



**Roll Call Number**

**Agenda Item Number**

44D

**Date** November 18, 2019

**ABATEMENT OF PUBLIC NUISANCE AT 1713 CAPITOL AVENUE**

WHEREAS, the property located at 1713 Capitol 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, Mark Gearhart, was notified by personal service more than thirty days ago to repair or demolish the main structure and as of this date has 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 The West 36 feet of Lot 13 Block 64 in STEWART'S ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1713 Capitol 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:

Megan Norberg, Assistant City Attorney

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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

# 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	1713 CAPITOL AVE				
City	DES MOINES	Zip	50316	Jurisdiction	Des Moines
District/Parcel	040/05639-000-000	Geoparcels	7824-02-179-006	Status	Active
School	Des Moines	Nbhd/Pocket	DM15/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northeast Des Moines	Appraiser	Andrew Rand 515-286-3368		

### 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 2012-06-10 a**

### Historical Photos

### Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	GEARHART, MARK	2018-04-23	16891/871

### Legal Description and Mailing Address

W 36 F LOT 13.BLK 64 STEWARTS ADDITION	MARK GEARHART 1713 CAPITOL AVE DES MOINES, IA 50316-3607
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### Current Values

Type	Class	Kind	Land	Bldg	Total
2019 Value	Residential	Full	\$7,300	\$34,000	\$41,300

[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

### Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District		Residential

*City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)*



11/02/19

**Land**

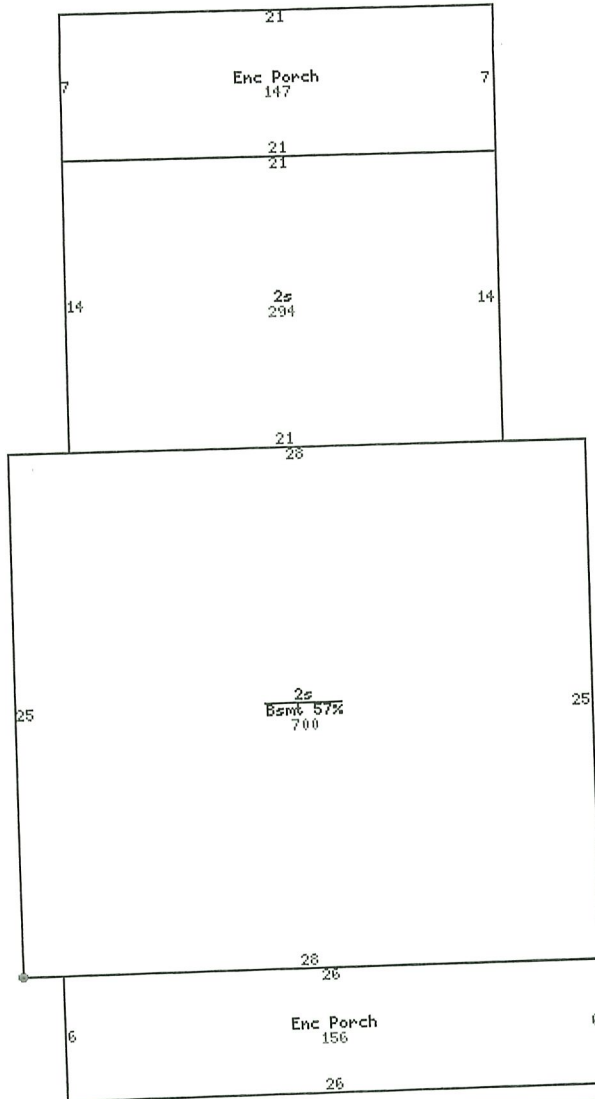
<b>Square Feet</b>	6,156	<b>Acres</b>	0.141	<b>Frontage</b>	36.0
<b>Depth</b>	171.0	<b>Topography</b>	Normal	<b>Shape</b>	Rectangle
<b>Vacancy</b>	No	<b>Unbuildable</b>	No		

