



Roll Call Number

Agenda Item Number

43G

Date May 10, 2021

ABATEMENT OF PUBLIC NUISANCE AT 111 E. FULTON DR.

WHEREAS, the property located at 111 E. Fulton Dr., 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, Jacobo Juarez & Gregoria Juarez, were notified more than thirty days ago to repair or demolish the main 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 main structure on the real estate legally described as Lot 193 in CRAWFORD PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 111 E. Fulton Dr., has previously been declared a public nuisance;

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 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:

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

29B
436



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

DATE OF NOTICE: August 5, 2020

DATE OF INSPECTION: July 08, 2020

CASE NUMBER: COD2020-03183

PROPERTY ADDRESS: 111 E FULTON DR

LEGAL DESCRIPTION: LOT 193 CRAWFORD PLACE

GREGORIA JUAREZ & JACOBO JUAREZ
Title Holder
3820 BOWDOIN ST
DES MOINES IA 50313

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.

Neighborhood Inspection Division
(515) 283-4046

Nid Inspector

DATE MAILED: 8/5/2020

MAILED BY: TSY

Areas that need attention: 111 E FULTON DR

Component:	Roof	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	REPAIR OR REPLACE ALL FIRE DAMAGED ROOFING MATERIAL. ROOF MATERAIL MUST BE MATCHING. OBTAIN AND FINALIZE BUILDING PERMIT.		
Component:	Soffit/Facia/Trim	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	Main Structure Throughout
Comments:	REPLACE OR REPAIR ALL DAMAGED AND DETERIORATED SOFFIT/FACIA/TRIM PAINT TO MATCH		
Component:	Trusses	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	REPLACE OR REPAIR ALL DAMAGED TRUSSES. OBTAIN AND FINALIZE BUILDING PERMIT		
Component:	Wiring	Defect:	Fire damaged
Requirement:	Electrical Permit	Location:	Main Structure Throughout
Comments:	ALL DAMAGED WIRING WILL NEED TO BE REPLACED. OBTAIN AND FINALZE ELECTRICAL PERMIT		
Component:	Exterior Walls	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	REPLACE OR REPAIR ALL EXTERIOR WALL DAMAGED BY FIRE. OBTAIN AND FINALIZE BUILDING PERMIT.		
Component:	Interior Walls /Ceiling	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	Main Structure Throughout
Comments:	REPLACE OR REPAIR AND PAINT ALL INTERIOR WALLS DAMAGED BY SMOKE AND FIRE		
Component:	Windows/Window Frames	Defect:	Cracked/Broken
Requirement:	Compliance with Int Residential Code	Location:	Main Structure Throughout
Comments:	REPAIR OR REPLACE ALL DAMAGED AND BROKEN WINDOWS		
Component:	Smoke Detectors	Defect:	Water Damage
Requirement:	Compliance with International Fire Code & NFPA 13	Location:	Main Structure Throughout
Comments:	SMOKE DETECTORS NEED TO BE INSTALLED BY CODE		

