



12

**Date** August 23, 2021

RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF  
PUBLIC WORKS SEWER REPAIR AT 905 23<sup>RD</sup> PLACE,  
SCHEDULE NO. 2021-03, ACTIVITY ID 20-1111-000,  
AND PROVIDING FOR THE PAYMENT THEREOF

WHEREAS, pursuant to its powers and duties as set out in Chapter 364, Code of Iowa, the City had given notice to the property owner and an opportunity to cure, and where the property owner failed to cure and instead requested the City complete the abatement action, and where the City performed the required action to abate the public nuisance, and now the City seeks, as provided in 364.12, Code of Iowa, to assess the costs of such action against the property set out on the attached Public Works Sewer Repair, Schedule No. 2021-03, Activity ID 20-1111-000, for collection in the same manner as a property tax.

NOW, THEREFORE BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached Public Works Sewer Repair, Schedule No. 2021-03, Activity ID 20-1111-000, is hereby approved and adopted with the amounts shown thereon assessed and levied against such property for collection in the same manner as a property tax.

BE IT FURTHER RESOLVED: That said assessment shall be payable in five equal annual installments and shall bear interest at the rate of 3.36% percent per annum, from the date of the acceptance of this assessment schedule; the one installment of each assessment with interest on the whole assessment from date of acceptance of this schedule by the Council, shall become due and payable on July 1, 2022, and shall be paid at the same time and in the same manner as the September semiannual payment of ordinary taxes. Said assessment shall be payable at the office of the County Treasurer of Polk County, Iowa, in full or in part and without interest within thirty days after first date of publication of the Notice to Property Owners of filing of the schedule of assessments.

BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to certify said schedule to the County Treasurer of Polk County, Iowa, and to publish notice of said certification once each week for two consecutive weeks in the Des Moines Register, a newspaper printed wholly in the English language, published in Des Moines, Iowa, and of general circulation in Des Moines, Iowa, the first publication of said notice to be made within fifteen days from the date of the filing of said schedule with the County Treasurer, the City Engineer shall send by regular mail to all property owners whose property is subject to assessment a copy of said notice, said mailing to be on or before the date of the second publication of the notice, all as provided and directed by Code Section 384.60, Code of Iowa.



**Roll Call Number**

**Agenda Item Number**

12

**Date** August 23, 2021

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool  
Deputy City Attorney

SLN<sub>pw</sub>

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

**Special Assessment Schedule  
Acceptance and Levy:**

Type 40 (Sewer)  
Schedule No. 2021-03  
Activity ID 20-1111-000  
To Council  
Acceptance 8/23/2021

**Notice to Property Owners:**

Published 8/25/2021  
and 9/1/2021  
Mail 8/26/2021  
Rate of Interest 3.36%  
Last Date to Pay  
without Interest 9/24/2021  
Number of  
Payments 5  
Roll Call # 21-

CITY CLERK

**ASSESSMENT SCHEDULE NO 2021-03**

Public Works Sewer Repair ACT 526070 PW071001

PAGE 1  
DATE 8/16/2021

DESCRIPTION OF PROPERTY	GeoParcel Number	CERTIFICATE NUMBER	PROPERTY ADDRESS OWNERS NAME	DATE AND TYPE	COST	INCID	TO BE ASSESSED
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030/03525-000-000	7824-05-181-008	40-00018-00	905 23rd Pl T1 TOWNES, SANDRA	6/16/2021	\$ 10,560.00	\$ 100.00	\$ 10,660.00
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LOT 32 L M MANNS SUB  
DIVISION

905 23RD PL

DES MOINES, IA 50312-4808

TOTALS					\$ 10,560.00	\$ 100.00	\$ 10,660.00
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**NOTICE OF FILING OF THE SCHEDULE OF ASSESSMENTS  
AGAINST PROPERTIES FOR SEWER REPAIR  
SCHEDULE NO. 2021-03  
ACTIVITY ID 20-1111-000**

To: The Owners of the following described real estate situated in the City of Des Moines, Iowa:

LOCAL AND LEGAL DESCRIPTION

**030/03525-000-000                      905 23<sup>rd</sup> PL                      LOT 32 L M MANNS SUB DIVISION**

You are hereby notified that the schedule of assessments against said property for Activity ID 20-1111-000, (Public Works Sewer Repair) now being assessed on Schedule 2021-03, has been adopted and levied by the City Council of Des Moines, Iowa, and that said schedule of assessments has been certified to the County Treasurer of Polk County, Iowa.

