



Date August 9, 2021

ABATEMENT OF PUBLIC NUISANCE AT 1305 MCKINLEY AVE.

WHEREAS, the property located at 1305 McKinley Ave., 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 Titleholder, Austin G. Brien, was 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 17, Except the West 50 feet, in LAWN ARBOR ACRES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; AND The West 1/2 of Lot 16 in LAWN ARBOR ACRES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1305 McKinley Ave., 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

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



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

39A

DATE OF NOTICE: March 10, 2021

DATE OF INSPECTION: February 09, 2021

CASE NUMBER: COD2021-00390

PROPERTY ADDRESS: 1305 MCKINLEY AVE

LEGAL DESCRIPTION: W 1/2 LT 16 & -EX W 50F- LOT 17 LAWN ARBOR ACRES

AUSTIN G BRIEN
Title Holder
1305 MCKINLEY AVE
DES MOINES IA 50315

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.

Chad Sutherland

(515) 283-4181



Nid Inspector

DATE MAILED: 3/10/2021

MAILED BY: TSY

Component:	Exterior Doors/Jams	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	Main Structure Throughout
Comments:	REPAIR/REPLACE ALL EXTERIOR DOORS AND JAMS. ALL DOORS NEED TO BE IN GOOD WORKING ORDER.		
Component:	Floor Joists/Beams	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	REPAIR/REPLACE ANY FLOORING DAMAGED BY FIRE/SMOKE/WATER. IF FLOORING STRUCTURE IS COMPROMISED REPAIRS NEED TO BE DONE BY LICENSED CONTRACTOR. OBTAIN AND FINALIZE BUILDING PERMIT.		
Component:	Flooring	Defect:	Fire damaged
Requirement:	Compliance with Int Residential Code	Location:	Main Structure Throughout
Comments:	REPAIR/REPLACE ANY FLOORING DAMAGED BY FIRE/SMOKE/WATER. IF FLOORING STRUCTURE IS COMPROMISED REPAIRS NEED TO BE DONE BY LICENSED CONTRACTOR. OBTAIN AND FINALIZE BUILDING PERMIT.		
Component:	Furnace	Defect:	Unknown
Requirement:	Compliance, Uniform Mechanics Code	Location:	Main Structure Throughout
Comments:	FURNACE WILL NEED TO BE TESTED WITH LICENSED MECHANICAL CONTRACTOR. SHOW PROOF OF ACTIVITY WITH RECEIPT.		
Component:	See Comments	Defect:	See Comments
Requirement:	Compliance with Int Residential Code	Location:	Garage
Comments:	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.		
Component:	Smoke Detectors	Defect:	Missing
Requirement:	Compliance with Int Residential Code	Location:	Main Structure Throughout
Comments:	STRUCTURE WILL NEED OPERATING SMOKE DETECTORS IN COMPLIANCE WITH RESIDENTIAL CODE,.		
Component:	Trusses	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	REPAIR/REPLACE ALL TRUSSES DAMAGED BY FIRE/SMOKE/WATER. WORK MUST BE DONE BY LICENSED CONTRACTOR.OBTAIN AND FINALIZE BUILDING PERMIT		
Component:	Stairs/Stoop	Defect:	Fire damaged
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	REPAIR/REPLACE ALL DAMAGED STAIRS/STOOPS		

Component: Utilities
Requirement: Complaine with Int Residential Code
Defect: See Comments
Location: Main Structure Throughout
Comments: ALL UTILITIES NEED TO BE CONNECTED TO STRUCTURE AND IN WORKING ORDER.

Component: Windows/Window Frames
Requirement: Complaine with Int Residential Code
Defect: Cracked/Broken
Location: Main Structure Throughout
Comments: REPAIR/REPLACE ALL WINDOWS AND FRAMES THAT ARE DAMAGED.