<u>Component:</u>	Floor Joists/Beams	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	REPAIR OR REPLACE ALL DAMAGED FLOOR JOIST. OBTAIN AND FINALIZE BUILDING PERMIT		
<u>Component:</u>	See Comments	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Engineering Report	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	ROOF, TRUSSES, FLOOR JOIST, AND EXTERIOR WALLS WILL NEED AN ENGINEERS REPORT FROM EXTENSIVE FIRE DAMAGE. MUST FOLLOW RECOMMENDATIONS.		
<u>Component:</u>	See Comments	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Permit Required	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	IF OWNERS DEMO THE MAIN STRUCTURE A DEMO PERMIT WILL NEED TO BE OBTAIN AND FINALIZED		
<u>Component:</u>	Accessory Buildings	<u>Defect:</u>	
<u>Requirement:</u>		<u>Location:</u>	Garage
<u>Comments:</u>	The garage in its current condition does not constitute a public nuisance. However, if the primary structure is demolished and no primary structure is immediately built on the property, the garage must be demolished as well because it is an accessory use only pursuant to Des Moines Municipal Code Section 134-343.		
<u>Component:</u>	Electrical System	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Electrical Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	THE ELECTRICAL SYSTEM WILL NEED TO BE INSPECTED BY A LICENSED CONTRACTOR TO DEEM IT IS SAFE AND PROPERLY WORKING. ALL REPAIRS WILL NEED AN ELECTRICAL PERMIT OBTAIN AND FINALIZED. PROOF WILL BE REQUIRED		
<u>Component:</u>	Plumbing System	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Plumbing Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	THE PLUMBING SYSTEM WILL NEED TO BE INSPECTED BY A LICENSED CONTRACTOR TO DEEM IT IS SAFE AND PROPERLY WORKING. ALL REPAIRS WILL NEED A PLUMBING PERMIT OBTAIN AND FINALIZE. PROOF WILL BE REQUIRED		
<u>Component:</u>	Mechanical System	<u>Defect:</u>	Fire damaged
<u>Requirement:</u>	Mechanical Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	THE MECHANICAL SYSTEM WILL NEED TO BE INSPECTED BY A LICENSED CONTRACTOR TO DEEM IT IS SAFE AND PROPERLY WORKING. ALL REPAIRS NEEDED WILL REQUIRE A MECHANICAL PERMIT OBTAIN AND FINALIZED. PROOF WILL BE REQUIRED		

29B
436

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

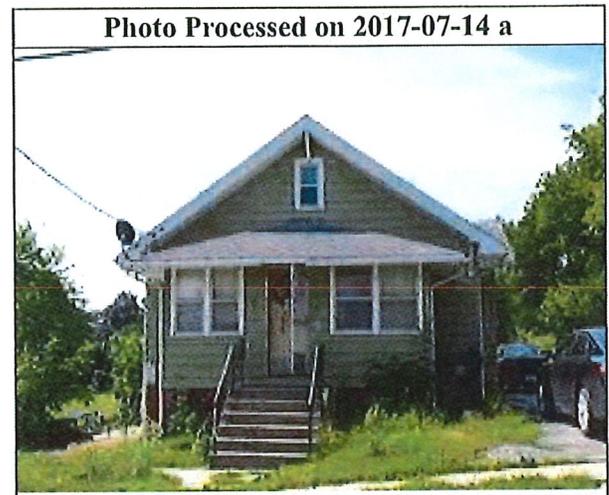
Location					
Address	111 E FULTON DR				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	010/01340-000-000	Geoparcels	7824-15-102-013	Status	Active
School	Des Moines	Nbhd/Pocket	DM26/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	South Des Moines	Appraiser	Andrew Rand 515-286-3368		

Map and Current Photos - 1 Record

Click on parcel to get a new listing

30 34 38 102 108 110 2008 202
E FULTON DR
29 33 37 101 107 111 115 119 2102
2112
38 104 110 114 124

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



Historical Photos

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	JUAREZ, JACOBO	2009-11-10	13271/520
Title Holder	2	JUAREZ, GREGORIA		

Legal Description and Mailing Address

LOT 193 CRAWFORD PLACE	JACOBO JUAREZ 111 E FULTON DR DES MOINES, IA 50315-1585
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Current Values

Type	Class	Kind	Land	Bldg	Total
2020 Value	Residential	Full	\$13,600	\$71,200	\$84,800

[Market Adjusted Cost Report](#)

