



Roll Call Number

Agenda Item Number

48 (A)

Date August 5, 2019

ABATEMENT OF PUBLIC NUISANCE AT 515 28<sup>th</sup> STREET

WHEREAS, the property located at 515 28<sup>th</sup> Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the structure (commercial building) in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, We Can Build It, LC, and Mortgage Holder, Community State Bank, were notified more than thirty days ago to repair or demolish the structure (commercial building) 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 structure (commercial building) on the real estate legally described as The South 115 feet of the North 230 feet of that part of Lot 19 of the Official Plat of the Southwest ¼ of Section 5, Township 78 North, Range 24, West of the 5<sup>th</sup> P.M., which lies south of Ingersoll Avenue, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 515 28<sup>th</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 structure.

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

FORM APPROVED:

  
Luke DeSmet, Assistant City Attorney

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

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)

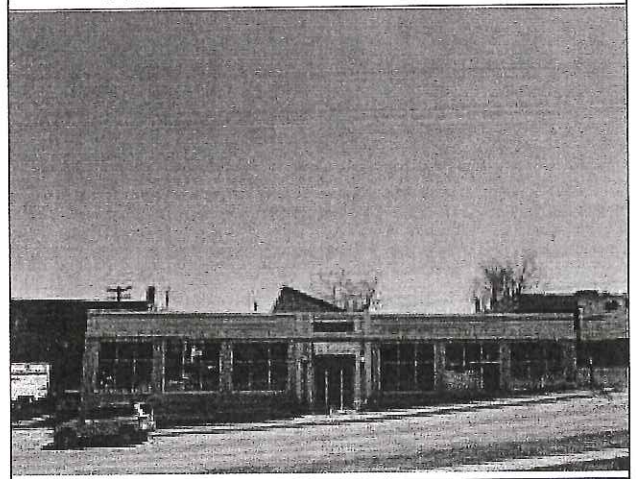
Location					
Address	515 28TH ST				
City	DES MOINES	Zip	50312	Jurisdiction	Des Moines
District/Parcel	030/06257-000-000	Geoparcel	7824-05-353-002	Status	Active
School	Des Moines	Nbhd/Pocket	DM93/Z	Tax Authority Group	DEM-C-DEM-77845
TIF	84/Des Moines Ingersoll-Grand Commercial UR	Bond	Des Moines SSMID 5 Ingersoll Grand	Submarket	Northwest Des Moines
Appraiser	Mark Patterson, CAE, CCIM, ICA 515-286-3148				

**Map and Current Photos - 1 Record**

Click on parcel to get a new listing


[Bigger Map](#) [Polk County GIS](#)  
[Google Map](#) [Pictometry](#)

Photo Processed on 2014-04-17 a

**Historical Photos****Ownership - 1 Record**

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	WE CAN BUILD IT LC	2016-05-23	16012/977

**Legal Description and Mailing Address**S 115F N 230F LT 19 THT LIES S OF INGERSOLL AVE  
OP SW 1/4 SEC 5-78-24WE CAN BUILD IT LC  
3400 LINCOLN PLACE DR  
DES MOINES, IA 50312-3008**Current Values**

Type	Class	Kind	Land	Bldg	Total
2019 Value	Commercial	Full	\$112,000	\$35,000	\$147,000

**Assessment Roll Notice****Zoning - 1 Record**



2019

Public County Assessor's Office

Zoning	Description			SF	Assessor Zoning
NPC	Neighborhood Pedestrian Commercial District				Commercial
City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)					
Land					
Square Feet	13,915	Acres	0.319	Frontage	115.0
Depth	121.0	Topography	Blank	Shape	Rectangle
Vacancy	Blank	Unbuildable	Blank		
Commercial Summary					
Occupancy	Office	Age, Weighted	1925	Total Story Height	1
Land Area	13,915	Gross Area	12,100	Finished Area	0
Unfinished Bsm't Area	0	Finished Bsm't Area	0	Number of Units	0
Primary Group	Unfinished Unused	Percent Primary Group	100.00	Percent Secondary Group	0.00
Grade, Weighted	4/Grade 4	Bldg Class, Weighted	4/Frame, Concrete Blk, Tile, Tilt Up	Condition, Weighted	PR/Poor
Ground Floor Area	12,100	Perimeter	442	Unfinished Area	12,100
Commercial Sections - 1 Record					
Commercial Section #101					
Section Multiplier	1	Occupancy	Office	Foundation	Concrete
Exterior Wall	Brick on Masonry	Insulation	Yes	Roof	Flat
Roof Material	Built-up	Wiring	Adequate	Plumbing	Adequate
Total Story Height	1	Frame Type	Steel	Bldg Class	Frame, Concrete Blk, Tile, Tilt Up
Total Section Area	12,100	Ground Floor Area	12,100	Perimeter	442
Grade	4+00	Year Built	1925	Condition	Poor

