*	Roll	Call	Number	

Agenda	Item	Number
5	0	D

Date July 15, 2019

ABATEMENT OF PUBLIC NUISANCE AT 1300 E 38th STREET

WHEREAS, the property located at 1300 E 38th 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, Wesley E. Betts and Lori J. Betts, and Mortgage Holder, Community Bank n/k/a TruBank, 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 99, BROADACRE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1300 E 38th 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.

July, Me Rungi

Luke DeSmet, Assistant City Attorney

FORM APPROVED:

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
OTION CARRIED			AP	PROVED

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.

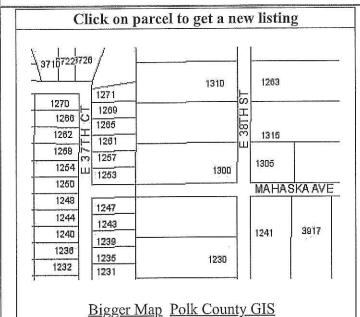


Polk County Assessor

111 Court Avenue #195 Des Moines, IA 50309-0904 (515) 286-3014 Fax (515) 286-3386 polkweb@assess.co.polk.ia.us

	Location					
Address	1300 E 38TH ST					
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines	
District/Parcel	060/00664-000-000	Geoparcel	7923-33-351-005	Status	<u>Active</u>	
School	Des Moines	Nbhd/Pocket	DM13/Z	Tax Authority Group	DEM-C-DEM- 77131	
Submarket	Northeast Des Moines	Appraiser	Victor Scaglione 515- 286-3898			

Map and Current Photos - 1 Record



Google Map Pictometry

Photo Processed on 2014-04-18 a

Historical Photos

		Ownership - 2 Record	ls	
Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	BETTS, WESLEY E	1995-07-07	7222/852
Title Holder	2	BETTS, LORI J		

Legal Description and Mailing Address

LOT 99 BROADACRE

WESLEY E BETTS 1300 E 38TH ST DES MOINES, IA 50317-6730

Current Values

Туре	Class	Kind	Land	Bldg	Total
2019 Assessment Roll	Residential	Full	\$28,500	\$118,300	\$146,800
2018 Value	Residential	Full	\$24,800	\$105,100	\$129,900

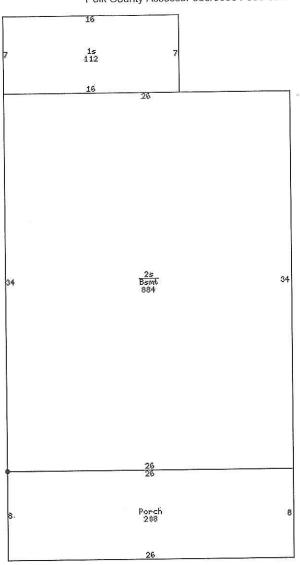
Assessment Roll Notice Market Adjusted Cost Report

Auditor Adjustments to Value

Category	Name	Information
Category	Manie	IIIIOI III IIII



Category			Name			Information			703-0-10-0-10-0-10-0-10-0-10-0-10-0-10-0
2018 Homeste	ead Cr	edit	BETTS, WESLE	EYE		Ap	plication #	62304	
			Zoning - 1 R	ecord					
Zoning		er delition to December 1999 and the Property of the Property	Description	SCHOOL STATE		SF	SF Assessor Zonir		
R1-60	One :	Family, Low D	ensity Residential Dis	trict				Residen	
City of Des N.	<i>Ioines</i>	Community De	evelopment Planning	and U	Irban Des	sign 51.	5 283-4182	(2012	-03-20)
			Land						
Square F	eet	38,130	Acres		0.875	Frontage			123.0
Dep		310.0	Topography	1	Vormal		Shape	R	ectangle
Vacar	ıcy	No	Unbuildable		No	00:32:40		ne di vasaren	
			Residences -	1 Rec	ord				
			Residence	#1					
Occupanc	y	Single Family	Residence T	уре	2 Sto	ries		ding Style	Early 20s
Year Bui	lt	1919	Number Fami	lies		1		rade	4+05
Conditio	n	Above Normal	Total Square F Living A		1	880	Main Li	iving Area	996
Upper Livin Are		884	Basement A	rea	884		884 Open Po		208
Foundatio	n	Concrete Block	Exterior Wall T	уре		etal ling	Roof	Туре	Gable
Roo Materia		Asphalt Shingle	Неа	ting	1	Gas rced Air	Conditio	Air oning	100
Numbe Bathroom		1	Bedro	oms		3	Re	ooms	



Detached Structures - 2 Records

	**************************************	Detached S	Structure #101		
Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	26	Measure 2	26	Story Height	1
Grade	4	Year Built	1969	Condition	Normal
		Detached S	Structure #201		
Occupancy	Shed	Measurement Code	Dimensions	Measure 1	14
Measure 2	20	Grade	4	Year Built	1960
Condition	Normal			500 - W. 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 -	

Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
BETTS, REED E	BETTS, WESLEY E	1989-11-24	\$90,000	Contract	6230/400 Multiple Parcels

Historical Values

Yr	Туре	Class	Kind	Land	Bldg	Total
2017	Assessment Roll	Residential	Full	\$24,800	\$105,100	\$129,900
2015	Assessment Roll	Residential	Full	\$23,300	\$98,900	\$122,200



