



Date May 6, 2019

ABATEMENT OF PUBLIC NUISANCE AT 100 MCKINLEY AVENUE

WHEREAS, the property located at 100 McKinley 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 Titleholders, Joni E. Ernst and Dale F. Ernst, 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 47 (except the South 130 feet thereof) in FARR ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, except that part deeded to the City of Des Moines, recorded February 28, 2012 in Book 14174, Page 997 and locally known as 100 McKinley 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:

Luke DeSmet, 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



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

27D

DATE OF NOTICE: March 11, 2019

DATE OF INSPECTION: November 14, 2018

CASE NUMBER: COD2018-08874

PROPERTY ADDRESS: 100 MCKINLEY AVE

LEGAL DESCRIPTION: -EX BEG NE COR THN S 57.33F NW 35.69F NW 25.46F E 16.98F TO POB- & -EX S130F- LOT 47
FARR ADDITION

JONI E ERNST & DALE F ERNST

Title Holder

1816 NW PINE RD

ANKENY IA 50023

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.

Joshua Raleigh
(515) 283-4115



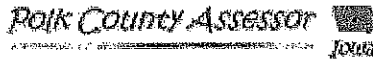
Nid Inspector

DATE MAILED: 3/11/2019

MAILED BY: TSY

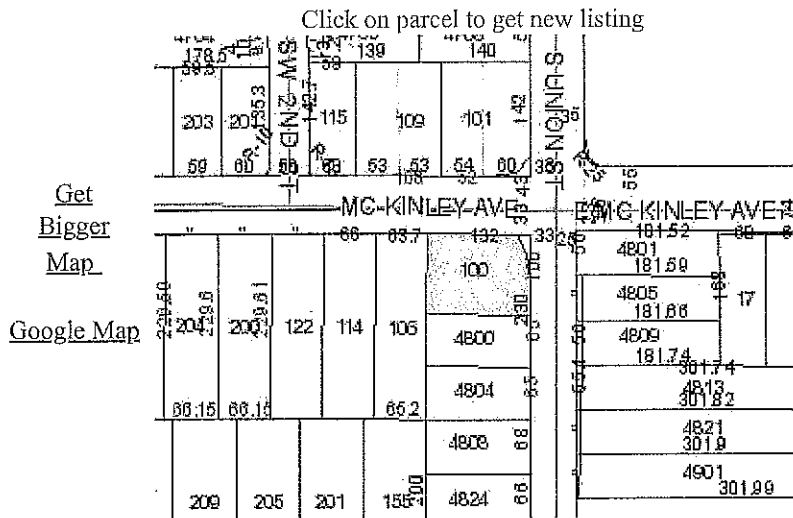
Areas that need attention: 100 MCKINLEY AVE

Component:	Roof	Defect:	Deteriorated
Requirement:	Compliance with International Building Code	Location:	Roof
Comments:	Permit required for repair of structural members		
Component:	Shingles Flashing	Defect:	In disrepair
Requirement:	Compliance with Int Residential Code	Location:	Roof
Comments:	Replace materials		
Component:	Exterior Doors/Jams	Defect:	In poor repair
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Permit required for repair of structural members		
Component:	Soffit/Facia/Trim	Defect:	In disrepair
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Permit required for repair of structural members		
Component:	Windows/Window Frames	Defect:	Cracked/Broken
Requirement:	Compliance with International Building Code	Location:	Main Structure Throughout
Comments:	Permit required for repair of structural members		
Component:	Stairs/Stoop	Defect:	In disrepair
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Permit required for repair of structural members		



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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
120/01419-001-001	7824-28-226-037	B128	DM41/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address				City State Zipcode	
100 MCKINLEY AVE				DES MOINES IA 50315-3940	



Approximate date of photo 09/02/2015

Mailing Address
DALE F ERNST 100 MCKINLEY AVE DES MOINES, IA 50315-3940

Legal Description
-EX BEG NE COR THN S 57.33F NW 35.69F NW 25.46F E 16.98F TO POB- & -EX S130F- LOT 47 FARR ADDITION