Assessments exceeding \$100.00 are payable in five equal annual installments, with interest on the unpaid balance, all as provided in Sections 384.60 and 384.65, City Code of Iowa.

You are further notified that assessments may be paid in full or in part without interest at the office of the County Treasurer of Polk County, Iowa, at any time within thirty days after the date of the first publication of this Notice of the Filing of the Schedule of Assessments with the County Treasurer. Unless said assessments are paid in full within said thirty-day period, all unpaid assessments will draw annual interest at 3.36 percent (commencing on the date of the adoption of the assessment schedule) computed to the December 1st next following the due dates of the respective installments. Each installment will be delinquent after September 30th following its due date on July 1st of each year. Property owners may elect to pay any annual installment semiannually in advance.

All said properties have been assessed for the cost of abating each nuisance: the amount of each assessment having been set out in the Schedule of Assessments, which is now on file in the office of the County Treasurer of Polk County, Iowa. For further information you are referred to said schedule of assessments.

LAST DAY TO PAY ASSESSMENT IN FULL OR IN PART AT THE POLK COUNTY TREASURER'S OFFICE WITHOUT INTEREST IS SEPTEMBER 24, 2021.

IF YOU HAVE ANY QUESTIONS ON THIS ASSESSMENT, CALL 515-283-4231.

PUBLISHED IN THE DES MOINES REGISTER

8/25/2021 and 9/1/2021

\*\*\*\*\*

**NOTE: PLEASE MAIL THE ENCLOSED INSERT ALONG WITH YOUR PAYMENT TO:**  
POLK COUNTY TREASURER  
POLK COUNTY ADMINISTRATIVE OFFICE BUILDING  
111 COURT AVENUE  
DES MOINES, IOWA 50309-2298

**MAKE CHECK PAYABLE TO THE POLK COUNTY TREASURER.**

PLEASE DO NOT SEND PAYMENT TO CITY OF DES MOINES.

**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](mailto:polkweb@assess.co.polk.ia.us)

Location					
<b>Address</b>	905 23RD PL				
<b>City</b>	DES MOINES	<b>Zip</b>	50312	<b>Jurisdiction</b>	Des Moines
<b>District/Parcel</b>	030/03525-000-000	<b>Geoparcels</b>	7824-05-181-008	<b>Status</b>	<a href="#">Active</a>
<b>School</b>	Des Moines	<b>Nbhd/Pocket</b>	DM93/Z	<b>Tax Authority Group</b>	DEM-C-DEM-77131
<b>Submarket</b>	Northwest Des Moines	<b>Appraiser</b>	Andrew Rand 515-286-3368		

**Map and Current Photos - 1 Record**

Click on parcel to get a new listing	Photo Processed on 2014-04-04 a
<p><a href="#">Bigger Map</a> <a href="#">Polk County GIS</a> <a href="#">Google Map</a> <a href="#">Pictometry</a></p>	

[Historical Photos](#)**Ownership - 1 Record**

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	TOWNES, SANDRA	2009-10-23	<a href="#">13249/853</a>

