



Roll Call Number

Agenda Item Number

44 F

Date December 16, 2019

ABATEMENT OF PUBLIC NUISANCE AT 3307 LINWORTH LANE

WHEREAS, the property located at 3307 Linworth Lane, 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 Titleholder, Jan Ayala, and Mortgage Holder, Wells Fargo Home 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 11 in FLEETWOOD ACRES PLAT 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3307 Linworth Lane, 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, 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	3307 LINWORTH LN				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	010/01970-011-000	Geoparcels	7824-22-127-016	Status	Active
School	Des Moines	Nbhd/Pocket	DM27/B	Tax Authority Group	DEM-C-DEM-77131
Submarket	South 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 2015-03-10 a

Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	AYALA, JAN	2001-03-12	8734/488

Legal Description and Mailing Address

LOT 11 FLEETWOOD ACRES PLAT 2	JAN L AYALA 3307 LINWORTH LN DES MOINES, IA 50315-2842
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Current Values

Type	Class	Kind	Land	Bldg	Total
2019 Value	Residential	Full	\$22,500	\$126,400	\$148,900

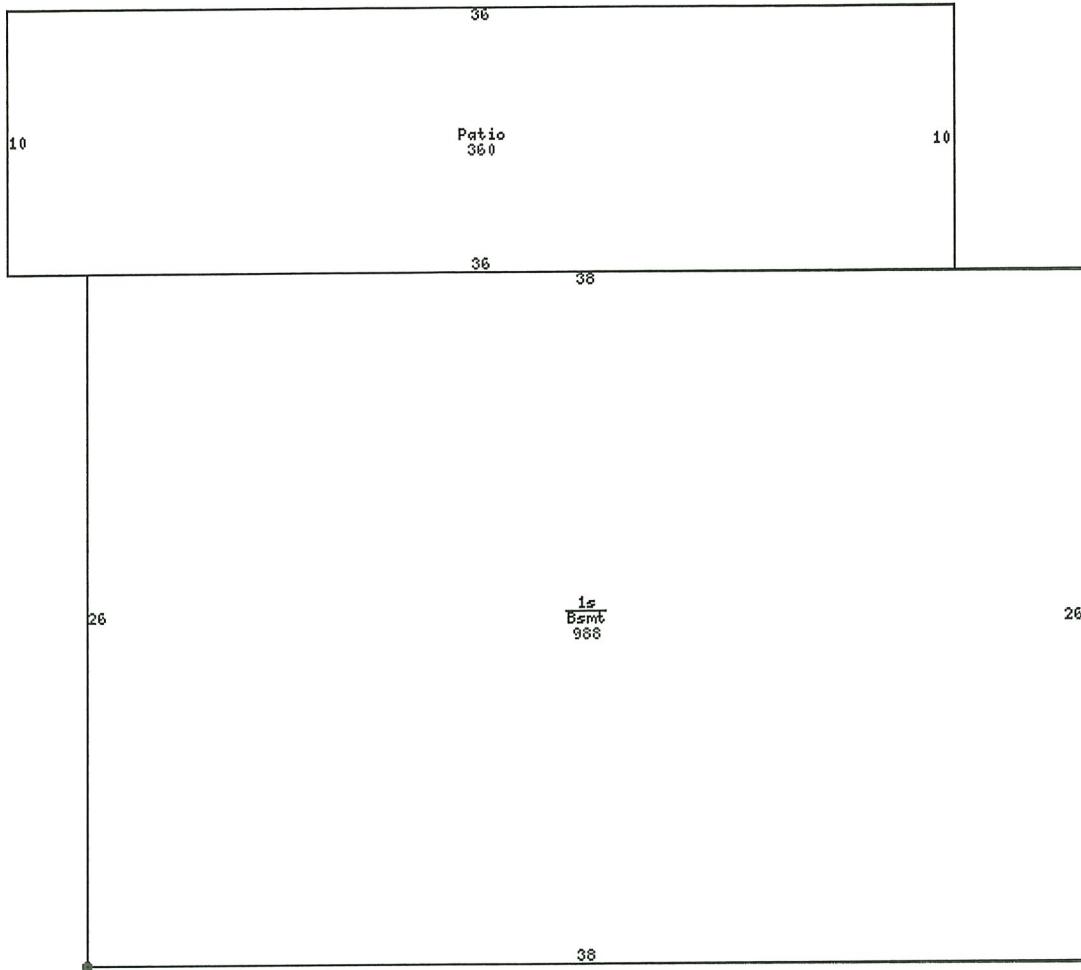
[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Auditor Adjustments to Value

Category	Name	Information
2019 Homestead Credit	AYALA, JAN	Application #75511

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	7,800	Acres	0.179	Frontage	60.0
Depth	130.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	Split Foyer	Building Style	Split Foyer
Year Built	1961	Number Families	1	Grade	4+05
Condition	Normal	Total Square Foot Living Area	988	Main Living Area	988
Basement Area	988	Finished Basement Area 1	900	Finished Basement Quality 1	Average Plus
Total Basement Finish	900	Patio Area	360	Foundation	Concrete Block
Exterior Wall Type	Vinyl Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	1
Number Toilet Rooms	1	Bedrooms	4	Rooms	5



