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Date March 9, 2020

ABATEMENT OF PUBLIC NUISANCE AT 3814 2nd AVENUE

WHEREAS, the property located at 3814 2nd 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, Jesus D. Avila, 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 9 in Block 12 in HIGHLAND PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3814 2nd 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

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	3814 2ND AVE				
City	DES MOINES	Zip	50313	Jurisdiction	Des Moines
District/Parcel	070/01840-000-000	Geoparcels	7924-22-483-021	Status	Active
School	Des Moines	Nbhd/Pocket	DM82/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Patrick Zaimes, ICA 515-286-3832		

Map and Current Photos - 1 Record

<p style="text-align: center;">Click on parcel to get a new listing</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 20%;">3821</td> <td style="width: 20%;">3820</td> <td rowspan="6" style="width: 10%; vertical-align: middle;">2ND AVE</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>3817</td> <td>3816</td> <td></td> <td></td> </tr> <tr> <td>3815</td> <td>3814</td> <td></td> <td></td> </tr> <tr> <td></td> <td>3810</td> <td></td> <td></td> </tr> <tr> <td></td> <td>3804</td> <td></td> <td></td> </tr> <tr> <td>229</td> <td></td> <td></td> <td></td> </tr> </table> <p style="text-align: center;"> Bigger Map Polk County GIS Google Map Pictometry </p>	3821	3820	2ND AVE			3817	3816			3815	3814				3810				3804			229				<p style="text-align: center;">Photo Processed on 2014-01-14 a</p> 
3821	3820	2ND AVE																								
3817	3816																									
3815	3814																									
	3810																									
	3804																									
229																										

Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	AVILA, JESUS D	2014-01-08	15078/409

Legal Description and Mailing Address

LOT 9 BLK 12 HIGHLAND PARK	JESUS D AVILA 3814 2ND AVE DES MOINES, IA 50313-3504
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Current Values

Type	Class	Kind	Land	Bldg	Total
2019 Value	Residential	Full	\$17,100	\$49,400	\$66,500

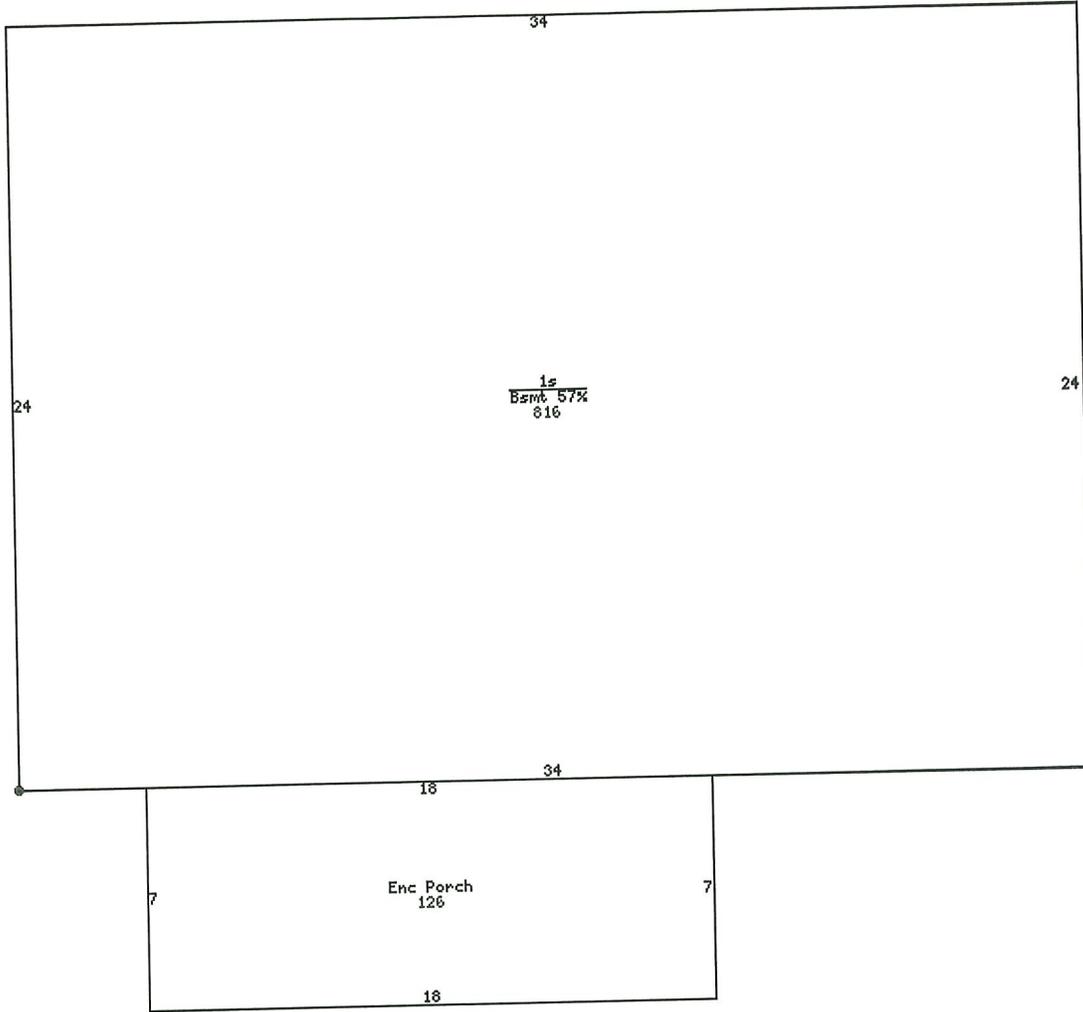
[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Auditor Adjustments to Value