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	ERNST, DALE F	1992-05-12	6556/799	
Title Holder #2	ERNST, JONI E			
Title Holder #3	ERNST, PHYLLIS J			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Assmt Roll	Residential	Full	23,900	56,600	0	80,500
Current	Residential	Full	21,000	50,400	0	71,400

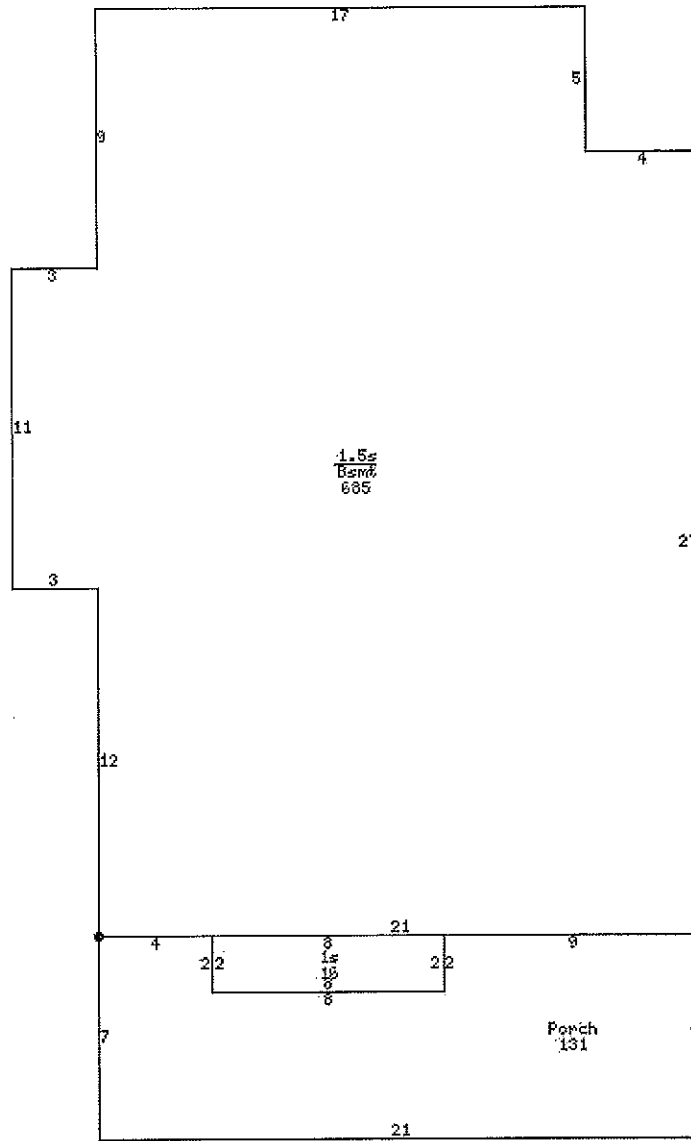
Assessment Roll Notice

Zoning	Description	SF	Assessor Zoning
R-2	One and Two Family Residential Districts		Residential

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

Land					
SQUARE FEET	12,895	ACRES	0.296	SHAPE	IR/Irregular
TOPOGRAPHY	N/Normal				

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	SH/1.5 Stories	BLDG STYLE	ET/Early 20s
YEAR BUILT	1911	# FAMILIES	1	GRADE	4
GRADE ADJUST	+00	CONDITION	BN/Below Normal	TSFLA	1,160
MAIN LV AREA	701	UPPR LV AREA	459	BSMT AREA	685
OPEN PORCH	131	FOUNDATION	B/Brick	EXT WALL TYP	WS/Wood Siding
ROOF TYPE	GB/Gable	ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air
AIR COND	0	BATHROOMS	1	XTRA FIXTURE	1
BEDROOMS	3	ROOMS	6		



Year	Type	Status	Application	Permit/Pickup Description
2013	P/Permit	NA/No Add	2012-04-10	AD/MISC

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2017	Assessment Roll	Residential	Full	21,000	50,400	0	71,400
2015	Assessment Roll	Residential	Full	19,100	46,000	0	65,100
2013	Assessment Roll	Residential	Full	17,500	42,600	0	60,100
2012	Assessment Roll	Residential	Full	18,400	44,300	0	62,700

[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

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100 McKinley Ave

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04/25/2019 13:07

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04/25/2019 13:07