**Legal Description and Mailing Address**

LOT 32 L M MANNS SUB DIVISION	SANDRA TOWNES 905 23RD PL DES MOINES, IA 50312-4808
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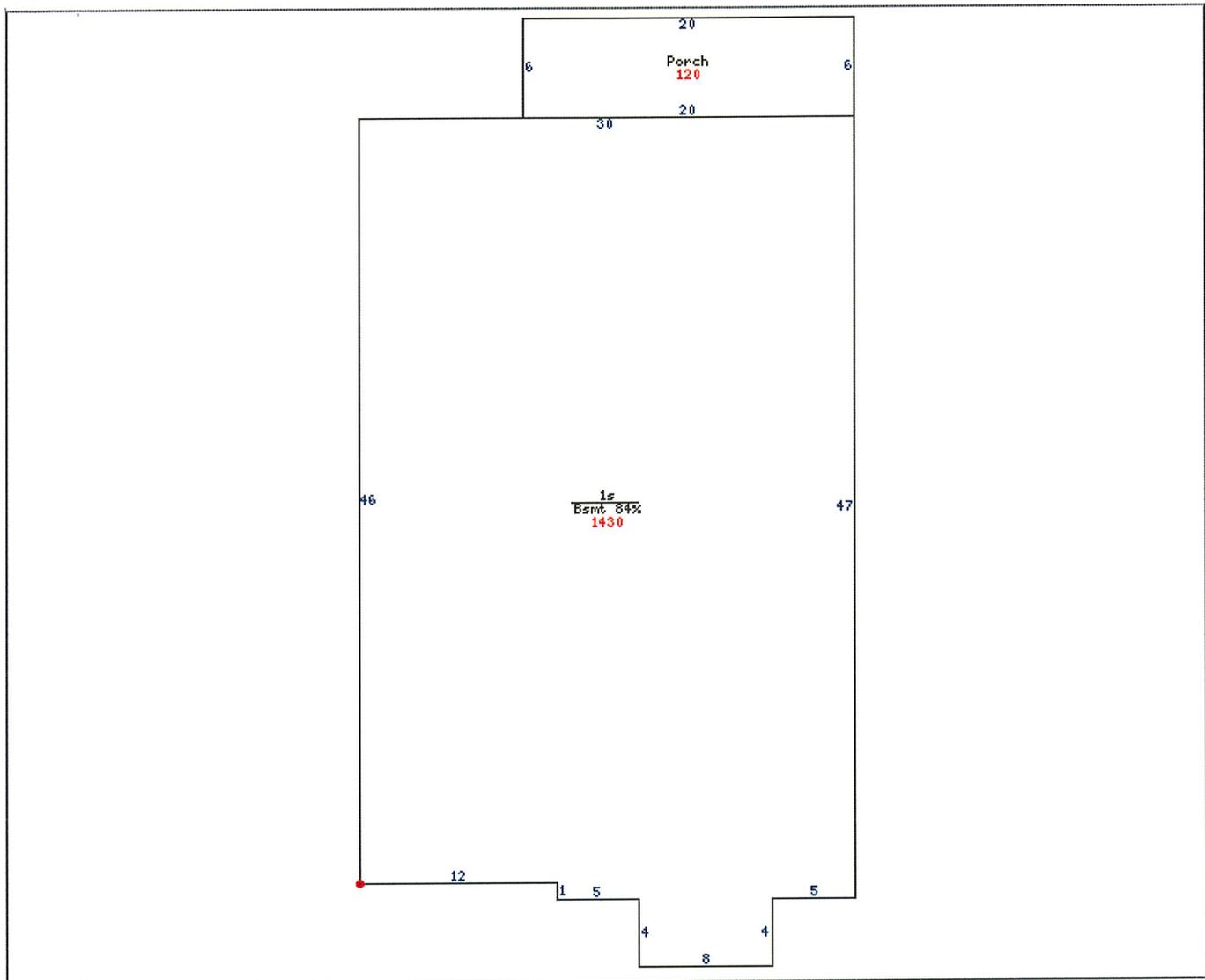
**Current Values**

Type	Class	Kind	Land	Bldg	Total
2021 Assessment Roll	Residential	Full	\$13,800	\$80,900	\$94,700
2020 Value	Residential	Full	\$12,300	\$72,800	\$85,100

[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)**Auditor Adjustments to Value**

