



## Roll Call Number

Agenda Item Number

50 B

Date January 13, 2020

### ABATEMENT OF PUBLIC NUISANCES AT 2612 E ELM STREET

WHEREAS, the property located at 2612 E Elm Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure, garage structure and accessory structure in their present condition constitutes not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholder, DSV SPV2, LLC, was notified more than thirty days ago to repair or demolish the main structure, garage structure and accessory structure and as of this date has failed to abate the nuisances.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure, garage structure and accessory structure on the real estate legally described as Lot 11 in Block 3 of ESHBAUGH AND WESTS ADDITION to the Town of Chesterfield, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2612 E Elm Street, have previously been declared public nuisances;

The City Legal Department is hereby authorized to file an action in district court to obtain a decree ordering the abatement of the public nuisances, and should the owner fail to abate the nuisances, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structures.

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

FORM APPROVED:

Megan Norberg, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
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](mailto:polkweb@assess.co.polk.ia.us)

Location					
Address	2612 E ELM ST				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	050/01012-000-000	Geoparcel	7824-01-452-008	Status	Active
School	Des Moines	Nbhd/Pocket	DM20/Z	Tax Authority Group	DEM-C-DEM-77447
TIF	52/Des Moines SE Agri Business Park UR	Submarket	Northeast Des Moines	Appraiser	Joe Tursi 515-286-3151