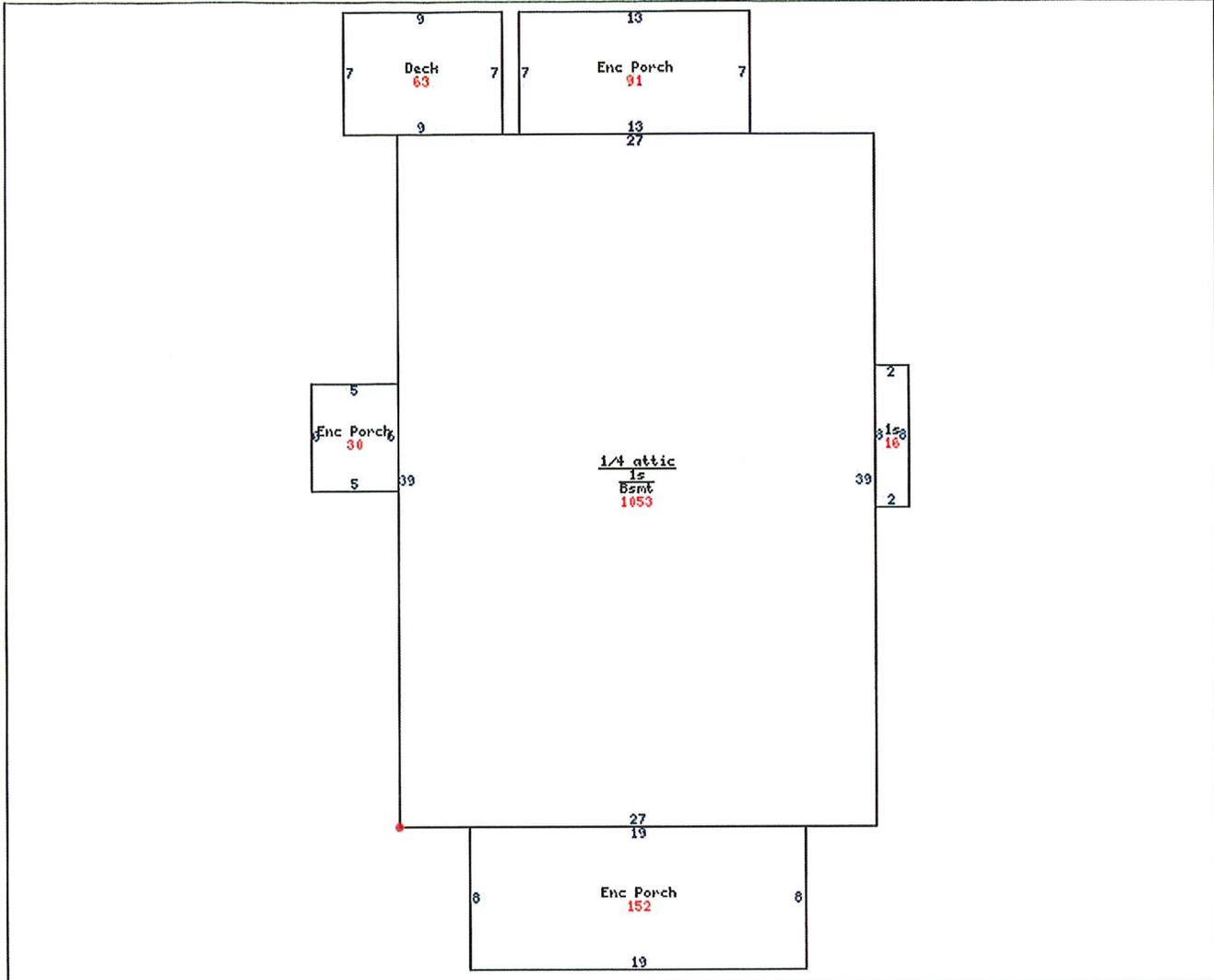
Zoning - 1 Record

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					
Square Feet	6,600	Acres	0.152	Frontage	50.0
Depth	132.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Conversion	Residence Type	1 Story Finished Attic	Building Style	Bungalow
Year Built	1922	Number Families	2	Grade	4-05
Condition	Normal	% Complete Improvement	50	Total Square Foot Living Area	1332
Main Living Area	1069	Attic Finished Area	263	Basement Area	1053
Finished Basement Area 1	500	Finished Basement Quality 1	Low	Total Basement Finish	500
Enclosed Porch Area	273	Deck Area	63	Foundation	Brick
Exterior Wall Type	Metal Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	2
Number Extra Fixtures	1	Bedrooms	3	Rooms	5