**Commercial Groups - 2 Records****Commercial Group #101 1**

<b>Use Code</b>	Unfinished Unused	<b>Base Story</b>	1	<b>Number Stories</b>	1
<b>Total Group Area</b>	12,100	<b>Base Floor Area</b>	12,100	<b>Wall Height</b>	16
<b>Heating</b>	Central	<b>Air Conditioning</b>	Yes	<b>Sprinkler</b>	Wet
<b>Exhaust System</b>	No				
<b>Comment</b>	4/21/16 - Interior has been 100% demolished.				

**Commercial Group #101 2**

<b>Use Code</b>	Mezzanine Unfinished	<b>Base Story</b>	2	<b>Number Stories</b>	1
<b>Total Group Area</b>	1,950	<b>Base Floor Area</b>	1,950	<b>Heating</b>	Central
<b>Air Conditioning</b>	Yes	<b>Sprinkler</b>	Wet	<b>Exhaust System</b>	No

100

121

A-1s  
12100

121

100

**Sales - 4 Records**

<b>Seller</b>	<b>Buyer</b>	<b>Sale Date</b>	<b>Sale Price</b>	<b>Instrument</b>	<b>Book/Page</b>
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Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
CODA REAL ESTATE SERVICES LLC	WE CAN BUILD IT LC	<u>2016-05-20</u>	\$150,000	Deed	<u>16012/977</u>
HOME INVESTORS 24 LC	CODA REAL ESTATE SERVICES, LLC	<u>2016-03-07</u>	\$102,500	Deed	<u>15916/719</u>
JOHNSON, KEVIN	CRITELLI PROPERTIES, LLC	<u>1999-02-17</u>	\$352,500	Deed	<u>8146/349</u>
LARRY G. MCDOWELL	KEVIN JOHNSON	<u>1988-04-01</u>	\$110,000	Contract	<u>5839/303</u>

**Appeals - 1 Record**

Year	Type	Case #	Status	Appellant
2005	District Court	<u>00051651</u>	Stipulated	CRITELLI PROPERTIES, LLC

**Recent Ownership Transfers**

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
CODA REAL ESTATE SERVICES LLC	WE CAN BUILD IT LC	2016-05-20	2016-05-23	Warranty Deed	<u>16012/977</u>
HOME INVESTORS 24 LC	CODA REAL ESTATE SERVICES LLC	2016-03-07	2016-03-07	Quit Claim Deed	<u>15916/719</u>
MALONEY, MARY (Treasurer)	HOME INVESTORS 24 LC	2015-10-20	2015-10-22	Tax Sale Deed	<u>15780/41</u>

**Permits - 5 Records**

Year	Type	Permit Status	Application	Description
Current	Permit	To Work	2017-09-12	alterations/rehab
2019	Permit	Pass	2017-09-12	alterations/rehab
2018	Permit	Pass	2017-09-12	alterations/rehab
1991	Permit	No Add	1990-08-29	canopy
1989	Permit	No Add	1988-08-25	alterations - photo studio

**Historical Values**

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Commercial	Full	\$112,000	\$35,000	\$147,000
2017	<u>Assessment Roll</u>	Commercial	Full	\$112,000	\$26,000	\$138,000
2016	<u>Informal Agreement</u>	Commercial	Full	\$93,000	\$39,000	\$132,000
2015	<u>Assessment Roll</u>	Commercial	Full	\$93,500	\$170,500	\$264,000
2013	<u>Assessment Roll</u>	Commercial	Full	\$93,500	\$164,500	\$258,000
2011	<u>Assessment Roll</u>	Commercial	Full	\$93,500	\$164,500	\$258,000
2009	<u>Assessment Roll</u>	Commercial	Full	\$93,500	\$200,000	\$293,500
2007	<u>Assessment Roll</u>	Commercial	Full	\$93,500	\$200,000	\$293,500
2006	Court Decree	Commercial	Full	\$85,000	\$194,000	\$279,000