Category	Name	Information
<a href="#">2020 Homestead Credit</a>	TOWNES, SANDRA	Application #248396

<b>Zoning - 1 Record</b>					
<b>Zoning</b>	<b>Description</b>			<b>SF</b>	<b>Assessor Zoning</b>
N5	N5 Neighborhood District				Residential
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
<b>Land</b>					
<b>Square Feet</b>	3,473	<b>Acres</b>	0.080	<b>Frontage</b>	38.0
<b>Depth</b>	90.0	<b>Topography</b>	Normal	<b>Shape</b>	Rectangle
<b>Vacancy</b>	No	<b>Unbuildable</b>	No		
<b>Residences - 1 Record</b>					
<b>Residence #1</b>					
<b>Occupancy</b>	Single Family	<b>Residence Type</b>	1 Story	<b>Building Style</b>	Bungalow
<b>Year Built</b>	1915	<b>Number Families</b>	1	<b>Grade</b>	5+10
<b>Condition</b>	Below Normal	<b>Total Square Foot Living Area</b>	1430	<b>Main Living Area</b>	1430
<b>Basement Area</b>	1201	<b>Finished Basement Area 1</b>	1200	<b>Finished Basement Quality 1</b>	Low
<b>Total Basement Finish</b>	1200	<b>Open Porch Area</b>	120	<b>Foundation</b>	Brick
<b>Exterior Wall Type</b>	Metal Siding	<b>Roof Type</b>	Gable	<b>Roof Material</b>	Asphalt Shingle
<b>Heating</b>	Gas Forced Air	<b>Air Conditioning</b>	0	<b>Number Bathrooms</b>	1
<b>Number Toilet Rooms</b>	1	<b>Bedrooms</b>	2	<b>Rooms</b>	5



### Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2019	<a href="#">Assessment Roll</a>	Residential	Full	\$12,300	\$72,800	\$85,100
2017	<a href="#">Assessment Roll</a>	Residential	Full	\$10,700	\$66,300	\$77,000
2015	<a href="#">Assessment Roll</a>	Residential	Full	\$10,100	\$64,200	\$74,300
2013	<a href="#">Assessment Roll</a>	Residential	Full	\$9,200	\$60,300	\$69,500
2011	<a href="#">Assessment Roll</a>	Residential	Full	\$9,200	\$61,300	\$70,500
2009	<a href="#">Assessment Roll</a>	Residential	Full	\$10,000	\$66,800	\$76,800
2007	<a href="#">Assessment Roll</a>	Residential	Full	\$9,700	\$65,100	\$74,800
2005	<a href="#">Assessment Roll</a>	Residential	Full	\$7,000	\$60,600	\$67,600
2003	<a href="#">Assessment Roll</a>	Residential	Full	\$6,140	\$52,770	\$58,910
2001	<a href="#">Assessment Roll</a>	Residential	Full	\$5,280	\$44,170	\$49,450
1999	Assessment Roll	Residential	Full	\$3,300	\$34,320	\$37,620
1997	Assessment Roll	Residential	Full	\$2,200	\$29,660	\$31,860
1995	Assessment Roll	Residential	Full	\$2,010	\$27,040	\$29,050
1991	Assessment Roll	Residential	Full	\$1,740	\$23,400	\$25,140
1991	Was Prior Year	Residential	Full	\$1,740	\$13,070	\$14,810

This template was last modified on Thu May 6 01:06:34 2021 .



10540 Hickman Rd  
Suite D Clive Iowa, 50325  
Office 515-471-3333



City Of Des Moines

216 SE 5<sup>th</sup> St, Des Moines Iowa 50309

Work add; 905 23<sup>rd</sup> PL

Des Moines Iowa, 50312

Des Moines Excavating proposes to re-tap main in street.

