</b>    | Structure/walls                      |                  |                         |
| <b>Component:</b>   | Shingles Flashing                    | <b>Defect:</b>   | Deteriorated            |
| <b>Requirement:</b> | Compliance with Int Residential Code | <b>Location:</b> | Garage                  |
| <b>Comments:</b>    |                                      |                  |                         |
| <b>Component:</b>   | Soffit/Facia/Trim                    | <b>Defect:</b>   | Deteriorated            |
| <b>Requirement:</b> | Compliance with Int Residential Code | <b>Location:</b> | Garage                  |
| <b>Comments:</b>    |                                      |                  |                         |
| <b>Component:</b>   | Windows/Window Frames                | <b>Defect:</b>   | Deteriorated            |
| <b>Requirement:</b> | Compliance with Int Residential Code | <b>Location:</b> | Garage                  |
| <b>Comments:</b>    |                                      |                  |                         |
| <b>Component:</b>   | Exterior Doors/Jams                  | <b>Defect:</b>   | Deteriorated            |
| <b>Requirement:</b> | Compliance with Int Residential Code | <b>Location:</b> | Garage                  |
| <b>Comments:</b>    |                                      |                  |                         |
| <b>Component:</b>   | Exterior Walls                       | <b>Defect:</b>   | Deteriorated            |
| <b>Requirement:</b> | Compliance with Int Residential Code | <b>Location:</b> | Garage                  |
| <b>Comments:</b>    |                                      |                  |                         |

*Polk County Assessor*   
JOHN

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|                        |                                       |                                 |                           |                     |               |
|------------------------|---------------------------------------|---------------------------------|---------------------------|---------------------|---------------|
| <b>District/Parcel</b> | <b>GeoParcel</b>                      | <b>Map</b>                      | <b>Nbhd</b>               | <b>Jurisdiction</b> | <b>Status</b> |
| 100/00831-000-000      | 7924-19-378-007                       | 1141                            | DM64/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> |                     |               |
| 3921 52ND ST           |                                       |                                 | DES MOINES IA 50310-1819  |                     |               |

Click on parcel to get new listing

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[Google Map](#)



Approximate date of photo 04/22/2014

|   |
|---|
| <b>Mailing Address</b>  |
| FERNANDO L LARA<br>967 MCCLURE ST<br>GALESBURG, IL 61401-5754 |

|                                 |
|---------------------------------|
| <b>Legal Description</b>        |
| LTS 71 & 72 BLK J AVIATION PARK |

| Ownership       | Name                  | Recorded   | Book/Page                 | RevStamps |
|-----------------|-----------------------|------------|---------------------------|-----------|
| Title Holder #1 | LOPEZ LARA, FERNANDO  | 2017-08-02 | <a href="#">16588/332</a> |           |
| Title Holder #2 | PEREZ-BUZANI, NINFA G |            |                           |           |

| Assessment | Class       | Kind | Land   | Bldg   | AgBd | Total  |
|------------|-------------|------|--------|--------|------|--------|
| Assmt Roll | Residential | Full | 34,000 | 37,700 | 0    | 71,700 |
| Current    | Residential | Full | 29,800 | 34,400 | 0    | 64,200 |

[Assessment Roll Notice](#)

