



Roll Call Number

Agenda Item Number

42A

Date November 4, 2019

ABATEMENT OF PUBLIC NUISANCE AT 2704 CLEVELAND AVENUE

WHEREAS, the property located at 2704 Cleveland Avenue, 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, James Tyler and Stephanie Tyler, and Mortgage Holder, One Stop Mortgage, Inc., 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 277 in BOULEVARD ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2704 Cleveland 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 garage structure.

Moved by _____ to adopt.

FORM APPROVED:

Megan Norberg

Megan Norberg, Assistant City Attorney

CERTIFICATE

I, P. Kay Cmelik, 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

Mayor

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

MOTION CARRIED

APPROVED



42A

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

DATE OF NOTICE: August 28, 2019

DATE OF INSPECTION: October 05, 2018

CASE NUMBER: COD2018-07480

PROPERTY ADDRESS: 2704 CLEVELAND AVE

LEGAL DESCRIPTION: LOT 277 BOULEVARD ADDITION

JAMES TYLER
Title Holder
2704 CLEVELAND AVE
DES MOINES IA 50317-2615

ONE STOP MORTGAGE INC
Mortgage Holder
SEC OF STATE, REG. AGENT
HOOVER BLDG
DES MOINES IA 50319

STEPHANIE TYLER
Title Holder
2704 CLEVELAND AVE
DES MOINES IA 50317-2615

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.

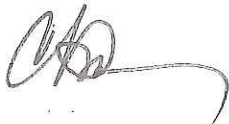
Appropriate building permits may be required for those violations noted in the "Special Requirements" section on the notice. Should you have questions regarding permits, contact the Permit and Development Center at (515) 283-4200. All work performed by a contractor or you must be completed in a workmanlike 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.

Casey Doran
(515) 283-4183



Nid Inspector

DATE MAILED: 8/28/2019

MAILED BY: JDH

Areas that need attention: 2704 CLEVELAND AVE

<u>Component:</u>	Roof	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Garage
<u>Comments:</u>			

<u>Component:</u>	Soffit/Facia/Trim	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Garage
<u>Comments:</u>			

<u>Component:</u>	Exterior Walls	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Garage
<u>Comments:</u>			

Polk County Assessor111 Court Avenue #195
Des Moines, IA 50309-0904(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	2704 CLEVELAND AVE				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	060/00455-000-000	Geoparcel	7923-31-435-009	Status	Active
School	Des Moines	Nbhd/Pocket	DM14/Z	Tax Authority Group	DEM-C-DEM-77392
TIF	3/Des Moines Accent UR	Submarket	Northeast Des Moines	Appraiser	Victor Scaglione 515-286-3898

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 2012-02-13 a

**Historical Photos****Ownership - 2 Records**

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	TYLER, JAMES	2005-11-17	<u>11401/148</u>
Title Holder	2	TYLER, STEPHANIE		

Legal Description and Mailing Address

LOT 277 BOULEVARD ADDITION

JAMES TYLER
 2704 CLEVELAND AVE
 DES MOINES, IA 50317-2615

Current Values

Type	Class	Kind	Land	Bldg	Total
2019 Value	Residential	Full	\$12,600	\$44,400	\$57,000

[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)**Auditor Adjustments to Value**

