



Roll Call Number

Agenda Item Number

39 I

Date October 19, 2020

ABATEMENT OF PUBLIC NUISANCE AT 101 JOHNSON COURT

WHEREAS, the property located at 101 Johnson Court, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders, Richard Hernandez and Linda K. Hernandez, and Mortgage Holder, Bayview Loan Servicing, LLC, were notified more than thirty days ago to repair or demolish the main structure and as of this date have failed to abate the nuisance.

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

The main structure on the real estate legally described as Lot 7 of CORRECTED OFFICIAL PLAT of the North 272 feet of Lot 31 in BROOKS & CO'S ADDITION to Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 101 Johnson Court, 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 structure.

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

101 Johnson Ct

top



10/08/2020 14:11

2020



10/08/2020 14:11

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

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DATE OF NOTICE: March 31, 2020

DATE OF INSPECTION: October 30, 2019

CASE NUMBER: COD2019-07144

PROPERTY ADDRESS: 101 JOHNSON CT

LEGAL DESCRIPTION: LT 7 CORR OP N 272 F LT 31 BROOKS & COS ADD

RICHARD HERNANDEZ
Title Holder
950 9TH AVE NW
ALTOONA IA 50009

BAYVIEW LOAN SERVICING LLC
Mortgage Holder
CORPORATION SERVICE CO.,R.A.
505 5TH AVE STE 729
DES MOINES IA 50309

LINDA K HERNANDEZ
Title Holder
950 9TH AVE NW
ALTOONA IA 50009

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: 3/31/2020

MAILED BY: JDH

Areas that need attention: 101 JOHNSON CT

Component:	Electrical System	Defect:	Improperly Installed
Requirement:	Electrical Permit	Location:	Main Structure Throughout
Comments:	Hire licensed contractor repair/replace improperly installed fixtures, any other problems they see and to verify the safe operation of the electrical system.		

Component:	Foundation	Defect:	Collapsed
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Hire licensed contractor to repair foundation an engineering report may be required.		

Component:	Plumbing System	Defect:	In poor repair
Requirement:	Plumbing Permit	Location:	Main Structure Throughout
Comments:	Hire licensed contractor to repair/replace any damaged or improperly installed plumbing fittings.		

Component:	Windows/Window Frames	Defect:	Cracked/Broken
Requirement:	Compliance, International Property Maintenance Code	Location:	Main Structure Throughout
Comments:	Repair/replace any broken windows, structural changes will require a permit.		

Component:	Exterior Walls	Defect:	In poor repair
Requirement:	Compliance, International Property Maintenance Code	Location:	Main Structure Throughout
Comments:	Repair/replace any broken siding with like materials in a workman like manner.		

Component:	Flooring	Defect:	In poor repair
Requirement:	Compliance, International Property Maintenance Code	Location:	Porch
Comments:	Repair/replace any rotted or broken flooring on porch.		

Component:	Interior Walls /Ceiling	Defect:	Holes or major defect
Requirement:	Compliance, International Property Maintenance Code	Location:	Main Structure Throughout
Comments:	Repair/replace any drywall with holes or where missing.		

Component:	Soffit/Facia/Trim	Defect:	In poor repair
Requirement:	Compliance, International Property Maintenance Code	Location:	Main Structure Throughout
Comments:	Repair/replace broken or missing soffit. Chipped peeling paint, scrape and paint to match.		

<u>Component:</u>	Trusses	<u>Defect:</u>	In disrepair
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Repair/replace deteriorated trusses.		
<u>Component:</u>	Shingles Flashing	<u>Defect:</u>	Deteriorated
<u>Requirement:</u>	Compliance, International Property Maintenance Code	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Replace with new shingles, one layer as per city code.		
<u>Component:</u>	Foundation	<u>Defect:</u>	Collapsed
<u>Requirement:</u>	Engineering Report	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Foundation needs engineers report.		
<u>Component:</u>	Roof	<u>Defect:</u>	In poor repair
<u>Requirement:</u>	Compliance, International Property Maintenance Code	<u>Location:</u>	Main Structure
<u>Comments:</u>	Repair or replace		

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

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Location					
Address	101 JOHNSON CT				
City	DES MOINES	Zip	50316	Jurisdiction	Des Moines
District/Parcel	040/00416-000-000	Geoparcel	7824-02-311-010	Status	Active
School	Des Moines	Nbhd/Pocket	DM15/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](#)

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

Photo Processed on 2012-06-19 a



Historical Photos

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	HERNANDEZ, RICHARD	1997-10-14	7745/435
Title Holder	2	HERNANDEZ, LINDA K		

Legal Description and Mailing Address

LT 7 CORR OP N 272 F LT 31 BROOKS & COS ADD	RICHARD HERNANDEZ 101 JOHNSON CT DES MOINES, IA 50316-3943
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Current Values

Type	Class	Kind	Land	Bldg	Total
2020 Value	Residential	Full	\$5,700	\$62,700	\$68,400

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)

