

Date May 6, 2019

**ABATEMENT OF PUBLIC NUISANCE AT 309 KIRKWOOD AVENUE**

WHEREAS, the property located at 309 Kirkwood 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, Michael L. Baker, and Mortgage Holders, Mortgage Electronic Registration Systems, Inc. and Financial Plus 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 50 FRUITA, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 309 Kirkwood 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				

**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



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

**DATE OF NOTICE:** February 26, 2019

**DATE OF INSPECTION:** November 26, 2018

**CASE NUMBER:** COD2018-09046

**PROPERTY ADDRESS:** 309 KIRKWOOD AVE

**LEGAL DESCRIPTION:** LOT 50 FRUITA

MICHAEL L BAKER  
Title Holder  
1220 FRAZIER AVE  
DES MOINES IA 50315

MORTGAGE ELECTRONIC REGISTRATION, SYS, INC  
Mortgage Holder  
ATTN: SHARON HORSTKAMP, RA  
1818 LIBRARY STREET, SUITE 300  
RESTON VA 20190

FINANCIAL PLUS CREDIT UNION  
Mortgage Holder  
KYLE BLACK, VICE CHAIRPERSON  
1831 25TH ST  
WEST DES MOINES IA 50266

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.

Daniel Adams  
(515) 237-1612



Nid Inspector

DATE MAILED: 2/26/2019

MAILED BY: TSY

**Areas that need attention:** 309 KIRKWOOD AVE

<b>Component:</b>	Electrical System	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Electrical Permit	<b>Location:</b>	Throughout
<b>Comments:</b>	Must meet electrical inspector's specifications.		

<b>Component:</b>	Mechanical System	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance, Uniform Mechanics Code	<b>Location:</b>	Throughout
<b>Comments:</b>	Mechanical system needs checked for proper, safe working order by licensed mechanical contractor. MAY REQUIRE MECHANICAL PERMIT IF COMPONENTS REPLACED.		

<b>Component:</b>	Plumbing System	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with Uniform Plumbing Code	<b>Location:</b>	Throughout
<b>Comments:</b>	Plumbing system needs checked for proper, safe working order by licensed plumbing contractor. MAY REQUIRE PLUMBING PERMIT IF COMPONENTS REPLACED.		

<b>Component:</b>	Exterior Doors/Jams	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with International Building Code	<b>Location:</b>	Throughout
<b>Comments:</b>			

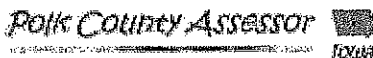
<b>Component:</b>	Exterior Walls	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Throughout
<b>Comments:</b>			

<b>Component:</b>	Floor Joists/Beams	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Throughout
<b>Comments:</b>			

<b>Component:</b>	Interior Walls /Ceiling	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Throughout
<b>Comments:</b>			

<b>Component:</b>	Interior Stairway	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Throughout
<b>Comments:</b>			

<b>Component:</b>	Roof	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Throughout
<b>Comments:</b>			
<b>Component:</b>	Shingles Flashing	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with International Building Code	<b>Location:</b>	Throughout
<b>Comments:</b>			
<b>Component:</b>	Soffit/Facia/Trim	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with International Building Code	<b>Location:</b>	Throughout
<b>Comments:</b>			
<b>Component:</b>	Windows/Window Frames	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Compliance with International Building Code	<b>Location:</b>	Throughout
<b>Comments:</b>			
<b>Component:</b>	Accessory Buildings	<b>Defect:</b>	See Comments
<b>Requirement:</b>	Unknown	<b>Location:</b>	Garage
<b>Comments:</b>	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 on 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.		



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<b>District/Parcel</b>	<b>GeoParcel</b>	<b>Map</b>	<b>Nbhd</b>	<b>Jurisdiction</b>	<b>Status</b>
010/02030-000-000	7824-16-276-037	0604	DM27/A	DES MOINES	ACTIVE
<b>School District</b>	<b>Tax Increment Finance District</b>	<b>Bond/Fire/Sewer/Cemetery</b>			
I/Des Moines					
<b>Street Address</b>			<b>City State Zipcode</b>		
309 KIRKWOOD AVE			DES MOINES IA 50315-7336		

Click on parcel to get new listing

Get Bigger Map

Google Map



Approximate date of photo 03/31/2017

<b>Mailing Address</b>
MICHAEL L BAKER 309 KIRKWOOD AVE DES MOINES, IA 50315-7336

<b>Legal Description</b>
LOT 50 FRUITA

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	BAKER, MICHAEL L	2001-09-12	8982/723	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Assmt Roll	Residential	Full	14,700	68,300	0	83,000
Current	Residential	Full	12,800	60,500	0	73,300

[Assessment Roll Notice](#)