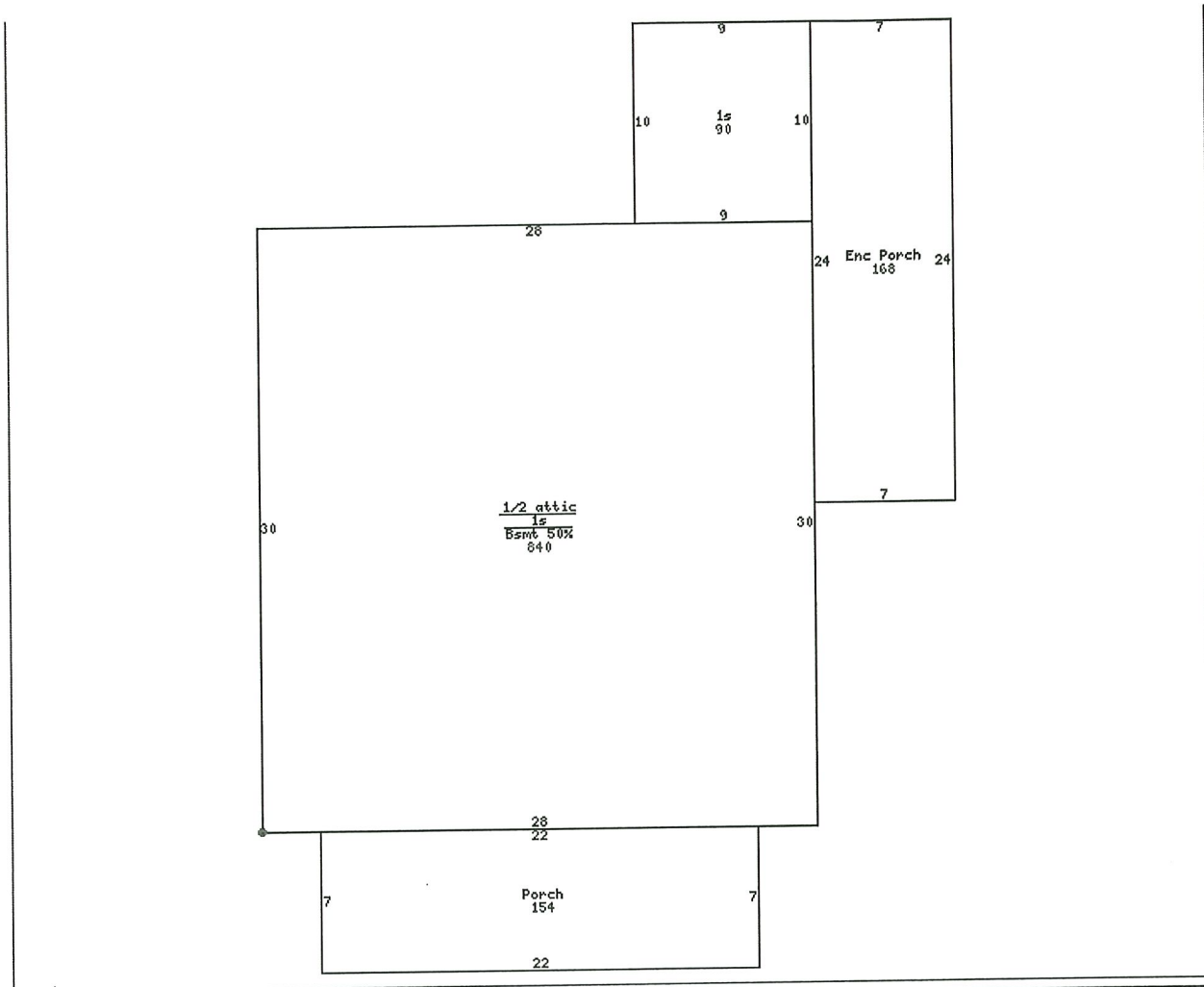
  

Map and Current Photos - 1 Record	
<p>Click on parcel to get a new listing</p> <p><a href="#">Bigger Map</a> <a href="#">Polk County GIS</a> <a href="#">Google Map</a> <a href="#">Pictometry</a></p>	<p>Photo Processed on 2016-11-18 a</p>

Historical Photos					
Ownership - 1 Record					
Ownership	Num	Name	Recorded	Book/Page	
Title Holder	1	DSV SPV2 LLC	2017-09-07	16635/796	
Legal Description and Mailing Address					
LOT 11 BLK 3 ESHBAUGH & WESTS ADDITION			DSV SPV2 LLC 16 BERRYHILL RD COLUMBIA, SC 29210-6433		
Current Values					
Type	Class	Kind	Land	Bldg	Total
2019 Value	Residential	Full	\$7,100	\$59,800	\$66,900
Assessment Roll Notice <a href="#">Market Adjusted Cost Report</a>					
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	7,656	Acres	0.176	Frontage	58.0
Depth	132.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story Finished Attic	Building Style	Early 20s
Year Built	1891	Number Families	1	Grade	4-10
Condition	Below Normal	Total Square Foot Living Area	1224	Main Living Area	930
Attic Finished Area	294	Basement Area	420	Open Porch Area	154
Enclosed Porch Area	168	Foundation	Brick	Exterior Wall Type	Hardboard
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning	100	Number Bathrooms	1	Bedrooms	4
Rooms	6				



## Detached Structures - 1 Record

## Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	20	Measure 2	24	Story Height	1
Grade	4	Year Built	1953	Condition	Below Normal

## Sales - 4 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
METHENY, JACK V	FOX, TRESSA M	<u>2003-04-29</u>	\$80,000	Deed	<u>9797/457</u>
MARASCO, MICHAEL A	METHENY, JACK V.	<u>1998-03-10</u>	\$53,000	Contract	<u>7979/224</u> Multiple Parcels
UNKNOWN	CONDOS, CALVIN J.	<u>1988-11-16</u>	\$31,000	Contract	<u>5998/57</u>
UNKNOWN	MARASCO, MICHAEL A.	<u>1988-10-21</u>	\$16,000	Deed	<u>5978/454</u>

## Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
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Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
KAJA HOLDINGS 2 LLC	DSV SPV2 LLC	2017-07-06	2017-09-07	Quit Claim Deed	<u>16635/796</u>
MOM HAVEN 13 LP	KAJA HOLDINGS 2 LLC	2015-10-02	2015-11-03	Special Warranty Deed	<u>15794/323</u>
<b>Permits - 3 Records</b>					
Year	Type	Permit Status	Application	Description	
2017	Pickup	Complete	2015-07-07	review value/reinspect	
2016	Pickup	Partial	2015-07-07	review value/reinspect	
1999	Pickup	Complete	1998-12-02	alterations/remodel	

