



**Roll Call Number**

**Agenda Item Number**

42 B

Date March 23, 2020

**ABATEMENT OF PUBLIC NUISANCE AT 1323 5<sup>th</sup> AVENUE**

WHEREAS, the property located at 1323 5<sup>th</sup> 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, Joshua R. Churchill, 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 The North 33 1/3 feet of Lot 56 in RUTHERFURD HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1323 5<sup>th</sup> 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

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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)

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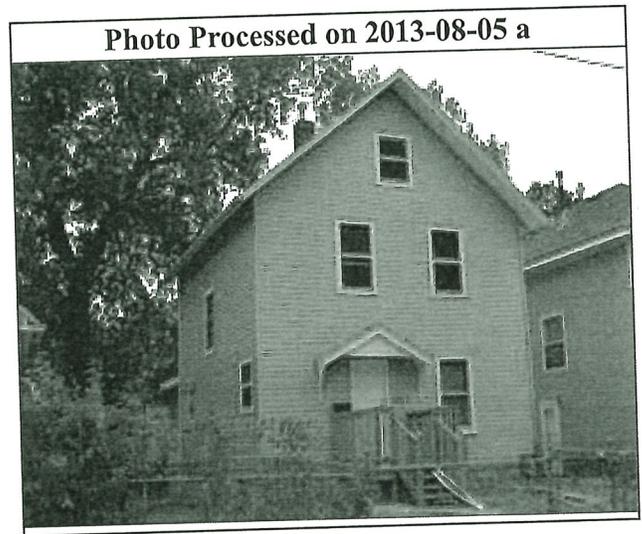
Location					
Address	1323 5TH AVE				
City	DES MOINES	Zip	50314	Jurisdiction	Des Moines
District/Parcel	080/05991-000-000	Geoparcel	7924-34-476-003	Status	Active
School	Des Moines	Nbhd/Pocket	DM79/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Andrew Rand 515-286-3368		

### Map and Current Photos - 1 Record

Click on parcel to get a new listing

1328	5TH AVE	1331	1328
1328		1325	1328
1324		1323	1322
1320		1321	1318
1318		1317	1314
1314		1315	

[Bigger Map](#) [Polk County GIS](#)  
[Google Map](#) [Pictometry](#)



### Historical Photos

### Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	CHURCHILL, JOSHUA R	2019-06-10	17361/149

### Legal Description and Mailing Address

N 33 1/3 F LOT 56 RUTHERFURD HEIGHTS	JOSHUA CHURCHILL 3924 HIGH CREEK RD BISMARCK, ND 58503
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### Current Values

Type	Class	Kind	Land	Bldg	Total
2019 Value	Residential	Full	\$3,700	\$67,400	\$71,100

### Assessment Roll Notice Market Adjusted Cost Report

### Zoning - 1 Record

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

### Conditional Zoning

**Conditional Zoning**

Docket\_no 14361

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

**Land**

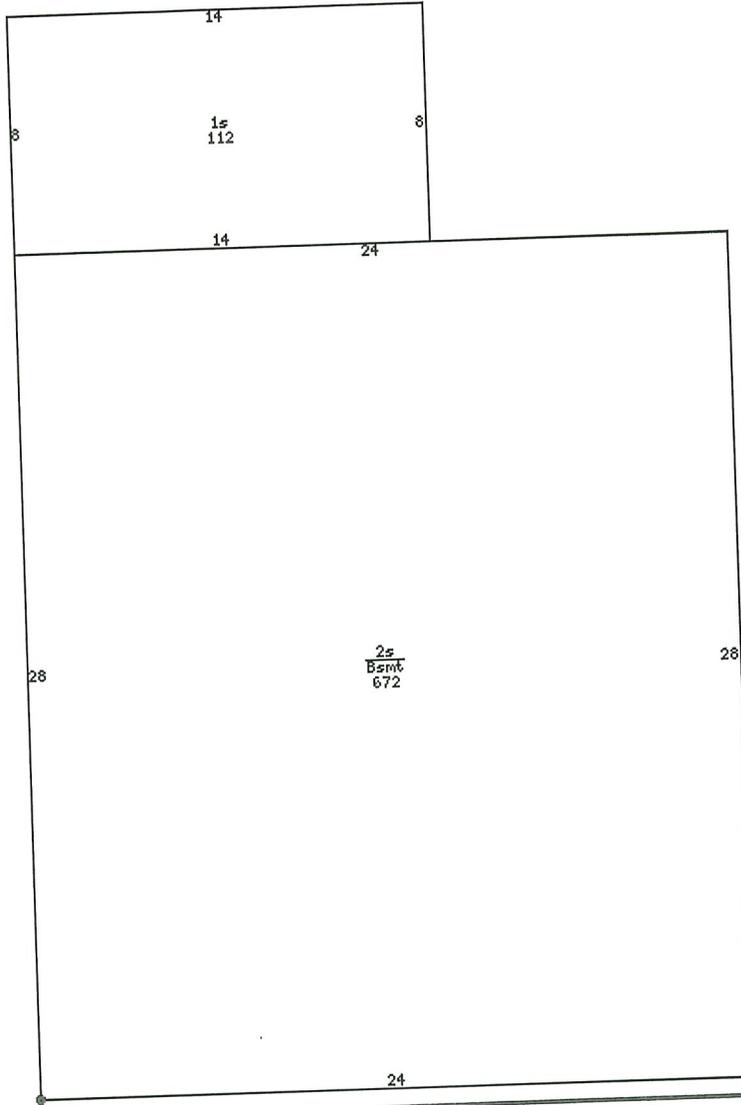
<b>Square Feet</b>	4,162	<b>Acres</b>	0.096	<b>Frontage</b>	33.0
<b>Depth</b>	125.0	<b>Topography</b>	Normal	<b>Shape</b>	Rectangle
<b>Vacancy</b>	No	<b>Unbuildable</b>	No		

