



**Roll Call Number**

**Agenda Item Number**

50 K

**Date** January 13, 2020

**ABATEMENT OF PUBLIC NUISANCE AT 3109 WOODLAND AVENUE**

WHEREAS, the property located at 3109 Woodland 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 Titleholder, Walter J Riley & Carolyn L Riley Revocable Trust, was notified more than thirty days ago to repair or demolish the garage 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 garage structure on the real estate legally described as Lot 36 in MIDDLESEX, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3109 Woodland 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, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
<div></div> <div>_____ Mayor</div>				

**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



top

3109 Woodland Ave



01/06/2020 01:37





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

**DATE OF NOTICE:** July 25, 2018

**DATE OF INSPECTION:** July 05, 2018

**CASE NUMBER:** COD2018-05448

**PROPERTY ADDRESS:** 3109 WOODLAND AVE

**LEGAL DESCRIPTION:** LOT 36 MIDDLESEX

WALTER J RILEY & CAROLYN L RILEY REV TRUST  
Title Holder  
690 FOSTER DR  
DES MOINES IA 50312

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.

A handwritten signature in black ink, appearing to read "Nid Inspector", with a stylized flourish at the end.

Nid Inspector

DATE MAILED: 7/25/2018

MAILED BY: KMD

**Areas that need attention:** 3109 WOODLAND AVE

<b><u>Component:</u></b> Exterior Walls <b><u>Requirement:</u></b> Building Permit  <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Structurally inadequate  <b><u>Location:</u></b> Garage
<b><u>Component:</u></b> Roof <b><u>Requirement:</u></b> Building Permit  <b><u>Comments:</u></b>	<b><u>Defect:</u></b> Deteriorated  <b><u>Location:</u></b> Garage
<b><u>Component:</u></b> Electrical Service <b><u>Requirement:</u></b> Electrical Permit  <b><u>Comments:</u></b> interior entry required for full and complete inspection	<b><u>Defect:</u></b> Exposed  <b><u>Location:</u></b> Garage



**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					
<b>Address</b>	3109 WOODLAND AVE				
<b>City</b>	DES MOINES	<b>Zip</b>	50312	<b>Jurisdiction</b>	Des Moines
<b>District/Parcel</b>	090/05062-000-000	<b>Geoparcel</b>	7824-06-408-009	<b>Status</b>	Active
<b>School</b>	Des Moines	<b>Nbhd/Pocket</b>	DM49/Z	<b>Tax Authority Group</b>	DEM-C-DEM-77131
<b>Submarket</b>	Northwest Des Moines	<b>Appraiser</b>	Brett Tierney 515-286-3019		