Category	Name	Information
2019 Homestead Credit	TYLER, JAMES	Application #80066

Zoning - 1 Record

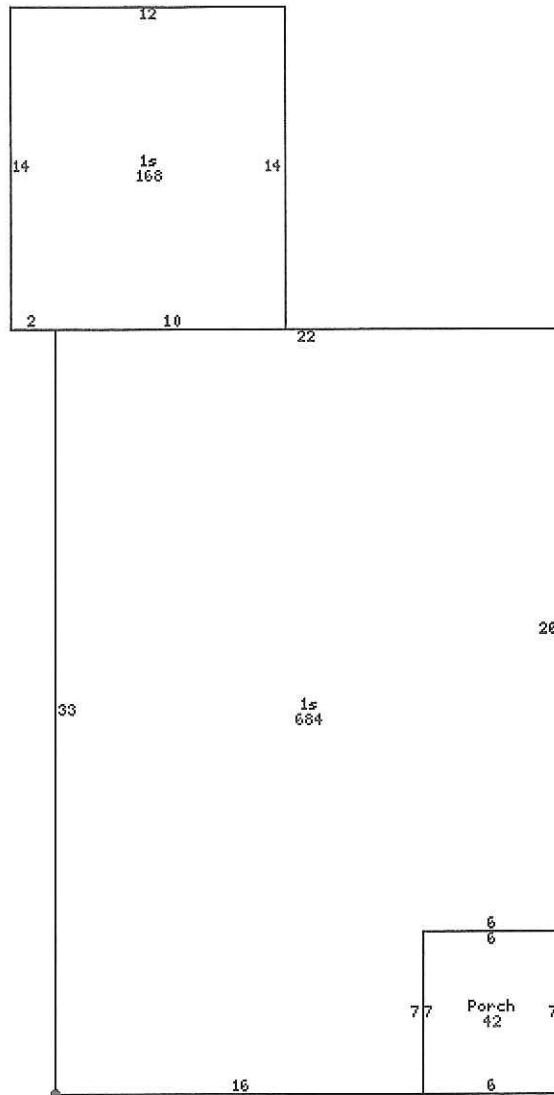
Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>			

Land

Square Feet	4,880	Acres	0.112	Frontage	40.0
Depth	122.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record**Residence #1**

Occupancy	Single Family	Residence Type	1 Story	Building Style	Bungalow
Year Built	1916	Year Remodel	1975	Number Families	1
Grade	5+00	Condition	Normal	Total Square Foot Living Area	852
Main Living Area	852	Open Porch Area	42	Foundation	Concrete Block
Exterior Wall Type	Mixed Frame	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	1
Bedrooms	2	Rooms	4		



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	16	Measure 2	22	Story Height	1
Grade	4	Year Built	1957	Condition	Normal

Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
ELSEA, FLORENCE E	TYLER, JAMES	<u>1999-03-29</u>	\$40,500	Contract	<u>8175/929</u>

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$12,600	\$44,400	\$57,000
2017	<u>Assessment Roll</u>	Residential	Full	\$11,100	\$43,300	\$54,400
2015	<u>Assessment Roll</u>	Residential	Full	\$10,500	\$42,400	\$52,900
2013	<u>Assessment Roll</u>	Residential	Full	\$9,400	\$38,900	\$48,300
2011	<u>Assessment Roll</u>	Residential	Full	\$9,400	\$39,100	\$48,500
2009	<u>Assessment Roll</u>	Residential	Full	\$10,400	\$43,100	\$53,500
2007	<u>Assessment Roll</u>	Residential	Full	\$10,400	\$43,100	\$53,500
2005	<u>Assessment Roll</u>	Residential	Full	\$7,400	\$35,600	\$43,000

Yr	Type	Class	Kind	Land	Bldg	Total
2003	<u>Assessment Roll</u>	Residential	Full	\$6,820	\$35,750	\$42,570
2001	<u>Assessment Roll</u>	Residential	Full	\$6,010	\$30,680	\$36,690
1999	Assessment Roll	Residential	Full	\$3,960	\$29,700	\$33,660
1997	Assessment Roll	Residential	Full	\$3,590	\$26,900	\$30,490
1995	Assessment Roll	Residential	Full	\$3,270	\$24,480	\$27,750
1993	Assessment Roll	Residential	Full	\$2,820	\$21,130	\$23,950
1991	Assessment Roll	Residential	Full	\$2,820	\$25,950	\$28,770
1991	Was Prior Year	Residential	Full	\$2,820	\$22,820	\$25,640

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

top

2704 Cleveland Ave



10/29/2019 12:40

top

42A
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10/29/2019 12:40