**Residences - 1 Record**

**Residence #1**

<b>Occupancy</b>	Single Family	<b>Residence Type</b>	2 Stories Plus	<b>Building Style</b>	Early 20s
<b>Year Built</b>	1900	<b>Number Families</b>	1	<b>Grade</b>	4+00
<b>Condition</b>	Below Normal	<b>Total Square Foot Living Area</b>	1456	<b>Main Living Area</b>	784
<b>Upper Living Area</b>	672	<b>Attic Floor and Stairs Area</b>	236	<b>Basement Area</b>	672
<b>Foundation</b>	Brick	<b>Exterior Wall Type</b>	Vinyl 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>Bedrooms</b>	3	<b>Rooms</b>	7

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**Detached Structures - 1 Record**

**Detached Structure #101**

Occupancy	Garage	Construction Type	Masonry	Measurement Code	Dimensions
Measure 1	22	Measure 2	24	Story Height	1
Grade	4	Year Built	1951	Condition	Poor
Comment	& Shop				

**Sales - 3 Records**

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
ANDRIOLO, MICHAEL J	CHURCHILL, JOSHUA R	<u>2019-04-25</u>	\$45,000	Deed	<u>17361/149</u>
US BANK NATIONAL ASSOCIATION (TRUSTEE)	ANDRIOLO, MICHAEL JOSEPH	<u>2012-06-21</u>	\$16,500	Deed	<u>14335/804</u>
WHITE, IRENE	THE WHITE TRUST, R. WOLFORD AS TRUSTEE	<u>2002-08-07</u>	\$47,000	Contract	<u>9279/70</u>

**Recent Ownership Transfers**

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
<p>ANDRIOLO, MICHAEL JOSEPH (Plaintiff)</p> <hr/> <p>ANDRIOLO, KIMLY MARIE (Plaintiff)</p> <hr/> <p>SWANSON, CHARLES L (Defendant)</p> <hr/> <p>THE DIAMOND CENTRE LTD (Defendant)</p> <hr/> <p>BARNETT, ROSS F (Agent)</p> <hr/> <p>TAKEKAWA, DAWN (Attorney-In-Fact)</p> <hr/> <p>CRANE, SARAH (Agent)</p>	<p>ANDRIOLO, MICHAEL JOSEPH</p> <hr/> <p>ANDRIOLO, KIMLY MARIE</p>	<p>2019-05-08</p>	<p>2019-05-10</p>	<p>Decree Quieting Title</p>	<p><u>17322/75</u></p>
<p>ANDRIOLO, MICHAEL JOSEPH</p> <hr/> <p>ANDRIOLO, KIMLY MARIE</p>	<p>CHURCHILL, JOSHUA R</p>	<p>2019-04-25</p>	<p>2019-06-10</p>	<p>Warranty Deed</p>	<p><u>17361/149</u></p>

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
<p>BARNETT, ROSS F (Agent)</p> <hr/> <p>CRANE, SARAH (Agent)</p> <hr/> <p>THE DIAMOND CENTRE LTD (Defendant)</p> <hr/> <p>SWANSON, CHARLES L (Defendant)</p> <hr/> <p>ANDRIOLO, MICHAEL JOSEPH (Plaintiff)</p> <hr/> <p>ANDRIOLO, KIMLY MARIE (Plaintiff)</p> <hr/> <p>TAKEKAWA, DAWN (Attorney-In- Fact)</p> <hr/> <p>Also Known As ANDRIOLO, MICHEL JOSEPH (Plaintiff)</p>	<p>ANDRIOLO, MICHEL JOSEPH</p> <hr/> <p>ANDRIOLO, KIMLY MARIE</p>	<p>2019-04-19</p>	<p>2019-04- 24</p>	<p>Decree Quieting Title</p>	<p><u>17302/502</u></p>
<p>US BANK NATIONAL ASSOCIATION (Trustee)</p>	<p>ANDRIOLO, MICHAEL JOSEPH</p> <hr/> <p>ANDRIOLO, KIMLY MARIE</p>	<p>2012-06-21</p>	<p>2012-07- 03</p>	<p>Special Warranty Deed</p>	<p><u>14335/804</u></p>