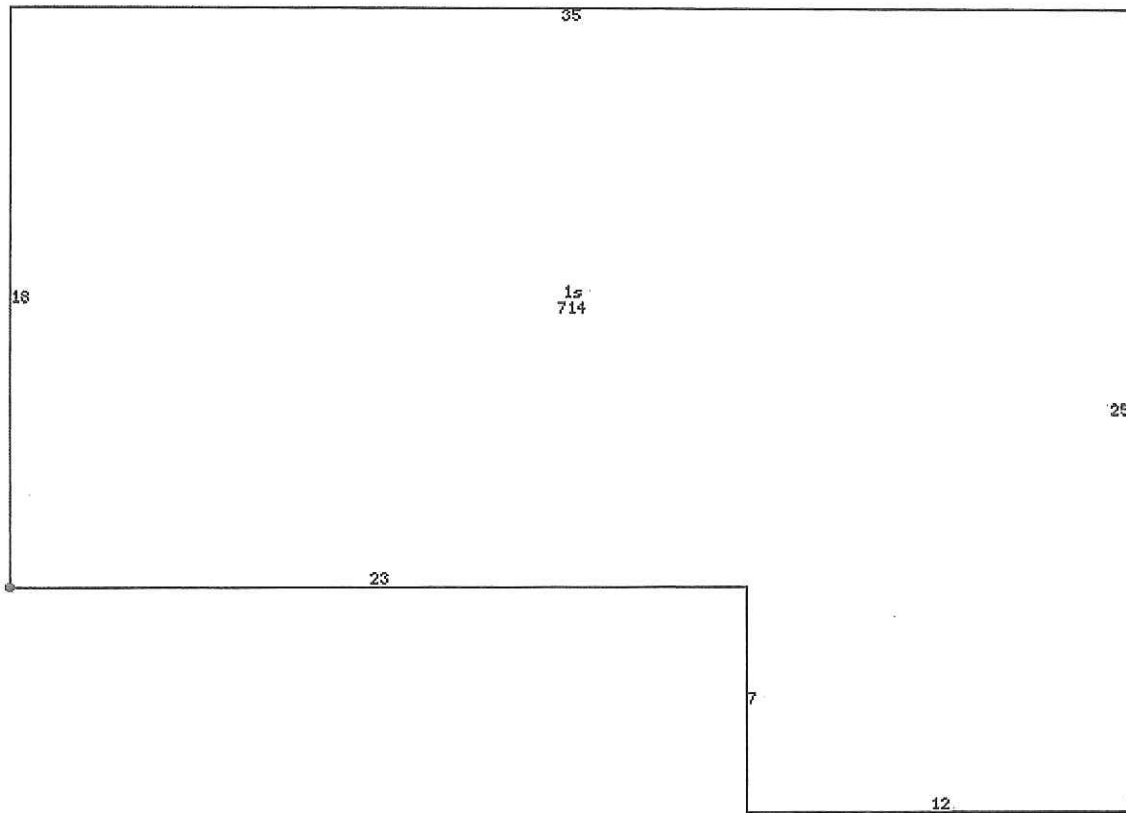
| Zoning | Description | SF | Assessor Zoning |
|--------|-------------|----|-----------------|
|--------|-------------|----|-----------------|

|       |  |             |
|-------|--|-------------|
| 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

|             |       |          |              |            |          |
|-------------|-------|----------|--------------|------------|----------|
| <b>Land</b> |       |          |              |            |          |
| SQUARE FEET | 8,400 | FRONTAGE | 60.0         | DEPTH      | 140.0    |
| ACRES       | 0.193 | SHAPE    | RC/Rectangle | TOPOGRAPHY | N/Normal |

|                      |                  |             |                   |              |                  |
|----------------------|------------------|-------------|-------------------|--------------|------------------|
| <b>Residence # 1</b> |                  |             |                   |              |                  |
| OCCUPANCY            | SF/Single Family | RESID TYPE  | S1/1 Story        | BLDG STYLE   | RN/Ranch         |
| YEAR BUILT           | 1950             | # FAMILIES  | 1                 | GRADE        | 4                |
| GRADE ADJUST         | -10              | CONDITION   | PR/Poor           | TSFLA        | 714              |
| MAIN LV AREA         | 714              | FOUNDATION  | C/Concrete Block  | EXT WALL TYP | MF/Mixed Frame   |
| ROOF TYPE            | GB/Gable         | ROOF MATERL | A/Asphalt Shingle | HEATING      | A/Gas Forced Air |
| AIR COND             | 0                | BATHROOMS   | 1                 | BEDROOMS     | 1                |
| ROOMS                | 4                |             |                   |              |                  |



|                       |            |                    |          |                     |              |
|-----------------------|------------|--------------------|----------|---------------------|--------------|
| <b>Detached # 101</b> |            |                    |          |                     |              |
| <b>OCCUPANCY</b>      | GAR/Garage | <b>CONSTR TYPE</b> | FR/Frame | <b>MEASCODE</b>     | D/Dimensions |
| <b>MEASURE1</b>       | 24         | <b>MEASURE2</b>    | 30       | <b>STORY HEIGHT</b> | 1            |
| <b>GRADE</b>          | 4          | <b>YEAR BUILT</b>  | 1979     | <b>CONDITION</b>    | VP/Very Poor |