Component: Wiring
Requirement: Electrical Permit
Defect: Fire damaged
Location: Main Structure Throughout
Comments: REPAIR/REPLACE ALL ELECTRICAL COMPONENTS DAMAGED BY FIRE/SMOKE/WATER. WORK MUST BE DONE BY LICENSED ELECTRICAL CONTRATOR. OBTAIN AND FINALIZE ELECTRICAL PERMIT.

Case Activity Listing

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Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
COD2021-00390									
1305 MCKINLEY AVE									
Complaint Received PN Structure Inspection	2/9/21	2/9/21	2/10/21 2/9/21	None None	FAIL	CRS1	CRS1 CRS1	CRS1 CRS1	3-3-2021 MAIN STRUCTURE HAS MAJOR FIRE AND SMOKE DAMAGED. MULTIPLE WINDOWS MISSING. FLOORING AND WALLS HAVE HOLES AND MAJOR DEFECTS. ELECTRICAL SYSTEM IS COMPROMISED. PLUMBING SUPPLY LINE LEAKING. 1ST INSPECTION WAS ON 2/9/2021 FOR EXTERIOR AND WAITED FOR OWNER TO LET US IN FOR 2ND INSPECTOR FOR INTERIOR. CRS1 PN house fire.
PN Supervisor Review	3/3/21	3/4/21	3/5/21	None	DONE	CEH	CEH	CEH	
PN Monitor	3/3/21	4/7/21	4/9/21	None	DONE	CRS1	CRS1	CRS1	4-09-2021 walked property no changes seen. also have a junk and debris case open on property. crs1
PN Inspection Fee	3/3/21	3/8/21	3/8/21	None	DONE	TSY	TSY	TSY	3-3-2021 PLEASE BILL OUT FOR INSPECTION FEE AND PICTURES.
PN Posted			3/3/21	None		CRS1	CRS1	CRS1	
NID PN Notice			3/10/21	None	DONE	CRS1	TSY	TSY	
PN Monitor	4/9/21	6/14/21		None		CRS1		CRS1	
NID PN Notice			4/16/21	None	DONE	CRS1	TSY	TSY	added the mortgage company's. tsy
Send to Publish	4/27/21	4/28/21	4/29/21	None	DONE	TSY	TSY	TSY	sent to DSM for publication of the notices. Due to unable to get owner servied the paper work. tsy
Publication Recheck	5/1/21	5/8/21	4/29/21	None	DONE		TSY	TSY	publication of notice on May 1st, 2021. tsy