Yr	Type	Class	Kind	Land	Bldg	Total
2005	Court Decree	Commercial	Full	\$85,000	\$194,000	\$279,000
2005	<u>Board Action</u>	Commercial	Full	\$85,000	\$303,500	\$388,500
2005	<u>Assessment Roll</u>	Commercial	Full	\$85,000	\$336,500	\$421,500
2003	<u>Assessment Roll</u>	Commercial	Full	\$74,000	\$314,500	\$388,500
2001	<u>Assessment Roll</u>	Commercial	Full	\$69,580	\$296,500	\$366,080
1999	Correction	Commercial	Full	\$54,500	\$101,500	\$156,000
1999	Board Action	Commercial	Full	\$54,500	\$296,500	\$351,000
1999	Assessment Roll	Commercial	Full	\$54,500	\$101,500	\$156,000
1995	Assessment Roll	Commercial	Full	\$53,000	\$98,500	\$151,500
1993	Assessment Roll	Commercial	Full	\$50,500	\$94,000	\$144,500
1991	Board Action	Commercial	Full	\$48,700	\$90,300	\$139,000
1991	Assessment Roll	Commercial	Full	\$48,700	\$165,300	\$214,000
1991	Was Prior Year	Commercial	Full	\$48,700	\$81,840	\$130,540



48A



**PUBLIC NUISANCE  
NOTICE OF INSPECTION  
PERMIT AND DEVELOPMENT CENTER  
COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF DES MOINES, IOWA**

**DATE OF NOTICE:** May 29, 2019

**DATE OF INSPECTION:** April 09, 2019

**CASE NUMBER:** COD2019-01638

<b>LEGAL INTEREST HOLDERS:</b>	
<b>Title Holder</b>	WE CAN BUILD IT LC AARON HUBBARD - REG. AGENT 2900 100TH ST STE 209 URBANDALE, IA 50322
<b>Mortgage Holder</b>	COMMUNITY STATE BANK RONALD NAGEL, CEO 6175 MERLE HAY RD JOHNSTON, IA 50131

**PROPERTY ADDRESS:** 515 28TH ST

**LEGAL DESCRIPTION:** S 115F N 230F LT 19 THT LIES S OF INGERSOLL AVE OP SW 1/4 SEC 5-78-24

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 structure currently constitutes not only a menace to health and safety, but is also a public nuisance. Accordingly, the structure will be placarded as unsafe to occupy pursuant to the Municipal Code of the City of Des Moines and the Code of Iowa.

If not occupied at the present time, the structure is to remain vacant and unoccupied until occupancy is authorized by this office. If the structure is occupied, it must be vacated immediately. In accordance with Chapter 26-157 of Des Moines Municipal code, this structure is deemed unsafe, and creates a public nuisance threatening to the health and safety of the public.

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. Failure to correct these violations will result in legal action. The violations noted must be corrected within **30 days** from the date of this notice. Permits must be obtained from this department prior to commencing any repairs or demolition. Inspections must be requested and approved in accordance with the code and our policies.

**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 283-4200. **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 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 an agreement voluntarily authorizing the City to do so. However, you will be responsible for all costs associated with the abatement of the public nuisance. The City may seek a personal judgment against you for the costs of removal and assess those costs against the property.

**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 Polk county Recorder's Office, shall likewise be furnished to the Permit and Development Center.**

Should you have any questions, feel free to call. I can usually be reached between 8:00am and 9:00am, Monday through Friday.



Tammy Yaw

Permit and Development Center  
Ph:

DATE MAILED: 5/29/2019

MAILED BY: TSY



**Areas that need attention:** 515 28TH ST

<b>ID/Entered:</b>	2019/04/09 15:33:35.0260	<b>Complied:</b>	
<b>Component:</b>	Exterior Walls	<b>Defect:</b>	Loose Brick
<b>Requirement:</b>	Compliance with International Building Co	<b>Location:</b>	Main Structure
<b>Comments:</b>	bricks on south side of building starting to fall		

<b>ID/Entered:</b>	2019/04/09 15:30:49.6600	<b>Complied:</b>	
<b>Component:</b>	Roof	<b>Defect:</b>	Collapsed
<b>Requirement:</b>	Engineering Report	<b>Location:</b>	Roof
<b>Comments:</b>	partial roof collapse on north side of building		

<b>ID/Entered:</b>	2019/04/09 15:33:03.1590	<b>Complied:</b>	
<b>Component:</b>	Roof	<b>Defect:</b>	Collapsed
<b>Requirement:</b>	Compliance with International Building Co	<b>Location:</b>	Roof
<b>Comments:</b>			

<b>ID/Entered:</b>	2019/04/09 15:35:13.7840	<b>Complied:</b>	
<b>Component:</b>	See Comments	<b>Defect:</b>	Unknown
<b>Requirement:</b>	Compliance with International Building Co	<b>Location:</b>	Unknown
<b>Comments:</b>	broken concrete piled on north side yard		





top

515 28th St



top

48A  
515 28<sup>th</sup> St

