



**Roll Call Number**

**Agenda Item Number**

27A

**Date** March 22, 2021

**ABATEMENT OF PUBLIC NUISANCES AT 3829 13<sup>TH</sup> ST.**

WHEREAS, the property located at 3829 13<sup>th</sup> St., Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure and accessory structure in their present condition constitute not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholder, Theresa Miller a/k/a Theresa Eddinger, was notified more than thirty days ago to repair or demolish the main structure and accessory 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 accessory structure on the real estate legally described as Lot 43 and the North 1/2 of Lot 44 in L.M. MANN'S FIRST ADDITION TO OAK PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3829 13<sup>th</sup> St., have previously been declared public nuisances;

The City Legal Department, through special counsel Ahlers & Cooney, P.C., 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:



Kristine Stone, Special Counsel  
Ahlers & Cooney, P.C.

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

27A



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

**DATE OF NOTICE:** December 10, 2020

**DATE OF INSPECTION:**

September 14, 2020

**CASE NUMBER:** COD2020-04153

**PROPERTY ADDRESS:** 3829 13TH ST

**LEGAL DESCRIPTION:** LT 43 & N 1/2 LT 44 L M MANNS 1ST ADD TO OAK PARK

THERESA MILLER A/K/A THERESA EDDINGER  
Title Holder  
2980 NE 52ND CT  
DES MOINES IA 50317

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: 12/10/2020

MAILED BY: JDH

**Areas that need attention:** 3829 13TH ST

<b>Component:</b>	See Comments	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Permit Required	<b>Location:</b>	Main Structure Throughout
<b>Comments:</b>	If you intend to tear the structure down a Demo permit is required.		
<b>Component:</b>	Electrical System	<b>Defect:</b>	Disconnected Utility
<b>Requirement:</b>	Electrical Permit	<b>Location:</b>	Water/Gas/Electric Main Structure Throughout
<b>Comments:</b>	Hire licensed electrical contractor to verify safety of electrical system and correct any violations that may exist. Electrical permit required.		
<b>Component:</b>	Mechanical System	<b>Defect:</b>	Disconnected Utility
<b>Requirement:</b>	Mechanical Permit	<b>Location:</b>	Water/Gas/Electric Main Structure Throughout
<b>Comments:</b>	Gas service has been shut off need licensed mechanical contractor to verify safety of mechanical systems and correct any violations prior to service being restored. Permit required.		
<b>Component:</b>	Plumbing System	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Plumbing Permit	<b>Location:</b>	Main Structure Throughout
<b>Comments:</b>	Have plumbing system checked for any defects. All violations need to be corrected prior to utility being restored. Any repairs to the plumbing system will require a plumbing permit.		
<b>Component:</b>	Exterior Doors/Jams	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Main Structure Throughout
<b>Comments:</b>	Repair/replace any rotted, damaged or broken doors. Any repairs to the structure will require a building permit.		
<b>Component:</b>	Exterior Walls	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Main Structure Throughout
<b>Comments:</b>	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit.		
<b>Component:</b>	Interior Walls /Ceiling	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Main Structure Throughout
<b>Comments:</b>	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit.		
<b>Component:</b>	Windows/Window Frames	<b>Defect:</b>	Fire damaged
<b>Requirement:</b>	Building Permit	<b>Location:</b>	Main Structure Throughout
<b>Comments:</b>	Repair/replace any missing, rotted or damaged windows/window frames. Any repairs to the structure will require a building permit.		

<b><u>Component:</u></b>	Trusses	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	Main Structure Throughout
<b><u>Comments:</u></b>	Repair/replace any damaged trusses. Any repairs to the structure will require a building permit.		
<b><u>Component:</u></b>	Shingles Flashing	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Main Structure Throughout
<b><u>Comments:</u></b>	Replace any damaged roofing material. Per city code shingles limited to one layer. Any structural repairs will require a permit.		
<b><u>Component:</u></b>	Roof	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Accessory Building Throughout
<b><u>Comments:</u></b>	Replace any damaged roofing material. Per city code shingles limited to one layer. Any structural repairs will require a permit.		
<b><u>Component:</u></b>	Exterior Walls	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Accessory Building Throughout
<b><u>Comments:</u></b>	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit. Chipped/peeling paint. Scrape and paint to match.		
<b><u>Component:</u></b>	Soffit/Facia/Trim	<b><u>Defect:</u></b>	In poor repair
<b><u>Requirement:</u></b>	Compliance, International Property Maintenance Code	<b><u>Location:</u></b>	Accessory Building Throughout
<b><u>Comments:</u></b>	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit.		