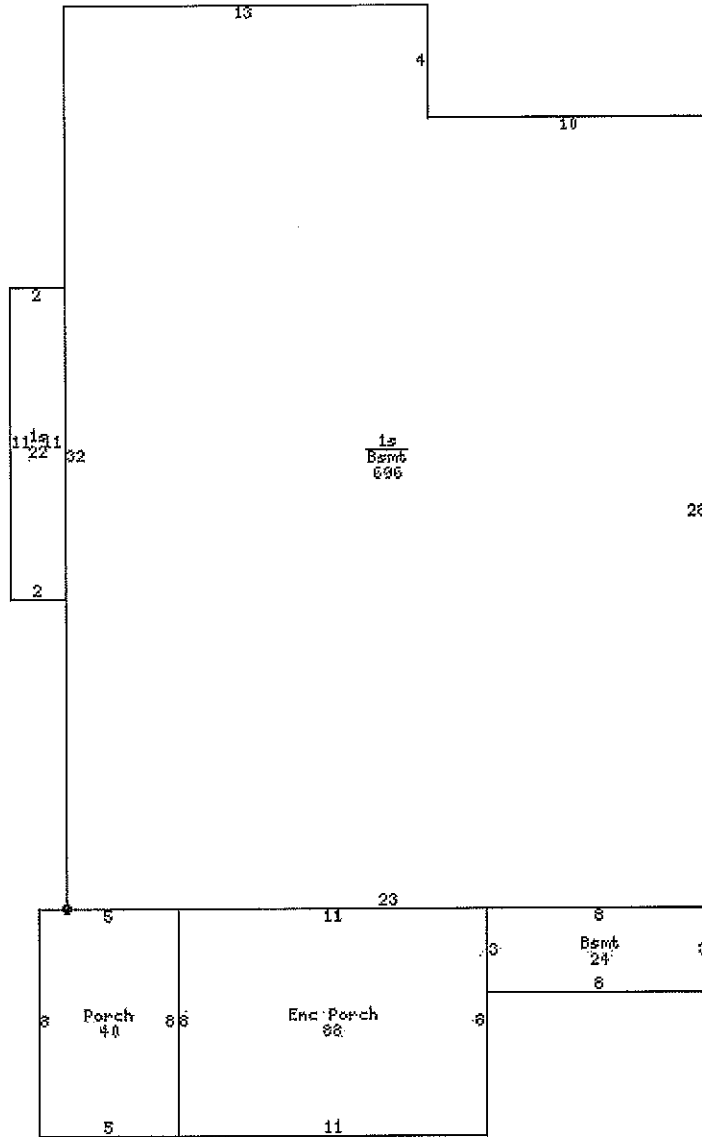
Taxable Value Credit	Name	Number	Info
Homestead	BAKER, MICHAEL L	97761	

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential
*Condition	Docket_no 14361		
<b>Source:</b> City of Des Moines Community Development <b>Published:</b> 2012-03-20 <b>Contact:</b> Planning and Urban Design 515 283-4182			

Land					
SQUARE FEET	5,080	FRONTAGE	40.0	DEPTH	127.0
ACRES	0.117	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	BG/Bungalow
YEAR BUILT	1926	# FAMILIES	1	GRADE	5
GRADE ADJUST	+05	CONDITION	AN/Above Normal	TSFLA	718
MAIN LV AREA	718	BSMT AREA	720	FIN BMT AREA	200
FIN BMT QUAL	LO/Low	OPEN PORCH	40	ENCL PORCH	88
FOUNDATION	C/Concrete Block	EXT WALL TYP	MT/Metal Siding	ROOF TYPE	GB/Gable
ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air	AIR COND	0
BATHROOMS	1	BEDROOMS	2	ROOMS	4

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<b>Detached # 101</b>					
<b>OCCUPANCY</b>	GAR/Garage	<b>CONSTR TYPE</b>	FR/Frame	<b>MEASURE1</b>	20
<b>MEASURE2</b>	24	<b>GRADE</b>	4	<b>YEAR BUILT</b>	2002
<b>CONDITION</b>	NM/Normal				

<b>Detached # 201</b>		
<b>OCCUPANCY</b>		SHD/Shed

Year	Type	Status	Application	Permit/Pickup Description
2006	P/Permit	NA/No Add	2005-03-18	AL/MISC
2004	P/Permit	NA/No Add	2003-07-17	AD/SWIMMING POOL
2003	P/Permit	CP/Complete	2002-10-17	NC/GARAGE (480 sf)
1999	P/Permit	NA/No Add	1998-07-22	AD/FENCE (Cost \$500)