Yr	Type	Class	Kind	Land	Bldg	Total
2013	Assessment Roll	Residential	Full	\$21,800	\$93,900	\$115,700
2011	Assessment Roll	Residential	Full	\$21,700	\$93,100	\$114,800
2009	Assessment Roll	Residential	Full	\$24,200	\$98,500	\$122,700
2007	Assessment Roll	Residential	Full	\$23,300	\$95,100	\$118,400
2005	Assessment Roll	Residential	Full	\$20,400	\$79,300	\$99,700
2003	Assessment Roll	Residential	Full	\$17,910	\$71,740	\$89,650
2001	Assessment Roll	Residential	Full	\$17,010	\$59,020	\$76,030
1999	Assessment Roll	Residential	Full	\$4,140	\$56,930	\$61,070
1997	Assessment Roll	Residential	Full	\$3,750	\$51,570	\$55,320
1995	Assessment Roll	Residential	Full	\$3,250	\$44,700	\$47,950
1993	Assessment Roll	Residential	Full	\$3,060	\$42,150	\$45,210
1992	Board Action	Residential	Full	\$3,060	\$38,040	\$41,100
1990	Assessment Roll	Residential	Full	\$3,060	\$38,040	\$41,100

This template was last modified on Sat Mar 4 12:31:48 2017 .





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

DATE OF NOTICE: March 25, 2019

DATE OF INSPECTION:

December 14, 2018

CASE NUMBER:

COD2018-08806

PROPERTY ADDRESS:

1300 E 38TH ST

LEGAL DESCRIPTION:

LOT 99 BROADACRE

WESLEY E BETTS Title Holder 1300 E 38TH ST DES MOINES IA 50317-6730

COMMUNITY BANK N/K/A TRUBANK Mortgage Holder KEITH WELLING, PRESIDENT 1401 NORTH JEFFERSON INDIANOLA IA 50125

LORI J BETTS Title Holder 1300 E 38TH ST DES MOINES IA 50317-6730

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 COMPONETS 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.

Casey Doran

(515) 283-4183

Nid Inspector

DATE MAILED:

MAILED BY:

JDH

Areas that need attention: 1300 E 38TH ST

Component:

Exterior Walls

Defect:

Deteriorated

Requirement:

Compliance with Int. Exiting Building

Code

Location: Garage

Comments:

Sidings needs fixed and painted to match.

Component:

Roof

Defect:

Collapsed

Requirement:

Building Permit

Location: Garage

Comments:

Component:

Trusses

Defect:

In disrepair

Requirement:

Building Permit

Location: Garage

Comments:

Component:

Accessory Buildings

Requirement:

Permit Required

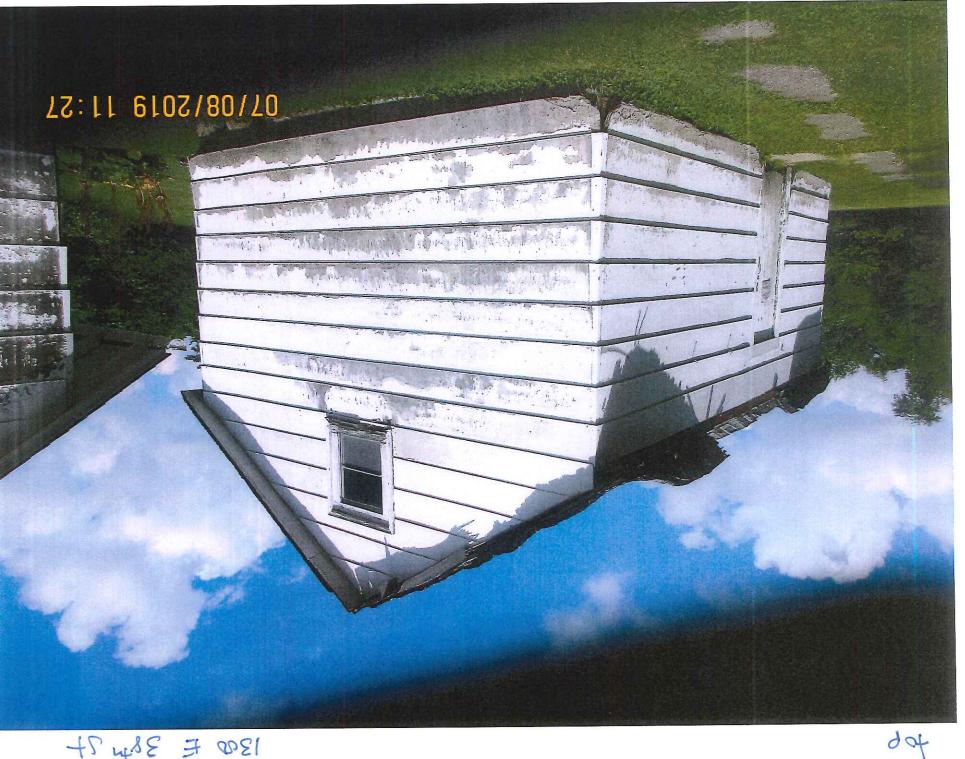
Defect: Deteriorated

Location: Garage

Comments:

If torn down, demo permit required.

COD2010 00006



1300 E 38417+



1300 E384 St