Category	Name	Information
2019 Homestead Credit	AVILA, JESUS D	Application #310778

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	6,350	Acres	0.146	Frontage	50.0
Depth	127.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story Unfinished Attic	Building Style	Bungalow
Year Built	1915	Number Families	1	Grade	5+10
Condition	Normal	Total Square Foot Living Area	816	Main Living Area	816
Attic Floor and Stairs Area	286	Basement Area	465	Enclosed Porch Area	126
Foundation	Brick	Exterior Wall Type	Asbestos	Roof Type	Gable
Roof Material	Asphalt Shingle	Heating	Gas Forced Air	Air Conditioning	0
Number Bathrooms	1	Bedrooms	2	Rooms	5



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	12	Measure 2	18	Story Height	1
Grade	5	Year Built	1925	Condition	Below Normal

Sales - 4 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
FEDERAL HOME LOAN MORTGAGE CORPORATION	AVILA, JESUS DAMIAN	<u>2013-12-11</u>	\$18,900	Deed	<u>15078/409</u>
MOORE, JENNIFER L	FRANKLIN, JOHNNIE I	<u>2004-07-06</u>	\$62,000	Deed	<u>10636/237</u>
PHELAN, LESLEE	MOORE, JENNIFER L.	<u>2001-11-03</u>	\$51,210	Deed	<u>9060/628</u>
HOPKINS, DOROTHY J	CUNNINGHAM, LESLEE A	<u>1995-03-08</u>	\$37,000	Deed	<u>7165/520</u>

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
FEDERAL HOME LOAN MORTGAGE CORPORATION	AVILA, JESUS DAMIAN	2013-12-11	2014-01-08	Special Warranty Deed	<u>15078/409</u>
PNC BANK NATIONAL ASSOCIATION	FEDERAL HOME LOAN MORTGAGE CORPORATION	2013-09-04	2013-09-12	Warranty Deed	<u>14955/721</u>
MCCARTHY, BILL (Sheriff) FRANKLIN, JOHNNIE I (Defendant)	PNC BANK NATIONAL ASSOCIATION	2013-08-08	2013-08-22	Sheriffs Deed	<u>14928/644</u>

Permits - 1 Record

Year	Type	Permit Status	Application	Description
2019	Permit	No Add	2018-03-02	addition/fence

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$17,100	\$49,400	\$66,500
2017	<u>Assessment Roll</u>	Residential	Full	\$15,500	\$45,800	\$61,300
2015	<u>Assessment Roll</u>	Residential	Full	\$14,000	\$41,400	\$55,400
2013	<u>Assessment Roll</u>	Residential	Full	\$13,900	\$41,800	\$55,700
2011	<u>Assessment Roll</u>	Residential	Full	\$13,900	\$41,500	\$55,400
2009	<u>Assessment Roll</u>	Residential	Full	\$14,500	\$41,900	\$56,400
2007	<u>Assessment Roll</u>	Residential	Full	\$14,400	\$41,400	\$55,800
2005	<u>Assessment Roll</u>	Residential	Full	\$13,100	\$40,100	\$53,200
2003	<u>Assessment Roll</u>	Residential	Full	\$11,840	\$36,190	\$48,030
2001	<u>Assessment Roll</u>	Residential	Full	\$10,060	\$32,680	\$42,740
1999	Assessment Roll	Residential	Full	\$10,860	\$31,230	\$42,090
1997	Assessment Roll	Residential	Full	\$10,170	\$29,240	\$39,410
1995	Assessment Roll	Residential	Full	\$8,990	\$23,890	\$32,880
1993	Assessment Roll	Residential	Full	\$7,780	\$20,670	\$28,450
1990	Assessment Roll	Residential	Full	\$7,780	\$17,620	\$25,400

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

31F

DATE OF NOTICE: November 6, 2019

DATE OF INSPECTION: September 25, 2019

CASE NUMBER: COD2019-06127

PROPERTY ADDRESS: 3814 2ND AVE

LEGAL DESCRIPTION: LOT 9 BLK 12 HIGHLAND PARK

JESUS D AVILA
Title Holder
3814 2ND AVE
DES MOINES IA 50313-3504

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.

Kevin Pyles
(515) 283-4122 

Nid Inspector
DATE MAILED: 11/6/2019

MAILED BY: JDH

Areas that need attention: 3814 2ND AVE

Component: Exterior Walls Requirement: Compliance, International Property Maintenance Code Comments: Replace missing siding,	Defect: Deteriorated Location: Garage Throughout
Component: Trusses Requirement: Building Permit Comments: Fix sagging roof. Any repairs to the structure may require a building permit.	Defect: Deteriorated Location: Garage Throughout
Component: Soffit/Facia/Trim Requirement: Compliance, International Property Maintenance Code Comments: Repair/replace rotted material, scrape and paint to match.	Defect: Deteriorated Location: Garage Throughout
Component: Electrical System Requirement: Electrical Permit Comments: Hire licensed contractor to verify the electrical system	Defect: Unknown Location: Garage Throughout
Component: Exterior Walls Requirement: Compliance, International Property Maintenance Code Comments: Scrape and paint.	Defect: Absence of paint Location: Garage Throughout

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3814 2nd Ave 31F



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