29
436



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	12	Measure 2	20	Story Height	1
Grade	4	Year Built	1950	Condition	Normal

Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
MADONIA, PROVIDENZA, ESTATE	JUAREZ, JACOBO	2009-11-04	\$95,000	Deed	13271/520 Multiple Parcels

Permits - 2 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	Partial	2020-09-08	Alterations	REMODEL
Current	Pickup	Cancel	2020-08-18	Correct Data	CONDITION

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	Assessment Roll	Residential	Full	\$13,600	\$71,200	\$84,800
2017	Assessment Roll	Residential	Full	\$12,200	\$64,600	\$76,800

Yr	Type	Class	Kind	Land	Bldg	Total
2015	Assessment Roll	Residential	Full	\$11,100	\$59,400	\$70,500
2013	Assessment Roll	Residential	Full	\$11,000	\$59,700	\$70,700
2011	Assessment Roll	Residential	Full	\$11,000	\$59,100	\$70,100
2009	Assessment Roll	Residential	Full	\$11,700	\$67,300	\$79,000
2007	Assessment Roll	Residential	Full	\$11,700	\$73,700	\$85,400
2005	Assessment Roll	Residential	Full	\$11,000	\$65,800	\$76,800
2003	Assessment Roll	Residential	Full	\$10,300	\$61,940	\$72,240
2001	Assessment Roll	Residential	Full	\$8,060	\$53,610	\$61,670
1999	Assessment Roll	Residential	Full	\$8,390	\$44,180	\$52,570
1997	Assessment Roll	Residential	Full	\$7,470	\$39,340	\$46,810
1995	Assessment Roll	Residential	Full	\$6,790	\$33,510	\$40,300
1993	Assessment Roll	Residential	Full	\$6,350	\$30,460	\$36,810
1991	Assessment Roll	Residential	Full	\$5,770	\$31,040	\$36,810
1991	Was Prior Year	Residential	Full	\$5,770	\$23,550	\$29,320

This template was last modified on Sun Jan 31 22:36:22 2021.

Case Activity Listing

29B

Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
COD2020-03183 111 E FULTON DR									
Complaint Received			7/8/20	None			CRS1	CRS1	
PN Supervisor Review	7/8/20	7/9/20	7/16/20	None	DONE	CEH	CEH	CEH	
PN Inspection Fee	7/8/20	7/13/20	7/14/20	None	DONE	TSY	TSY	TSY	7/8/2020 PLEASE BILL OUT FOR INSPECTION AND PICTURES
PN Structure Inspection	7/8/20	7/9/20	7/8/20	None	FAIL		CRS1	CRS1	7/8/2020 DID NOT MEET REQUIREMENTS
PN Monitor	7/8/20	8/12/20	9/4/20	None	DONE	CRS1	CRS1	CRS1	9-4-2020 no changes crs1
NID PN Notice			8/5/20	None	DONE	CRS1	TSY	TSY	
PN Monitor	9/4/20	10/9/20	10/14/20	None	DONE	CRS1	CRS1	CRS1	10-14-2020 permits pulled. walked inside house. plumber was there waiting for plumbing inspector for basement bathroom. fair amount of work being done. crs1
PN Monitor	10/14/20	11/18/20	12/3/20	None	DONE	CRS1	CRS1	CRS1	12-03-2020 walked property. no workers on site but progress is being made. crs1
PN Monitor	12/3/20	2/7/21	2/5/21	None	DONE	CRS1	CRS1	CRS1	2-5-2021 property has all permits obtained and progress is being made on structure. will ask ceh if he wants to do a renovation agreement. crs1
PN Monitor	2/5/21	3/12/21	3/19/21	None	DONE	CRS1	CRS1	CRS1	3-19-2021 Still looks like work is being performed to structure. tried to reach owner with phone number i have in records. left a voice message and no response. chris h and i are willing to offer a pn renovation agreement. will try to and reach out to owner again. crs1
PN Monitor	3/19/21	4/23/21		None		CRS1		CRS1	3-29-2021 cannot reach owner will move forward with pn crs1