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
MCCARTHY, BILL (Sheriff) WHITE, IRENE (Defendant) Also Known As WHITE TATE, IRENE (Defendant)	US BANK NATIONAL ASSOCIATION (Trustee) STRUCTURED ASSET SECURITES CORPORATION	2011-11-03	2012-04-17	Sheriffs Deed	14236/35

**Permits - 1 Record**

Year	Type	Permit Status	Application	Description
Current	Pickup	Partial	2019-09-18	review value/check condition

**Historical Values**

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$3,700	\$67,400	\$71,100
2017	<u>Assessment Roll</u>	Residential	Full	\$3,600	\$65,100	\$68,700
2015	<u>Assessment Roll</u>	Residential	Full	\$3,200	\$59,000	\$62,200
2013	<u>Assessment Roll</u>	Residential	Full	\$3,200	\$57,100	\$60,300
2011	<u>Assessment Roll</u>	Residential	Full	\$3,200	\$58,700	\$61,900
2009	<u>Assessment Roll</u>	Residential	Full	\$3,100	\$53,300	\$56,400
2007	<u>Assessment Roll</u>	Residential	Full	\$3,300	\$56,200	\$59,500
2005	<u>Assessment Roll</u>	Residential	Full	\$3,100	\$23,900	\$27,000
2003	<u>Assessment Roll</u>	Residential	Full	\$2,930	\$22,550	\$25,480
2001	<u>Assessment Roll</u>	Residential	Full	\$3,170	\$23,880	\$27,050
1999	Assessment Roll	Residential	Full	\$3,040	\$21,790	\$24,830
1997	Assessment Roll	Residential	Full	\$2,490	\$17,830	\$20,320
1995	Assessment Roll	Residential	Full	\$2,240	\$16,020	\$18,260
1989	Assessment Roll	Residential	Full	\$1,940	\$13,860	\$15,800

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

**DATE OF NOTICE: November 22, 2019**

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

**CASE NUMBER:** COD2019-05164

**PROPERTY ADDRESS:** 1323 5TH AVE

**LEGAL DESCRIPTION:** N 33 1/3 F LOT 56 RUTHERFURD HEIGHTS

JOSHUA R CHURCHILL  
Title Holder  
3924 HIGH CREEK RD  
BISMARCK ND 58503

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.

Brad Rissman  
(515) 283-4754



Nid Inspector

DATE MAILED: 11/22/2019

MAILED BY: BJR

**Areas that need attention:** 1323 5TH AVE

<b>Component:</b>	Electrical System	<b>Defect:</b>	In disrepair
<b>Requirement:</b>	Electrical Permit	<b>Location:</b>	Garage Throughout
<b>Comments:</b>	In compliance with international residential building code.		
<b>Component:</b>	Exterior Doors/Jams	<b>Defect:</b>	In disrepair
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Garage Throughout
<b>Comments:</b>	In compliance with international residential building code.		
<b>Component:</b>	Exterior Walls	<b>Defect:</b>	In disrepair
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Garage Throughout
<b>Comments:</b>	In compliance with international residential building code.		
<b>Component:</b>	Mechanical System	<b>Defect:</b>	In disrepair
<b>Requirement:</b>	Mechanical Permit	<b>Location:</b>	Garage Throughout
<b>Comments:</b>	In compliance with international residential building code.		
<b>Component:</b>	Roof	<b>Defect:</b>	In disrepair
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Garage Throughout
<b>Comments:</b>	In compliance with international residential building code.		
<b>Component:</b>	Shingles Flashing	<b>Defect:</b>	In disrepair
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Garage Throughout
<b>Comments:</b>	In compliance with international residential building code.		
<b>Component:</b>	Soffit/Facia/Trim	<b>Defect:</b>	In disrepair
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Garage Throughout
<b>Comments:</b>	In compliance with international residential building code.		
<b>Component:</b>	Windows/Window Frames	<b>Defect:</b>	In disrepair
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Garage Throughout
<b>Comments:</b>	In compliance with international residential building code.		

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1323 5<sup>th</sup> Ave



2020/03/12 14:38

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1323 5th Ave

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