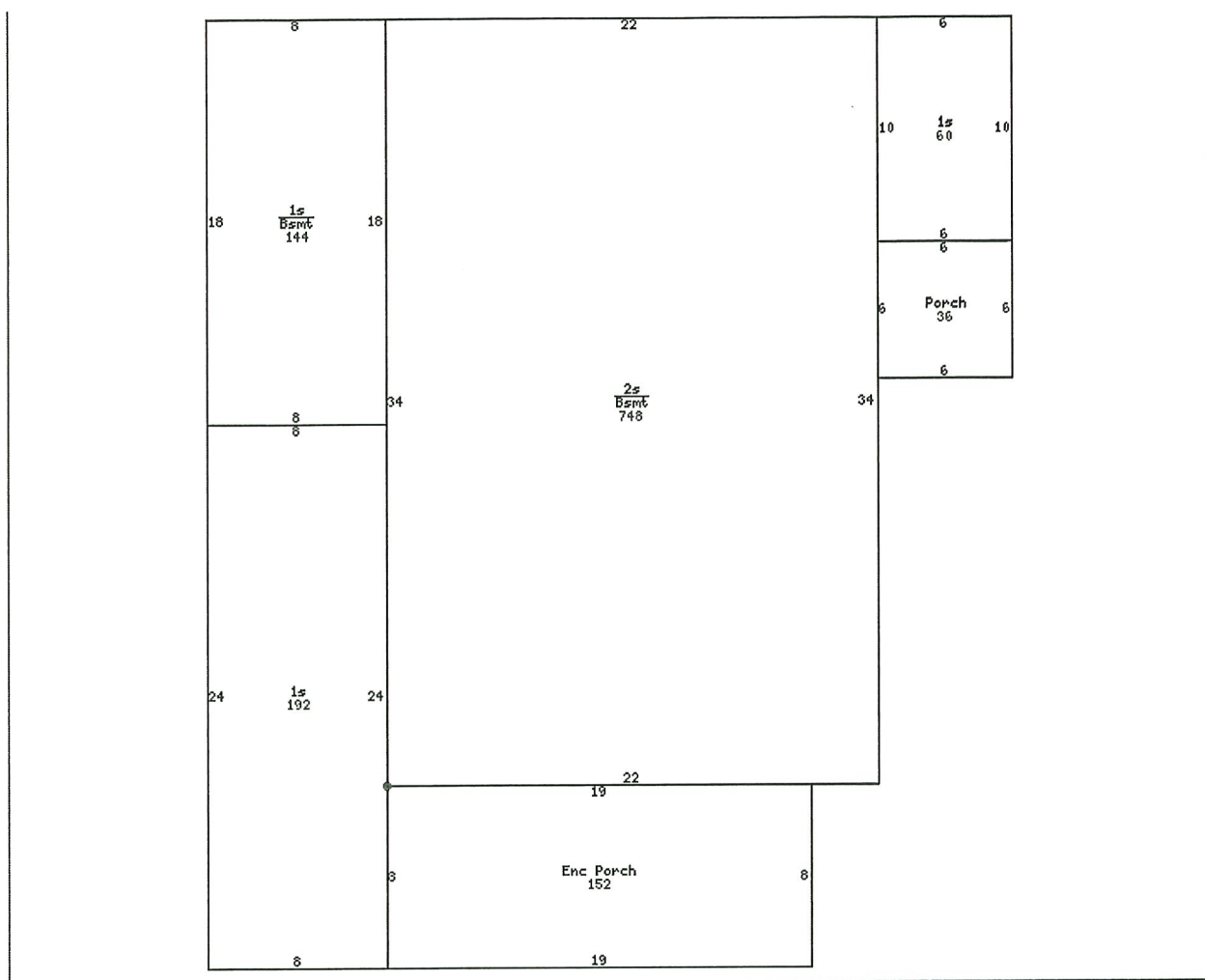
  

Map and Current Photos - 1 Record	
<p>Click on parcel to get a new listing</p> <p>Bigger Map <a href="#">Polk County GIS</a>  <a href="#">Google Map</a> <a href="#">Pictometry</a></p>	<p>Photo Processed on 2018-08-03 a</p>

Historical Photos					
Ownership - 1 Record					
<b>Ownership</b>	<b>Num</b>	<b>Name</b>	<b>Recorded</b>	<b>Book/Page</b>	
Title Holder	1	WALTER J RILEY & CAROLYN L RILEY REVOCABLE TRUST	2012-10-04	14471/373	
Legal Description and Mailing Address					
LOT 36 MIDDLESEX		CAROLYN L RILEY POB 330755 NASHVILLE, TN 37203-7505			
Current Values					
<b>Type</b>	<b>Class</b>	<b>Kind</b>	<b>Land</b>	<b>Bldg</b>	<b>Total</b>
2019 Value	Residential	Full	\$38,100	\$129,200	\$167,300
<a href="#">Assessment Roll Notice</a> <a href="#">Market Adjusted Cost Report</a>					
Zoning - 1 Record					
<b>Zoning</b>	<b>Description</b>		<b>SF</b>	<b>Assessor Zoning</b>	
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)					

Land					
Square Feet	11,280	Acres	0.259	Frontage	120.0
Depth	94.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Conversion	Residence Type	2 Stories	Building Style	Conventional
Year Built	1905	Number Families	2	Grade	4+10
Condition	Normal	Total Square Foot Living Area	1892	Main Living Area	1144
Upper Living Area	748	Basement Area	892	Finished Basement Area 1	500
Finished Basement Quality 1	Low	Total Basement Finish	500	Open Porch Area	36
Enclosed Porch Area	152	Foundation	Brick	Exterior Wall Type	Metal Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Number Fireplaces	1
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	3
Number Extra Fixtures	1	Bedrooms	3	Rooms	6



## Detached Structures - 1 Record

## Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	20	Measure 2	22	Story Height	1
Grade	4	Year Built	1970	Condition	Below Normal
Comment	YR. BLT. IS ESTIMATE				

## Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
UNKNOWN	FUSON, ALAN C.	1987-10-19	\$49,000	Contract	5792/987

## Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
RILEY, WALTER J RILEY, CAROLYN	WALTER J RILEY & CAROLYN L RILEY REV TR	2012-10-01	2012-10-04	Special Warranty Deed	14471/373

## Permits - 1 Record



Year	Type	Permit Status	Application	Description
2013	Permit	No Add	2012-05-04	addition/fence

**Historical Values**

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$38,100	\$129,200	\$167,300
2017	<u>Assessment Roll</u>	Residential	Full	\$34,100	\$117,200	\$151,300
2015	<u>Assessment Roll</u>	Residential	Full	\$30,600	\$106,800	\$137,400
2013	<u>Assessment Roll</u>	Residential	Full	\$29,000	\$101,700	\$130,700
2011	<u>Assessment Roll</u>	Residential	Full	\$29,000	\$102,500	\$131,500
2009	<u>Assessment Roll</u>	Residential	Full	\$30,800	\$103,700	\$134,500
2007	<u>Assessment Roll</u>	Residential	Full	\$31,200	\$100,800	\$132,000
2005	<u>Assessment Roll</u>	Residential	Full	\$27,200	\$86,400	\$113,600
2003	<u>Assessment Roll</u>	Residential	Full	\$23,350	\$74,290	\$97,640
2001	<u>Assessment Roll</u>	Residential	Full	\$23,130	\$67,720	\$90,850
1999	Assessment Roll	Residential	Full	\$19,490	\$51,290	\$70,780
1997	Assessment Roll	Residential	Full	\$16,500	\$43,430	\$59,930
1995	Assessment Roll	Residential	Full	\$14,180	\$38,490	\$52,670
1993	Assessment Roll	Residential	Full	\$12,530	\$33,470	\$46,000
1993	Was Prior Year	Residential	Full	\$11,930	\$34,070	\$46,000

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