



Roll Call Number

Agenda Item Number

39 H

Date October 19, 2020

ABATEMENT OF PUBLIC NUISANCES AT 2148 CAPITOL AVENUE

WHEREAS, the property located at 2148 Capitol Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure and garage structure in their present condition constitutes not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholder, DLR HOLDINGS, LLC, was notified more than thirty days ago to repair or demolish the main structure and garage 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 and garage structure on the real estate legally described as Lot 10 in TIMMONS PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2148 Capitol Avenue, 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(s) 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:

Luke DeSmet, 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

top

2148 Capitol Ave

3/11



10/08/2020 14:20

top

2148 Capitol Ave



10/08/2020 14:20

top

2148 Capitol Ave



10/08/2020 14:17

400

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

39H

Location					
Address	2148 CAPITOL AVE				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	040/06248-000-000	Geoparcels	7824-02-277-028	Status	Active
School	Des Moines	Nbhd/Pocket	DM16/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northeast Des Moines	Appraiser	Andrew Rand 515-286-3368		

Map and Current Photos - 1 Record

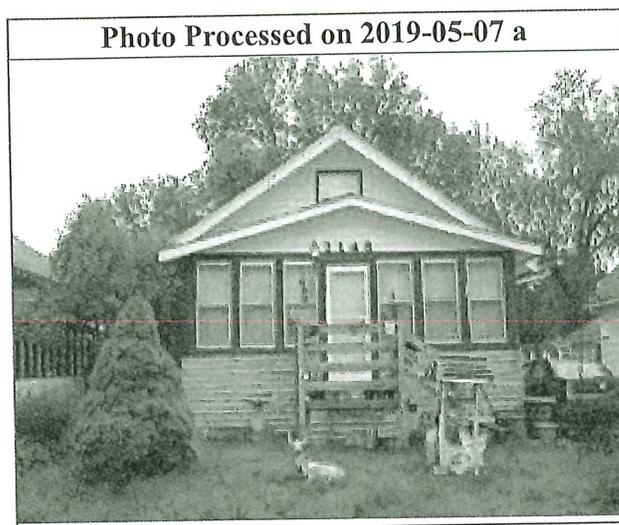
Click on parcel to get a new listing

2101 2105 2109 2115 2119 2125 2127 2129 2133 2203 2211 2215 2203

120 2124 2130 2132 2136 2140 2146 2148 2152 2154 2200 2202 2204

119 2125 2127 2131 2137 2139 2145 2151 2153 320 2201 2203 2205

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



Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	DLR HOLDINGS LLC	2020-03-05	17724/367

Legal Description and Mailing Address

LOT 10 TIMMONS PLACE	DLR HOLDINGS LLC 5025 WINDSOR CIR DES MOINES, IA 50327
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Current Values

Type	Class	Kind	Land	Bldg	Total
2020 Value	Residential	Full	\$14,500	\$8,900	\$23,400

Informal Agreement Market Adjusted Cost Report

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
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)

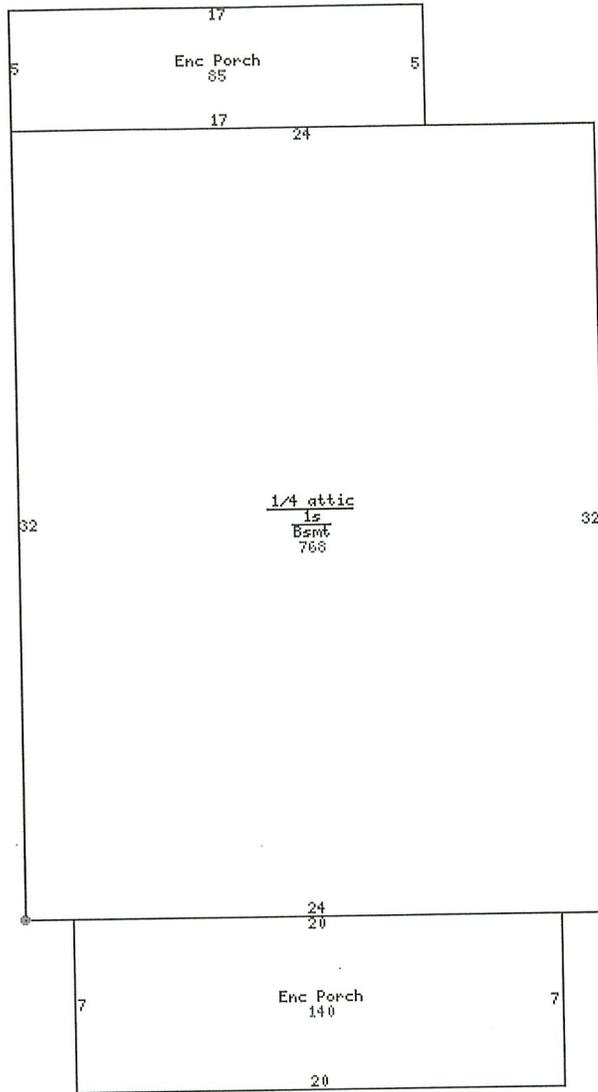
Land

Square Feet	5,920	Acres	0.136	Frontage	40.0
Depth	148.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	1 Story Finished Attic	Year Built	1914
Number Families	1	Grade	4-10	Condition	Very Poor
Total Square Foot Living Area	960	Main Living Area	768	Attic Finished Area	192
Basement Area	768	Enclosed Porch Area	225	Foundation	Brick
Exterior Wall Type	Mixed Frame	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	1
Bedrooms	3	Rooms	6		



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Shed	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	13	Measure 2	18	Grade	4
Year Built	2013	Condition	Normal		

Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
JER ELA PROPERTIES	CARTER, ANGELA R.	<u>1999-11-01</u>	\$46,500	Contract	<u>8524/153</u>
DHABALT, STEVEN D	JER ELA PROPERTIES	<u>1996-02-28</u>	\$25,000	Deed	<u>7362/613</u>
SHEETS, NANCY K.	MOORE, GORDON T.	<u>1988-02-12</u>	\$26,000	Deed	<u>5823/42</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
SCHNEIDER, KEVIN J (Sheriff) CARTER, ANGELA R (Defendant) Also Known As CARTER, ANGELA ROSE (Defendant) Also Known As CARTER, ANGIE R (Defendant)	DLR HOLDINGS LLC	2019-10-29	2020-03-05	Sheriffs Deed	<u>17724/367</u>

Permits - 2 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	To Work	2020-09-23	Alterations	REMODEL
2014	Permit	Complete	2013-10-15	Construction	GARAGE (234 sf)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2020	<u>Informal Agreement</u>	Residential	Full	\$14,500	\$8,900	\$23,400
2019	<u>Board Action</u>	Residential	Full	\$14,500	\$54,500	\$69,000
2019	<u>Assessment Roll</u>	Residential	Full	\$14,500	\$64,600	\$79,100
2017	<u>Assessment Roll</u>	Residential	Full	\$12,500	\$55,800	\$68,300
2015	<u>Assessment Roll</u>	Residential	Full	\$11,600	\$52,900	\$64,500
2014	<u>Assessment Roll</u>	Residential	Full	\$12,100	\$55,300	\$67,400
2013	<u>Assessment Roll</u>	Residential	Full	\$12,100	\$51,500	\$63,600
2011	<u>Assessment Roll</u>	Residential	Full	\$13,800	\$58,400	\$72,200
2009	<u>Assessment Roll</u>	Residential	Full	\$13,900	\$57,600	\$71,500
2007	<u>Assessment Roll</u>	Residential	Full	\$13,800	\$56,900	\$70,700
2005	<u>Assessment Roll</u>	Residential	Full	\$10,900	\$55,500	\$66,400
2003	<u>Assessment Roll</u>	Residential	Full	\$9,550	\$47,610	\$57,160
2001	<u>Assessment Roll</u>	Residential	Full	\$8,890	\$44,260	\$53,150
1999	Assessment Roll	Residential	Full	\$6,510	\$25,180	\$31,690
1997	Assessment Roll	Residential	Full	\$5,900	\$22,810	\$28,710
1996	Board Action	Residential	Full	\$5,140	\$19,860	\$25,000
1995	Assessment Roll	Residential	Full	\$5,140	\$23,600	\$28,740
1993	Assessment Roll	Residential	Full	\$4,560	\$20,930	\$25,490
1990	Board Action	Residential	Full	\$4,560	\$17,840	\$22,400
1990	Assessment Roll	Residential	Full	\$4,560	\$19,840	\$24,400

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

394

DATE OF NOTICE: March 10, 2020

DATE OF INSPECTION: January 08, 2020

CASE NUMBER: COD2020-00258

PROPERTY ADDRESS: 2148 CAPITOL AVE

LEGAL DESCRIPTION: LOT 10 TIMMONS PLACE

DLR HOLDINGS LLC
Title Holder
DERRICK HUFFEY, REG. AGENT
5025 WINDSOR CIR
PLEASANT HILL IA 50327

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: 3/10/2020

MAILED BY: JDH

Areas that need attention: 2148 CAPITOL AVE

<p>Component: Electrical System Requirement: Electrical Permit Comments: Some components have been removed, hire licensed electrical contractor to verify safety of electrical system and correct any other violations that may exist.</p>	<p>Defect: Missing Location: Main Structure Throughout</p>
<p>Component: Plumbing System Requirement: Plumbing Permit Comments: Some components have been removed, have plumbing system checked for any defects. Any repairs to the plumbing system will require a plumbing permit.</p>	<p>Defect: Missing Location: Main Structure Throughout</p>
<p>Component: Mechanical System Requirement: Mechanical Permit Comments: Some components have been removed and gas service has been shut off need licensed mechanical contractor to verify safety of mechanical systems. Permit required.</p>	<p>Defect: Disconnected Utility Water/Gas/Electric Location: Main Structure Throughout</p>
<p>Component: Interior Walls /Ceiling Requirement: Compliance, International Property Maintenance Code Comments: Repair/replace any broken, missing, damaged or rotted drywall. Any repairs to the structure will require a building permit.</p>	<p>Defect: Holes or major defect Location: Main Structure Throughout</p>
<p>Component: Soffit/Facia/Trim Requirement: Compliance, International Property Maintenance Code Comments: Chipped/peeling paint. Scrape and paint to match.</p>	<p>Defect: In poor repair Location: Main Structure Throughout</p>
<p>Component: Exterior Doors/Jams Requirement: Compliance, International Property Maintenance Code Comments: Repair/replace any rotted or broken doors. Any repairs to the structure will require a building permit.</p>	<p>Defect: Holes or major defect Location: Main Structure Throughout</p>
<p>Component: Floor Joists/Beams Requirement: Engineering Report Comments: Some of the joists have been modified, engineering report required to ensure safety of the structure.</p>	<p>Defect: Unsafe to carry Load Location: Main Structure Throughout</p>
<p>Component: Soffit/Facia/Trim Requirement: Compliance, International Property Maintenance Code Comments: Scrape loose paint, repair where needed and paint to match.</p>	<p>Defect: In poor repair Location: Garage Throughout</p>