**Residences - 1 Record**

**Residence #1**

<b>Occupancy</b>	Conversion	<b>Residence Type</b>	2 Stories Plus	<b>Building Style</b>	Early 20s
<b>Year Built</b>	1885	<b>Number Families</b>	2	<b>Grade</b>	4+00
<b>Condition</b>	Poor	<b>Total Square Foot Living Area</b>	1988	<b>Main Living Area</b>	994
<b>Upper Living Area</b>	994	<b>Attic Floor and Stairs Area</b>	245	<b>Basement Area</b>	399
<b>Enclosed Porch Area</b>	303	<b>Foundation</b>	Masonry	<b>Exterior Wall Type</b>	Metal Siding
<b>Roof Type</b>	Gable	<b>Roof Material</b>	Asphalt Shingle	<b>Heating</b>	Gas Forced Air
<b>Air Conditioning</b>	0	<b>Number Bathrooms</b>	2	<b>Number Extra Fixtures</b>	1
<b>Bedrooms</b>	5	<b>Rooms</b>	10		

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Sales - 8 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
OHP 124 LC	GEARHART, MARK	<u>2014-10-08</u>	\$22,350	Contract	<u>15371/562</u>
OHP 124 LC	GEARHART, MARK	<u>2013-10-01</u>	\$20,000	Contract	<u>14985/815</u>
LAS 2004 REV TRUST	GEARHART, MARK J.	<u>2009-05-01</u>	\$41,800	Contract	<u>13047/876</u>
LAS 2004 REV TRUST	FERDEN, SUSAN G	<u>2008-10-28</u>	\$45,000	Contract	<u>12817/514</u>
LIPOVAC, STEPHEN A	WALSH HOLDINGS, LLC	<u>2007-10-17</u>	\$45,000	Contract	<u>12422/776</u>
LIPOVAC, STEPHEN A	GOMEZ, FERMIN	<u>2000-12-18</u>	\$69,900	Contract	<u>8675/711</u>
LIPOVAC, STEPHEN A	JONES, RALPH L	<u>1996-06-01</u>	\$31,000	Contract	<u>7434/811</u>
STEVENS CHARITABLE, TRUST #1	LIPOVAC, STEPHEN A	<u>1996-06-24</u>	\$15,000	Deed	<u>7433/184</u>

Recent Ownership Transfers



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Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
OHP 124 LC	GEARHART, MARK	2018-03-28	2018-04-23	Quit Claim Deed	<u>16891/871</u>
OHP124 LC	GEARHART, MARK	2013-10-01	2013-10-08	Contract	<u>14985/815</u>
MALONEY, MARY (Treasurer)	OHP 124 LC	2013-09-10	2013-09-11	Tax Sale Deed	<u>14954/34</u>

**Permits - 3 Records**

Year	Type	Permit Status	Application	Description
2015	Permit	Complete	2014-10-03	remove/garage (720 sf)
2007	Permit	No Add	2005-08-19	alterations/misc
2006	Permit	Pass	2005-08-19	alterations/misc

**Historical Values**

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$7,300	\$34,000	\$41,300
2017	<u>Assessment Roll</u>	Residential	Full	\$6,100	\$51,800	\$57,900
2015	<u>Assessment Roll</u>	Residential	Full	\$5,600	\$48,100	\$53,700
2013	<u>Assessment Roll</u>	Residential	Full	\$5,400	\$46,500	\$51,900
2011	<u>Assessment Roll</u>	Residential	Full	\$6,100	\$54,800	\$60,900
2009	<u>Assessment Roll</u>	Residential	Full	\$6,300	\$55,600	\$61,900
2007	<u>Assessment Roll</u>	Residential	Full	\$6,400	\$56,300	\$62,700
2005	<u>Assessment Roll</u>	Residential	Full	\$6,700	\$48,700	\$55,400
2003	<u>Assessment Roll</u>	Residential	Full	\$6,020	\$43,700	\$49,720
2001	<u>Assessment Roll</u>	Residential	Full	\$6,310	\$36,230	\$42,540
1999	Assessment Roll	Residential	Full	\$5,710	\$22,580	\$28,290
1997	Assessment Roll	Residential	Full	\$4,920	\$22,580	\$27,500
1995	Assessment Roll	Residential	Full	\$4,470	\$20,750	\$25,220
1989	Assessment Roll	Residential	Full	\$3,940	\$18,860	\$22,800

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

**DATE OF NOTICE: August 8, 2019**

**DATE OF INSPECTION: July 22, 2019**

**CASE NUMBER: COD2019-04393**

**PROPERTY ADDRESS: 1713 CAPITOL AVE**

**LEGAL DESCRIPTION: W 36 F LOT 13 BLK 64 STEWARTS ADDITION**

MARK GEARHART  
Title Holder  
1916 E 14TH ST  
DES MOINES IA 50316

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.