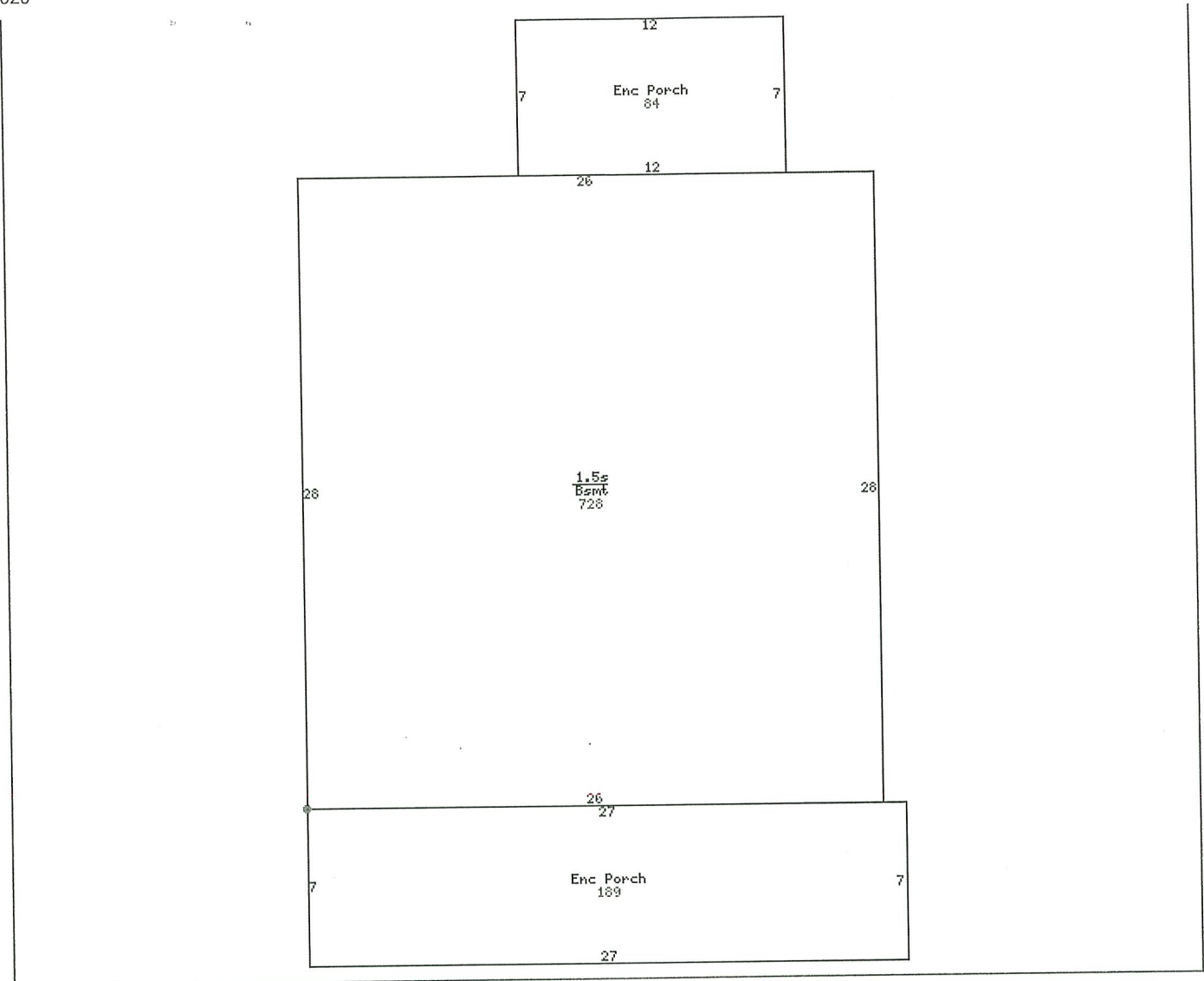
Land

Square Feet	4,800	Acres	0.110	Frontage	40.0
Depth	120.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	1.5 Stories	Building Style	Early 20s
Year Built	1910	Year Remodel	1981	Number Families	1
Grade	4+00	Condition	Normal	Total Square Foot Living Area	1216
Main Living Area	728	Upper Living Area	488	Basement Area	728
Enclosed Porch Area	273	Foundation	Brick	Exterior Wall Type	Metal Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning	0	Number Bathrooms	1	Number Extra Fixtures	1
Bedrooms	3	Rooms	6		



Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
HILL, RONNIE D	HERNANDEZ, RICHARD	1997-10-13	\$35,000	Deed	7745/435 Multiple Parcels

Permits - 1 Record

Year	Type	Permit Status	Application	Reason	Reason1
1995	Pickup	Complete	1994-08-05		Remove Garage

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	Assessment Roll	Residential	Full	\$5,700	\$62,700	\$68,400
2017	Assessment Roll	Residential	Full	\$4,700	\$52,800	\$57,500
2015	Assessment Roll	Residential	Full	\$4,300	\$49,000	\$53,300
2013	Assessment Roll	Residential	Full	\$4,400	\$47,400	\$51,800
2011	Assessment Roll	Residential	Full	\$4,900	\$55,800	\$60,700
2009	Assessment Roll	Residential	Full	\$5,000	\$54,300	\$59,300
2007	Assessment Roll	Residential	Full	\$5,100	\$54,900	\$60,000
2005	Assessment Roll	Residential	Full	\$4,500	\$47,400	\$51,900
2003	Assessment Roll	Residential	Full	\$3,720	\$38,690	\$42,410

Yr	Type	Class	Kind	Land	Bldg	Total
2001	Assessment Roll	Residential	Full	\$3,950	\$32,740	\$36,690
1999	Assessment Roll	Residential	Full	\$2,180	\$34,860	\$37,040
1997	Assessment Roll	Residential	Full	\$1,880	\$30,050	\$31,930
1995	Assessment Roll	Residential	Full	\$1,710	\$27,290	\$29,000
1993	Assessment Roll	Residential	Full	\$1,510	\$15,840	\$17,350
1989	Assessment Roll	Residential	Full	\$1,510	\$13,790	\$15,300

This template was last modified on Sat Mar 4 12:31:48 2017 .