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	22	Measure 2	26	Story Height	1
Grade	4	Year Built	1968	Condition	Poor
Comment	COND CHANGED TO PR F/NM 10/16/19				

Sales - 4 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
SHAW, TODD C	AYALA, JAN L	<u>2001-03-05</u>	\$81,240	Contract	<u>8728/530</u>
SHAW, TODD C	AYALA, SAL JR	<u>1999-10-15</u>	\$92,500	Contract	<u>8385/61</u>
SEC OF VETS AFFAIRS	VENDEE MORTGAGE TRUST 1995-1	<u>1995-02-23</u>	\$58,390	Deed	<u>7158/629</u>
SEC OF VETS AFFAIRS	SHAW, TODD	<u>1994-08-29</u>	\$61,500	Contract	<u>7083/744</u>

Permits - 3 Records

Year	Type	Permit Status	Application	Description
Current	Permit	To Work	2019-07-29	fix damage/misc
Current	Permit	To Work	2019-07-29	addition/fence
2002	Permit	No Add	2001-06-19	alterations/garage

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$22,500	\$126,400	\$148,900
2017	<u>Assessment Roll</u>	Residential	Full	\$19,300	\$111,600	\$130,900
2015	<u>Assessment Roll</u>	Residential	Full	\$17,700	\$103,600	\$121,300
2013	<u>Assessment Roll</u>	Residential	Full	\$16,700	\$100,900	\$117,600
2011	<u>Assessment Roll</u>	Residential	Full	\$16,700	\$101,100	\$117,800
2009	<u>Assessment Roll</u>	Residential	Full	\$17,900	\$107,400	\$125,300
2007	<u>Assessment Roll</u>	Residential	Full	\$17,700	\$106,400	\$124,100
2005	<u>Assessment Roll</u>	Residential	Full	\$17,000	\$96,100	\$113,100
2003	<u>Assessment Roll</u>	Residential	Full	\$15,710	\$88,920	\$104,630
2001	<u>Assessment Roll</u>	Residential	Full	\$13,820	\$74,420	\$88,240
1999	Assessment Roll	Residential	Full	\$12,970	\$80,290	\$93,260
1997	Assessment Roll	Residential	Full	\$12,120	\$75,040	\$87,160
1995	Assessment Roll	Residential	Full	\$10,620	\$65,740	\$76,360
1993	Assessment Roll	Residential	Full	\$9,400	\$58,180	\$67,580
1991	Assessment Roll	Residential	Full	\$8,700	\$53,870	\$62,570
1991	Was Prior Year	Residential	Full	\$8,700	\$50,770	\$59,470

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

DATE OF NOTICE: September 10, 2019

DATE OF INSPECTION: May 06, 2019

CASE NUMBER: COD2019-02373

PROPERTY ADDRESS: 3307 LINWORTH LN

LEGAL DESCRIPTION: LOT 11 FLEETWOOD ACRES PLAT 2

JAN AYALA A/K/A JANET L AYALA

Title Holder

3307 LINWORTH LN

DES MOINES IA 50315-2842

WELLS FARGO HOME MORTGAGE, INC
Mortgage Holder - IOWA SECRETARY OF STATE.R.A
321 E 12TH
LUCAS STATE OFFICE BLDG
DES MOINES IA 50319

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.

Joshua Raleigh
(515) 283-4115



Nid Inspector

DATE MAILED: 9/10/2019

MAILED BY: TSY

Areas that need attention: 3307 LINWORTH LN

Component:	Electrical Service	Defect:	In poor repair
Requirement:	Compliance with National Electrical Code	Location:	Garage Throughout
Comments:	Permit required to disconnect or repair		

Component:	Exterior Doors/Jams	Defect:	Structurally inadequate
Requirement:	Compliance with International Building Code	Location:	Garage Throughout
Comments:	Permit required for structural repair		

Component:	Exterior Walls	Defect:	Deteriorated
Requirement:	Compliance with International Building Code	Location:	Garage Throughout
Comments:	Permit required for structural repair		

Component:	Roof	Defect:	In poor repair
Requirement:	Compliance with Int Residential Code	Location:	Garage Throughout
Comments:	Permit required for structural repair		

Component:	Shingles Flashing	Defect:	In poor repair
Requirement:	Compliance with Int Residential Code	Location:	Garage Throughout
Comments:	Replace with like material		

Component:	Soffit/Facia/Trim	Defect:	Deteriorated
Requirement:	Compliance with International Building Code	Location:	Garage Throughout
Comments:	Permit required for structural repair		

Component:	Trusses	Defect:	Structurally Unsound
Requirement:	Compliance with International Building Code	Location:	Garage Throughout
Comments:	Permit required for structural repair		

Component:	Accessory Buildings	Defect:	In disrepair
Requirement:	Permit Required	Location:	Garage Throughout
Comments:	Permit required for removal or repair of building		

top

3307 Linworth Lane



12/05/2019 11:41

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3307 Linworth Lane



12/05/2019 11:42