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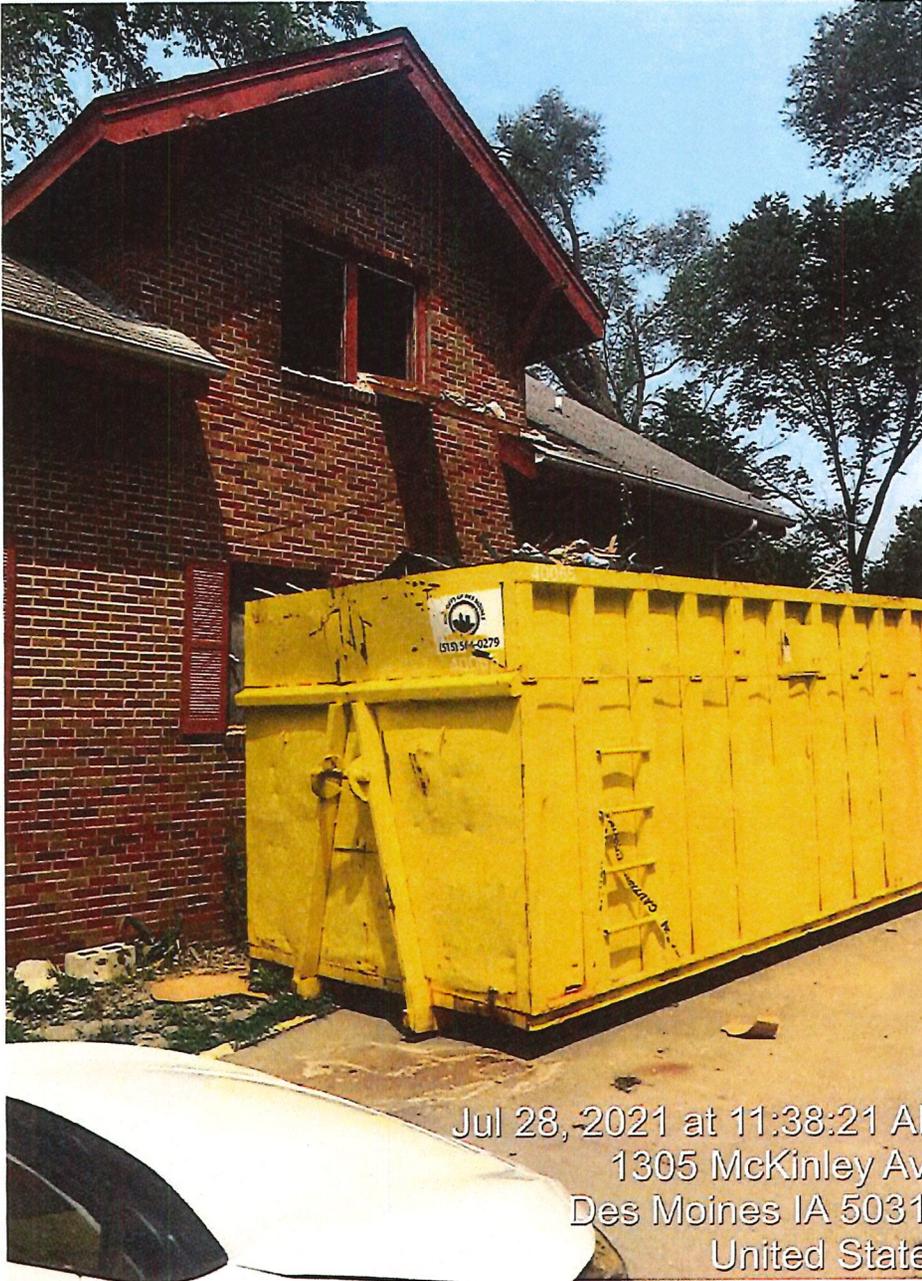