Steve Landwehr

(515) 283-4008



Nid Inspector

DATE MAILED: 8/8/2019

MAILED BY: JDH

**Areas that need attention:** 1713 CAPITOL AVE

<b>Component:</b> Roof	<b>Defect:</b> Deteriorated
<b>Requirement:</b> Complaine with Int Residential Code	<b>Location:</b> Main Structure Throughout
<b>Comments:</b>	
<b>Component:</b> Electrical Lighting Fictures	<b>Defect:</b> In poor repair
<b>Requirement:</b> Complaine with Int Residential Code	<b>Location:</b> Main Structure Throughout
<b>Comments:</b>	
<b>Component:</b> Electrical Other Fictures	<b>Defect:</b> In poor repair
<b>Requirement:</b> Complaine with Int Residential Code	<b>Location:</b> Main Structure Throughout
<b>Comments:</b>	
<b>Component:</b> Electrical System	<b>Defect:</b> In poor repair
<b>Requirement:</b> Electrical Permit	<b>Location:</b> Main Structure Throughout
<b>Comments:</b>	
<b>Component:</b> Exterior Doors/Jams	<b>Defect:</b> Deteriorated
<b>Requirement:</b> Complaine with Int Residential Code	<b>Location:</b> Main Structure Throughout
<b>Comments:</b>	
<b>Component:</b> Exterior Walls	<b>Defect:</b> Deteriorated
<b>Requirement:</b> Complaine with Int Residential Code	<b>Location:</b> Main Structure Throughout
<b>Comments:</b>	
<b>Component:</b> Floor Joists/Beams	<b>Defect:</b> In poor repair
<b>Requirement:</b> Building Permit	<b>Location:</b> Main Structure Throughout
<b>Comments:</b>	
<b>Component:</b> Foundation	<b>Defect:</b> Collapsed
<b>Requirement:</b> Building Permit	<b>Location:</b> Main Structure Throughout
<b>Comments:</b>	



<b><u>Component:</u></b> Furnace	<b><u>Defect:</u></b> In poor repair
<b><u>Requirement:</u></b> Mechanical Permit	<b><u>Location:</u></b> Main Structure Throughout
<b><u>Comments:</u></b>	
<b><u>Component:</u></b> Interior Walls /Ceiling	<b><u>Defect:</u></b> In poor repair
<b><u>Requirement:</u></b> Complainece with Int Residential Code	<b><u>Location:</u></b> Main Structure Throughout
<b><u>Comments:</u></b>	
<b><u>Component:</u></b> Mechanical System	<b><u>Defect:</u></b> In poor repair
<b><u>Requirement:</u></b> Mechanical Permit	<b><u>Location:</u></b> Main Structure Throughout
<b><u>Comments:</u></b>	
<b><u>Component:</u></b> Plumbing System	<b><u>Defect:</u></b> In poor repair
<b><u>Requirement:</u></b> Plumbing Permit	<b><u>Location:</u></b> Main Structure Throughout
<b><u>Comments:</u></b>	
<b><u>Component:</u></b> Soffit/Facia/Trim	<b><u>Defect:</u></b> Deteriorated
<b><u>Requirement:</u></b> Complainece with Int Residential Code	<b><u>Location:</u></b> Main Structure Throughout
<b><u>Comments:</u></b>	
<b><u>Component:</u></b> Stairs/Stoop	<b><u>Defect:</u></b> Deteriorated
<b><u>Requirement:</u></b> Complainece with Int Residential Code	<b><u>Location:</u></b> Main Structure Throughout
<b><u>Comments:</u></b>	
<b><u>Component:</u></b> Water Heater	<b><u>Defect:</u></b> In poor repair
<b><u>Requirement:</u></b> Plumbing Permit	<b><u>Location:</u></b> Main Structure Throughout
<b><u>Comments:</u></b>	
<b><u>Component:</u></b> Windows/Window Frames	<b><u>Defect:</u></b> Deteriorated
<b><u>Requirement:</u></b> Complainece with Int Residential Code	<b><u>Location:</u></b> Main Structure Throughout
<b><u>Comments:</u></b>	
<b><u>Component:</u></b> Wiring	<b><u>Defect:</u></b> In poor repair
<b><u>Requirement:</u></b> Electrical Permit	<b><u>Location:</u></b> Main Structure Throughout
<b><u>Comments:</u></b>	



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1713 Capitol Ave

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1713 Capitol Ave



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1713 Capitol Ave

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