# 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					
<b>Address</b>	3829 13TH ST				
<b>City</b>	DES MOINES	<b>Zip</b>	50313	<b>Jurisdiction</b>	Des Moines
<b>District/Parcel</b>	070/02677-001-000	<b>Geoparcel</b>	7924-22-358-005	<b>Status</b>	Active
<b>School</b>	Des Moines	<b>Nbhd/Pocket</b>	DM82/Z	<b>Tax Authority Group</b>	DEM-C-DEM-77131
<b>Submarket</b>	Northwest Des Moines	<b>Appraiser</b>	Patrick Zaines, ICA 515-286-3832		

## Map and Current Photos - 1 Record

Click on parcel to get a new listing

3832	13TH ST	3839	3838
3830		3833	3832
3828		3829	3828
3820		3821	3824
3820		3821	3820
3818		3817	3818

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

Photo Processed on 2013-08-23 a



## Historical Photos

## Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	MILLER, THERESA	2018-02-16	16821/393

## Legal Description and Mailing Address

LT 43 & N 1/2 LT 44 L M MANN'S 1ST ADD TO OAK PARK	THERESA EDDINGER 1502 3RD ST SW ALTOONA, IA 50009
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## Current Values

Type	Class	Kind	Land	Bldg	Total
2020 Value	Residential	Full	\$21,700	\$18,500	\$40,200

## Market Adjusted Cost Report

## Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N5	N5 Neighborhood District		Residential