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
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2017	<u>Assessment Roll</u>	Residential	Full	12,800	60,500	0	73,300
2015	<u>Assessment Roll</u>	Residential	Full	11,500	54,600	0	66,100
2013	<u>Assessment Roll</u>	Residential	Full	11,100	54,000	0	65,100
2011	<u>Assessment Roll</u>	Residential	Full	11,100	54,400	0	65,500
			Adj	11,100	45,000	0	56,100
2009	<u>Assessment Roll</u>	Residential	Full	11,700	58,400	0	70,100
			Adj	11,700	49,000	0	60,700
2007	<u>Assessment Roll</u>	Residential	Full	12,600	62,400	0	75,000
			Adj	12,600	53,000	0	65,600
2005	<u>Assessment Roll</u>	Residential	Full	11,600	53,600	0	65,200
			Adj	11,600	44,200	0	55,800
2003	<u>Assessment Roll</u>	Residential	Full	11,070	52,030	0	63,100
			Adj	11,070	42,630	0	53,700
2001	<u>Assessment Roll</u>	Residential	Full	7,590	39,370	0	46,960
1999	Assessment Roll	Residential	Full	7,750	28,860	0	36,610
1997	Assessment Roll	Residential	Full	7,240	26,970	0	34,210
1995	Assessment Roll	Residential	Full	6,340	23,630	0	29,970
1993	Assessment Roll	Residential	Full	5,610	20,910	0	26,520
1991	Assessment Roll	Residential	Full	5,190	19,360	0	24,550
1991	Was Prior Year	Residential	Full	5,190	18,140	0	23,330

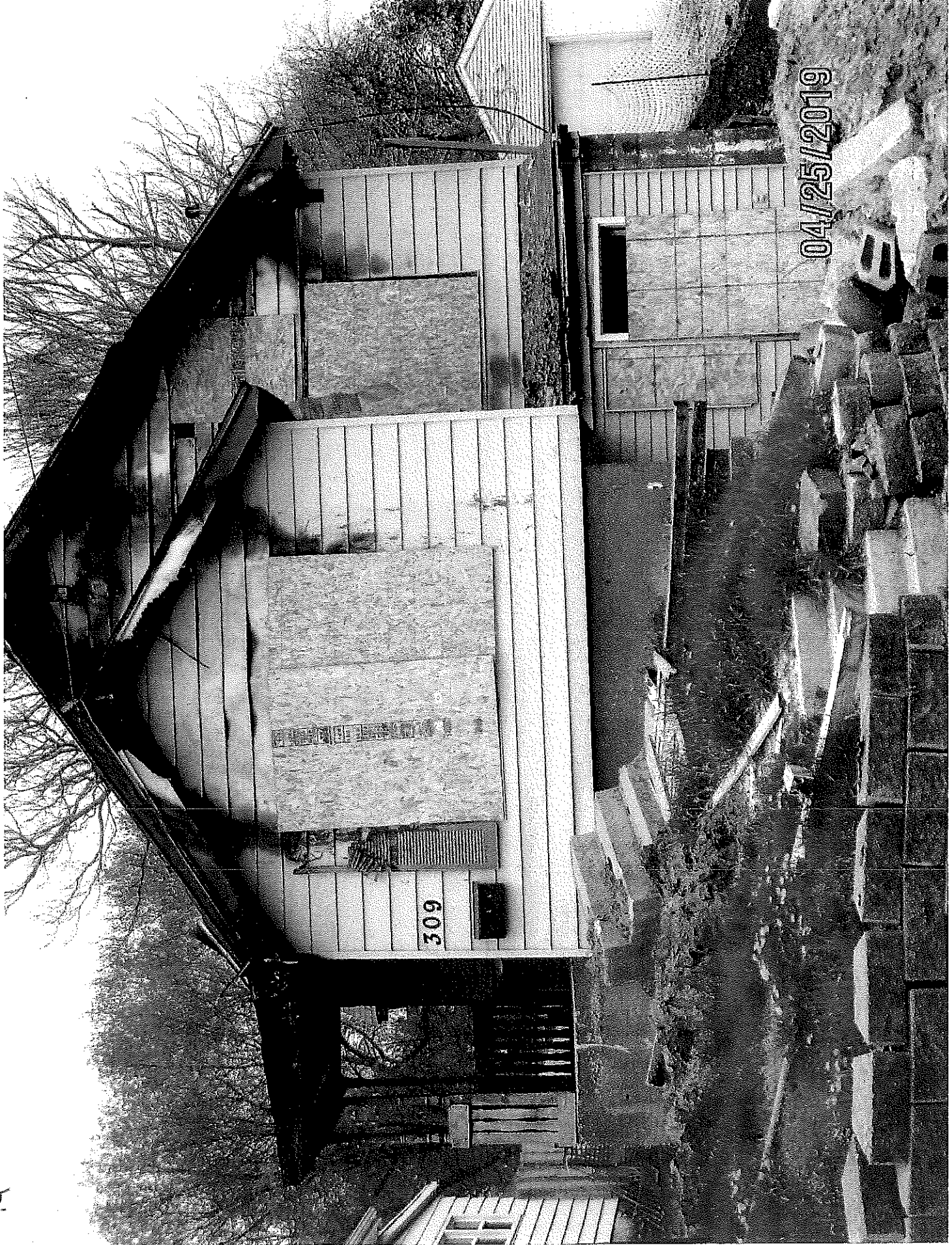
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Room 195, 111 Court Avenue, Des Moines, IA 50309  
 Phone 515 286-3140 / Fax 515 286-3386  
[polkweb@assess.co.polk.ia.us](mailto:polkweb@assess.co.polk.ia.us)

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