Jul 28, 2024 at 11:39:18 AM
1305 McKinley Av
Des Moines IA 50311
United State

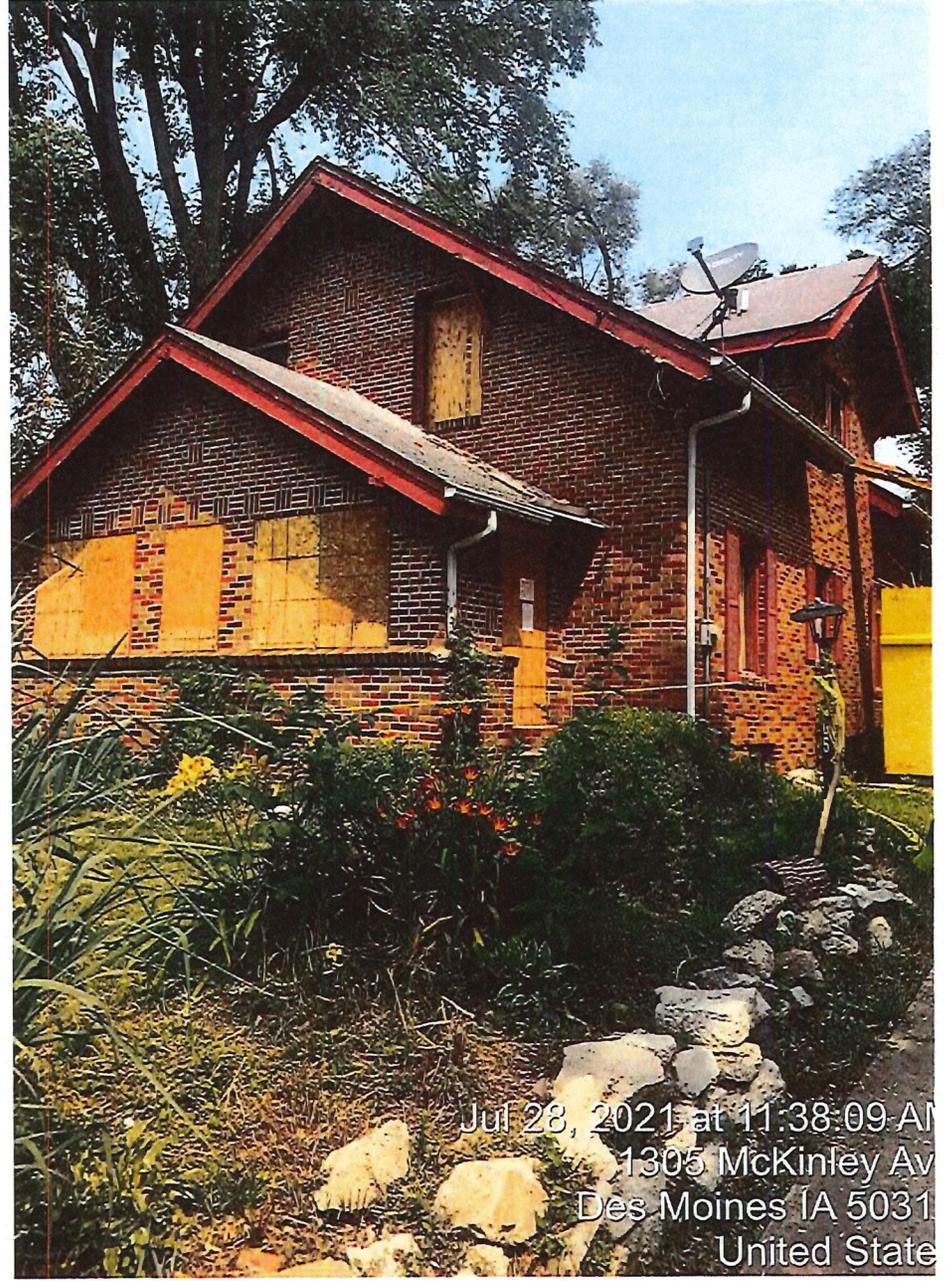


Jul 28, 2024 at 11:38:54 AM
1305 McKinley Av
Des Moines IA 50311
United State

39A



Jul 28, 2021 at 11:38:21 AM
1305 McKinley Av
Des Moines IA 5031
United State



Jul 28, 2021 at 11:38:09 AM
1305 McKinley Av
Des Moines IA 5031
United State

Polk County Assessor

111 Court Avenue #195
Des Moines, IA 50309-0904

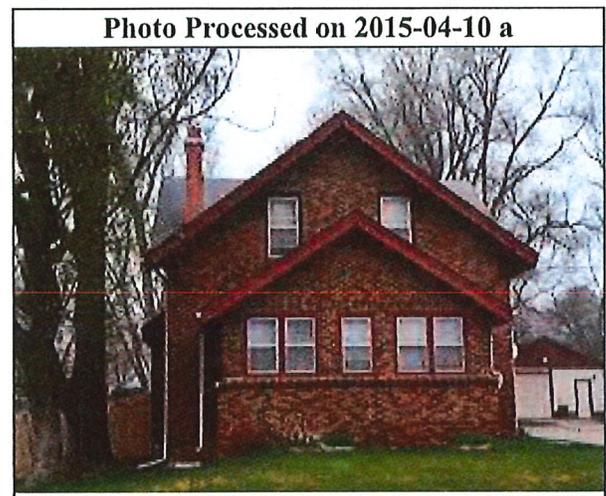
(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	1305 MCKINLEY AVE				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	120/02895-004-000	Geoparcels	7824-21-353-046	Status	Active
School	Des Moines	Nbhd/Pocket	DM35/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