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

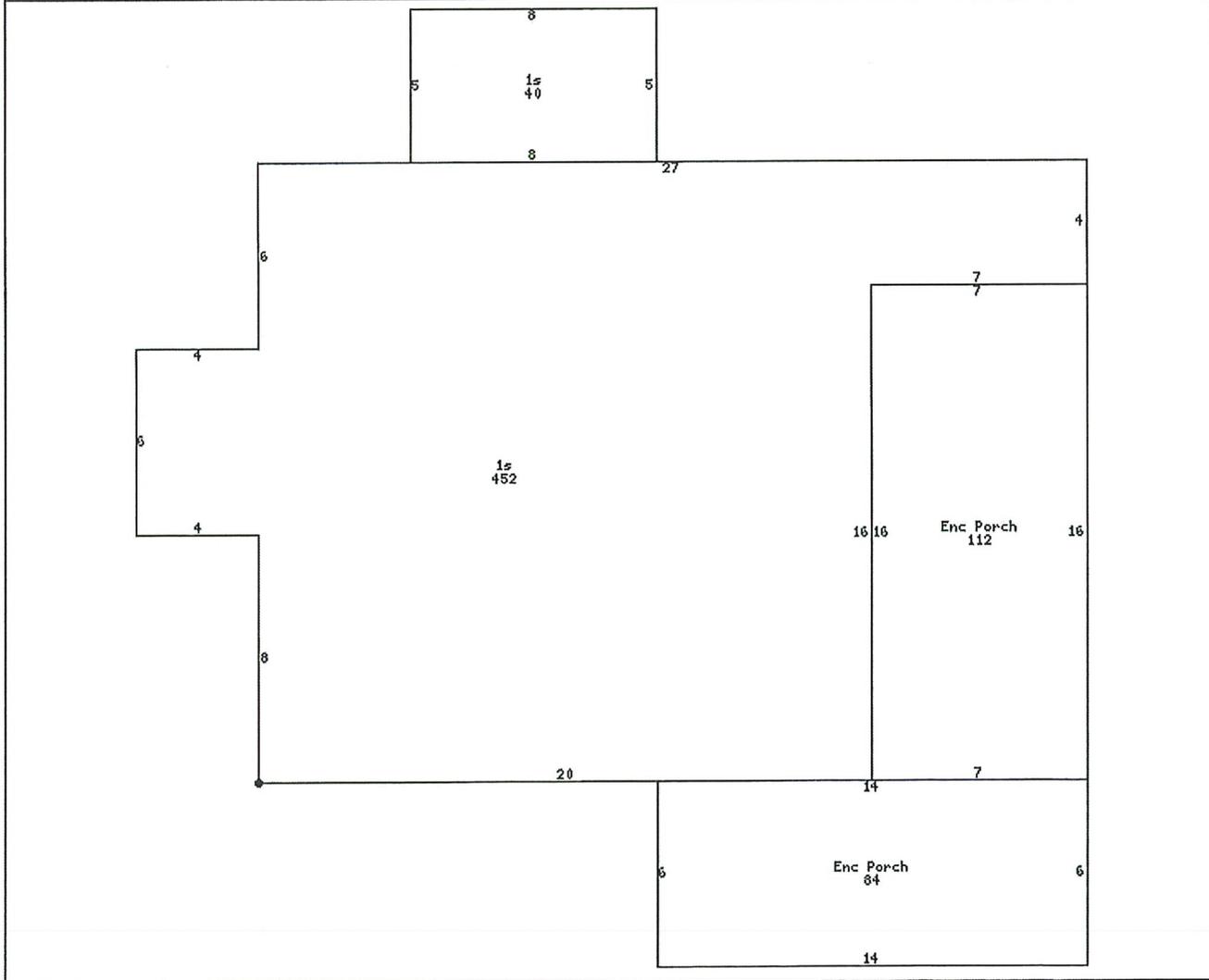
**Land**

<b>Square Feet</b>	9,900	<b>Acres</b>	0.227	<b>Frontage</b>	75.0
<b>Depth</b>	132.0	<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>	1 Story	<b>Building Style</b>	Bungalow
<b>Year Built</b>	1938	<b>Number Families</b>	1	<b>Grade</b>	5-05
<b>Condition</b>	Poor	<b>Total Square Foot Living Area</b>	492	<b>Main Living Area</b>	492
<b>Enclosed Porch Area</b>	196	<b>Foundation</b>	Brick	<b>Exterior Wall Type</b>	Wood Siding
<b>Roof Type</b>	Gable	<b>Roof Material</b>	Asphalt Shingle	<b>Heating</b>	Floor Wall
<b>Air Conditioning</b>	0	<b>Number Bathrooms</b>	1	<b>Bedrooms</b>	1
<b>Rooms</b>	3				



**Sales - 6 Records**

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
DR JAMES M HAMILTON IRA	MILLER, THERESA	<u>2018-02-14</u>	\$18,500	Deed	<u>16821/393</u>
GUARANTY BNK & TRST CO (TRUSTEE)	MANSER, JEREMY	<u>2011-03-23</u>	\$35,000	Contract	<u>13808/227</u>
IRA GUARANTY BNK & TRST CO (TRUSTEE)	WALKER, ROBERT E.	<u>2010-02-24</u>	\$37,000	Contract	<u>13372/271</u>
SRS INC	WINSTON, SHIRLEY	<u>2002-09-16</u>	\$32,000	Contract	<u>9339/123</u>
SRS INC	HALL-WILSON, MICHELLE	<u>2001-06-14</u>	\$40,300	Contract	<u>8874/325</u>
KRON, ROSE C	SRS, INC.	<u>2000-04-12</u>	\$20,000	Deed	<u>8469/517</u>

## Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
GUARANTY BANK & TRUST COMPANY (Trustee) DR JAMES M HAMILTON IRA	MILLER, THERESA	2018-02-12	2018-02-16	Trustee Warranty Deed	<u>16821/393</u>
MANSER, JEREMY	GUARANTY BANK & TRUST COMPANY (Trustee) DR JAMES M HAMILTON IRA	2017-01-30	2017-02-02	Forfeiture of Contract	<u>16364/156</u>

## Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<u>Assessment Roll</u>	Residential	Full	\$21,700	\$18,500	\$40,200
2017	<u>Assessment Roll</u>	Residential	Full	\$19,700	\$35,000	\$54,700
2015	<u>Assessment Roll</u>	Residential	Full	\$17,700	\$32,400	\$50,100
2013	<u>Assessment Roll</u>	Residential	Full	\$17,600	\$32,800	\$50,400
2011	<u>Assessment Roll</u>	Residential	Full	\$17,600	\$33,100	\$50,700
2009	<u>Assessment Roll</u>	Residential	Full	\$19,100	\$36,100	\$55,200
2007	<u>Assessment Roll</u>	Residential	Full	\$18,800	\$35,700	\$54,500
2005	<u>Assessment Roll</u>	Residential	Full	\$25,700	\$26,000	\$51,700
2003	<u>Assessment Roll</u>	Residential	Full	\$23,190	\$24,010	\$47,200
2001	<u>Assessment Roll</u>	Residential	Full	\$22,730	\$23,060	\$45,790
1999	Assessment Roll	Residential	Full	\$15,970	\$14,900	\$30,870
1997	Assessment Roll	Residential	Full	\$14,950	\$13,950	\$28,900

<b>Yr</b>	<b>Type</b>	<b>Class</b>	<b>Kind</b>	<b>Land</b>	<b>Bldg</b>	<b>Total</b>
1995	Board Action	Residential	Full	\$13,210	\$12,330	\$25,540
1995	Assessment Roll	Residential	Full	\$13,210	\$12,330	\$25,540
1993	Board Action	Residential	Full	\$11,430	\$10,670	\$22,100
1993	Assessment Roll	Residential	Full	\$11,430	\$13,320	\$24,750
1990	Assessment Roll	Residential	Full	\$11,430	\$10,670	\$22,100

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