**Historical Values**

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$7,100	\$59,800	\$66,900
2017	<u>Assessment Roll</u>	Residential	Full	\$6,000	\$30,300	\$36,300
2016	<u>Board Action</u>	Residential	Full	\$5,800	\$49,600	\$55,400
2016	<u>Assessment Roll</u>	Residential	Full	\$5,800	\$56,600	\$62,400
2015	<u>Assessment Roll</u>	Residential	Full	\$5,800	\$65,400	\$71,200
2013	<u>Board Action</u>	Residential	Full	\$5,600	\$65,500	\$71,100
2013	<u>Assessment Roll</u>	Residential	Full	\$5,600	\$72,400	\$78,000
2011	<u>Assessment Roll</u>	Residential	Full	\$5,600	\$72,700	\$78,300
2009	<u>Assessment Roll</u>	Residential	Full	\$6,000	\$76,800	\$82,800
2007	<u>Assessment Roll</u>	Residential	Full	\$5,900	\$75,900	\$81,800
2005	<u>Assessment Roll</u>	Residential	Full	\$4,400	\$69,100	\$73,500
2003	<u>Assessment Roll</u>	Residential	Full	\$3,960	\$43,620	\$47,580
2001	<u>Assessment Roll</u>	Residential	Full	\$4,190	\$25,370	\$29,560
1999	Assessment Roll	Residential	Full	\$2,150	\$42,850	\$45,000
1995	Assessment Roll	Residential	Full	\$1,860	\$14,320	\$16,180
1993	Assessment Roll	Residential	Full	\$1,740	\$13,380	\$15,120
1993	Was Prior Year	Residential	Full	\$1,740	\$12,660	\$14,400

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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:** August 19, 2019

**CASE NUMBER:** COD2019-05061

**PROPERTY ADDRESS:** 2612 E ELM ST

**LEGAL DESCRIPTION:** LOT 11 BLK 3 ESHBAUGH & WESTS ADDITION

DSV SPV2 LLC  
Title Holder  
JOHN PINCELLI, REG. AGENT  
16 BERRYHILL RD  
COLUMBIA SC 29210

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.

Chris Reindl

(515) 283-4797



Nid Inspector

DATE MAILED: 9/10/2019

MAILED BY: JDH

**Areas that need attention:** 2612 E ELM ST

<b><u>Component:</u></b> Exterior Walls <b><u>Requirement:</u></b> Building Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Deteriorated <b><u>Location:</u></b> Main Structure Throughout
<b><u>Component:</u></b> Interior Walls /Ceiling <b><u>Requirement:</u></b> Building Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Deteriorated <b><u>Location:</u></b> Main Structure Throughout
<b><u>Component:</u></b> Mechanical System <b><u>Requirement:</u></b> Mechanical Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In disrepair <b><u>Location:</u></b> Main Structure Throughout
<b><u>Component:</u></b> Electrical Service <b><u>Requirement:</u></b> Electrical Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In disrepair <b><u>Location:</u></b> Main Structure Throughout
<b><u>Component:</u></b> Accessory Buildings <b><u>Requirement:</u></b> Building Permit <b><u>Comments:</u></b> Two out buildings	<b><u>Defect:</u></b> Deteriorated <b><u>Location:</u></b> Accessory Building Throughou
<b><u>Component:</u></b> Foundation <b><u>Requirement:</u></b> Building Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Deteriorated <b><u>Location:</u></b> Main Structure
<b><u>Component:</u></b> Roof <b><u>Requirement:</u></b> Building Permit <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Main Structure
<b><u>Component:</u></b> Windows/Window Frames <b><u>Requirement:</u></b> Compliance with Int Residential Code <b><u>Comments:</u></b>	<b><u>Defect:</u></b> In poor repair <b><u>Location:</u></b> Main Structure

<b><u>Component:</u></b>	Exterior Doors/Jams	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Compliance with Int Residential Code	<b><u>Location:</u></b>	Main Structure
<b><u>Comments:</u></b>			

top

2612 E Elm St



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2012 E Elm St

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2612 E Elm St



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