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



[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	BRIEN, AUSTIN G	2011-03-14	13796/213

Legal Description and Mailing Address

W 1/2 LT 16 & -EX W 50F- LOT 17 LAWN ARBOR ACRES	AUSTIN G BRIEN 1305 MCKINLEY AVE DES MOINES, IA 50315-3832
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Current Values

Type	Class	Kind	Land	Bldg	Total
2021 Value	Residential	Full	\$31,900	\$130,500	\$162,400

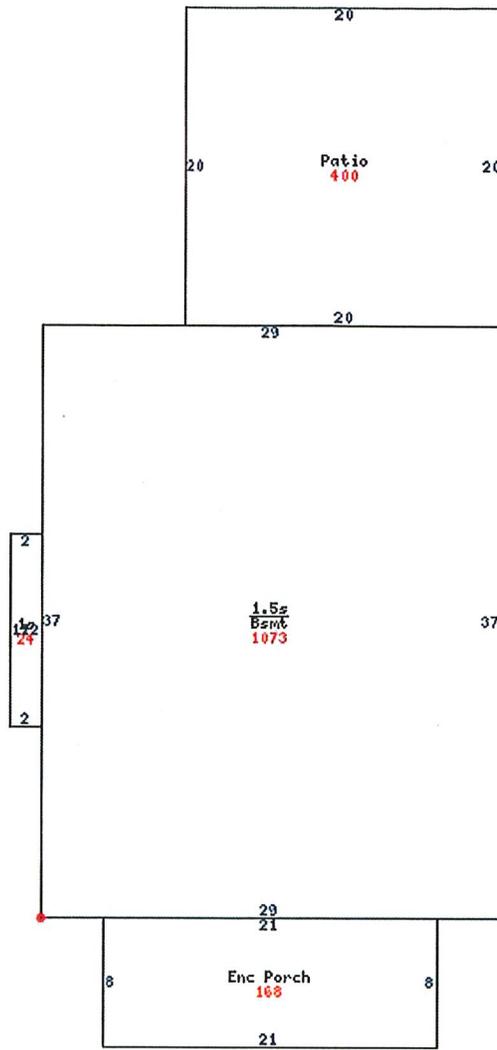
[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Auditor Adjustments to Value

Category	Name	Information
2020 Homestead Credit	BRIEN, AUSTIN G	Application #260304

Zoning - 1 Record

Zoning	Description			SF	Assessor Zoning
N5	N5 Neighborhood District				Residential
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	20,621	Acres	0.473	Frontage	119.2
Depth	173.0	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	1924	Number Families	1	Grade	3-10
Condition	Normal	Total Square Foot Living Area	1816	Main Living Area	1097
Upper Living Area	719	Basement Area	1073	Enclosed Porch Area	168
Patio Area	400	Foundation	Masonry	Exterior Wall Type	Brick
Brick%	100	Roof Type	Gable	Roof Material	Asphalt Shingle
Number Fireplaces	1	Heating	Gas Forced Air	Air Conditioning	100
Number Bathrooms	2	Number Toilet Rooms	1	Bedrooms	4
Rooms	8				



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	14	Measure 2	22	Story Height	1
Grade	4	Year Built	1963	Condition	Normal

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$31,900	\$130,500	\$162,400
2019	Assessment Roll	Residential	Full	\$29,900	\$120,900	\$150,800
2017	Assessment Roll	Residential	Full	\$26,100	\$108,600	\$134,700
2015	Assessment Roll	Residential	Full	\$24,200	\$101,300	\$125,500
2013	Assessment Roll	Residential	Full	\$23,200	\$98,300	\$121,500
2012	Assessment Roll	Residential	Full	\$23,200	\$105,100	\$128,300

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