| <u>Seller</u>                     | <u>Buyer</u>         | <u>Sale Date</u>  | <u>Sale Price</u> | <u>Instrument</u> | <u>Book/Page</u> |
|-----------------------------------|----------------------|-------------------|-------------------|-------------------|------------------|
| CAMPOS, RYAN                      | LOPEZ LARA, FERNANDO | <u>2017-07-25</u> | 18,000            | D/Deed            | 16588/332        |
| GEE, WESLEY B                     | CAMPOS, RYAN         | <u>2016-12-22</u> | 18,000            | C/Contract        | 16356/11         |
| MCCLISH, TODD                     | GEE, WESLEY B.       | <u>2014-02-27</u> | 31,500            | D/Deed            | 15119/795        |
| COMMUNITY IMPROVEMENT GROUP, INC. | MCCLISH, TODD        | <u>2013-09-30</u> | 27,500            | D/Deed            | 14978/701        |

|                       |   |                |        |        |           |
|-----------------------|---|----------------|--------|--------|-----------|
| MOORE, JOAN A. ESTATE | COMMUNITY<br>IMPROVEMENT GROUP,<br>INC. | 2013-<br>09-26 | 15,000 | D/Deed | 14978/697 |
|-----------------------|---|----------------|--------|--------|-----------|

| Year | Type     | Status      | Application | Permit/Pickup Description |
|------|----------|-------------|-------------|---------------------------|
| 2018 | U/Pickup | CP/Complete | 2017-09-18  | CL/CONDITION              |
| 2016 | U/Pickup | NA/No Add   | 2013-11-05  | AL/REHAB                  |
| 2015 | U/Pickup | PA/Pass     | 2013-11-05  | AL/REHAB                  |
| 2014 | U/Pickup | PA/Pass     | 2013-11-05  | AL/REHAB                  |

| Year | Type                   | Class       | Kind | Land   | Bldg   | AgBd | Total   |
|------|------------------------|-------------|------|--------|--------|------|---------|
| 2018 | <u>Assessment Roll</u> | Residential | Full | 29,800 | 34,400 | 0    | 64,200  |
| 2017 | <u>Assessment Roll</u> | Residential | Full | 29,800 | 50,300 | 0    | 80,100  |
| 2015 | <u>Assessment Roll</u> | Residential | Full | 26,700 | 46,800 | 0    | 73,500  |
| 2014 | <u>Board Action</u>    | Residential | Full | 23,900 | 43,100 | 0    | 67,000  |
| 2013 | <u>Assessment Roll</u> | Residential | Full | 23,900 | 66,100 | 0    | 90,000  |
| 2011 | <u>Assessment Roll</u> | Residential | Full | 23,900 | 66,800 | 0    | 90,700  |
| 2009 | <u>Assessment Roll</u> | Residential | Full | 27,100 | 75,600 | 0    | 102,700 |
| 2007 | <u>Assessment Roll</u> | Residential | Full | 25,200 | 70,400 | 0    | 95,600  |
| 2005 | <u>Assessment Roll</u> | Residential | Full | 21,900 | 75,700 | 0    | 97,600  |
| 2003 | <u>Assessment Roll</u> | Residential | Full | 19,820 | 68,820 | 0    | 88,640  |
| 2001 | <u>Assessment Roll</u> | Residential | Full | 18,960 | 61,530 | 0    | 80,490  |
| 1999 | Assessment Roll        | Residential | Full | 14,220 | 52,520 | 0    | 66,740  |
| 1997 | Assessment Roll        | Residential | Full | 12,920 | 47,700 | 0    | 60,620  |
| 1995 | Assessment Roll        | Residential | Full | 11,650 | 43,000 | 0    | 54,650  |
| 1993 | Assessment Roll        | Residential | Full | 10,590 | 39,090 | 0    | 49,680  |
| 1991 | Assessment Roll        | Residential | Full | 10,590 | 35,280 | 0    | 45,870  |
| 1991 | Was Prior Year         | Residential | Full | 10,590 | 31,190 | 0    | 41,780  |

[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](mailto:polkweb@assess.co.polk.ia.us)



top

3921 Sand St



04/15/2019

top

3921 52<sup>nd</sup> st



04/15/2019