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03/25/2021 08:31

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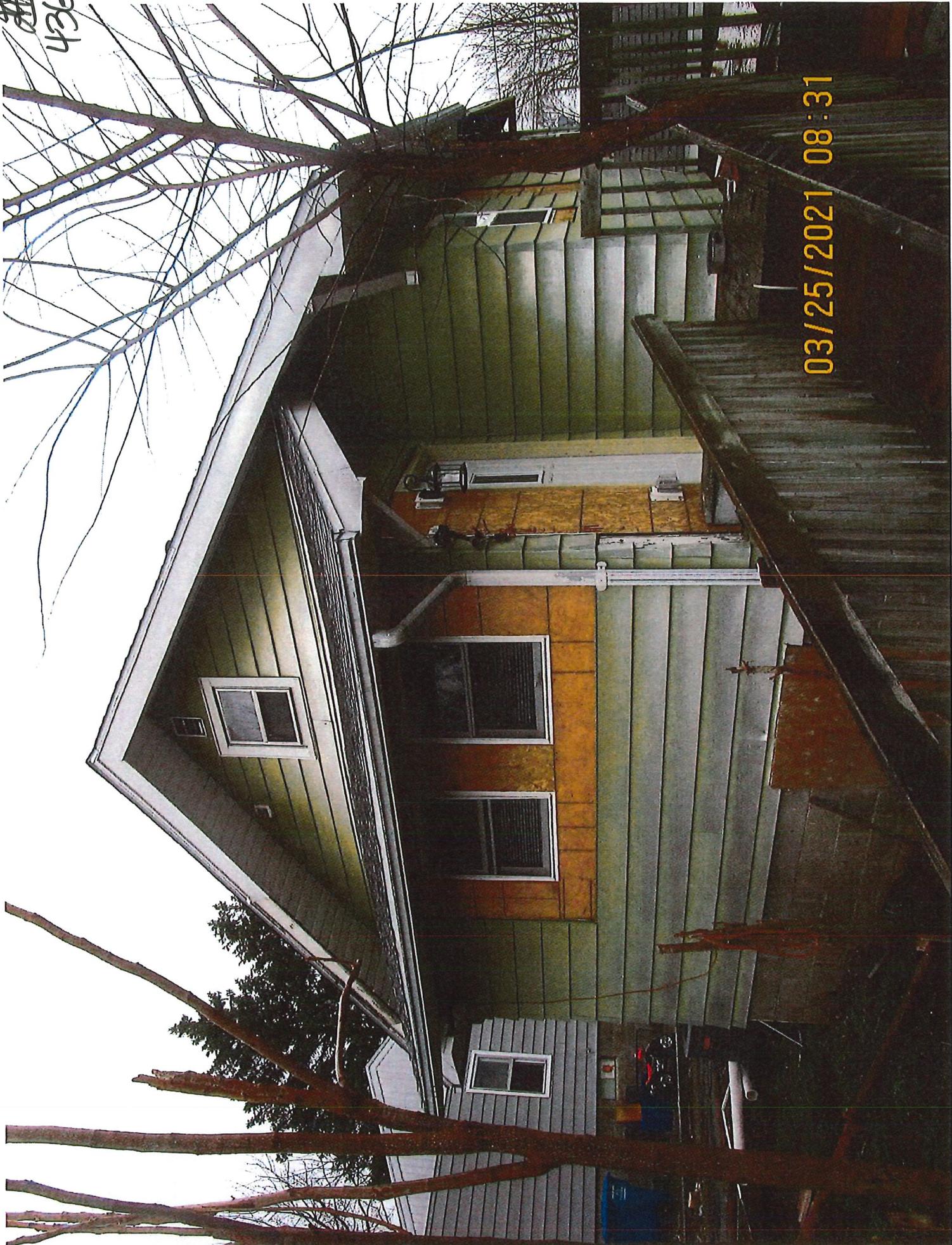
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