- Pull Permit
- Cut street, demo and haul away old
- Dig down to sewer main and haul away dirt
- Re-Tap main and replace bad section at tap with sch 40 PVC
- Haul in manufactured sand to backfill
- We will sub-contract City Of Des Moines to pour back concrete
- Stand Inspection

Included; all listed in scope above to re-tap

Not Included; anything not listed in scope above

Cost of project	\$10560.00
<u>Tax</u>	<u>\$739.20</u>
Total	\$11299.20

X \_\_\_\_\_

X  \_\_\_\_\_ Date 6/21

Brad Horsch

Date

#### TERMS AND CONDITIONS

Total Comfort Group/Zippy Drain ("TCG") proposes to furnish labor and materials necessary to complete the Work described in the Proposal in accordance with these Terms and Conditions. Changes to the Work and/or Material Quantity or Description may increase the Total Contract Price and delay the time of completion. No changes to the Proposal will be made, until the changes are agreed to in writing by TCG and Customer. Payment shall be made as follows: A deposit of 40% is required at time of order. Progress payments for material delivered and labor expended will be invoiced monthly. Invoice terms are NET 30. Interest of 1.5% per month will be charged on any amount that remains unpaid when due. The Customer agrees to pay all collection costs and expenses, including attorneys' fees and court costs, incurred by TCG as a result of the Customer failing to pay any amount when due. Without notice to Customer, TCG has the right, without prejudice to any other right or remedy, to suspend performance of any or all of his obligations under the contract if payments are not made when due. The Customer assumes the risk of, and shall be responsible for, any loss, damage, destruction, or theft of materials or equipment on site. If any such material or equipment is lost, damaged or destroyed by any cause, other than by the sole fault of TCG, the Customer shall promptly pay or reimburse TCG for the loss, damage, destruction or theft, in addition to any and all other sums due or to become due under the Proposal. The following items are excluded from the Proposal: Roof and wall penetration repair expenses; Concrete cutting, removal and repair expenses; Landscaping, sod and grass repair expenses; Boring expenses; Dumpster expenses; Surveying and Engineering expenses; Bond expenses; Utility expenses; Utility connection and design fees; Overtime and other expenses related to accelerated schedules; Expenses incurred for delays and additional work resulting from weather, acts of god, and changed, unforeseeable or hidden site, subsurface or physical conditions. All costs and expenses incurred by TCG as a result of these excluded items shall be billed to and paid by the Customer in addition to any and all other sums due or to become due under the Proposal. To the extent the provisions of the Proposal or these Terms and Conditions conflict with the provisions of any other agreement between TCG and Customer, the provisions of this Proposal and these Terms and Conditions shall prevail. The Proposal and these Terms and Conditions embody the entire agreement of the parties hereto and there are no promises, terms, conditions, or obligations other than those contained herein. The Proposal and these Terms and Conditions supersede all previous communications, representations or agreements, whether oral or written, between TCG and Customer. The Proposal and these Terms and Conditions may not be released, discharged, abandoned, changed, or modified in any manner except by a written instrument signed by each of the parties hereto that specifically states that it is intended as a modification or amendment of the Proposal and these Terms and Conditions. Failure or delay on the part of TCG or Customer to exercise any right, power or privilege shall not operate as a waiver of any right, power or privilege of this Agreement. **Mechanic's Lien Notice. Persons or companies furnishing**

labor or materials for the improvement of real property may enforce a lien upon the improved property if they are not paid for their contributions, even if the parties have no direct contractual relationship with the owner. The mechanics' notice and lien registry provides a listing of all persons or companies furnishing labor or materials who have posted a lien or who may post a lien upon the improved property. The mechanics' notice and lien registry website is <https://sos.iowa.gov/mnlr/index.aspx> and its toll-free telephone number is 1-888-767-8683. This Agreement shall be construed and interpreted in accordance with the law of the State of Iowa. ANY DISPUTES RELATING TO THIS SETTLEMENT AGREEMENT AND RELEASE SHALL BE SOLELY AND EXCLUSIVELY ADJUDICATED BY THE IOWA STATE COURT LOCATED IN DALLAS COUNTY, IOWA. EACH PARTY SHALL AND HEREBY DOES WAIVE THEIR RESPECTIVE RIGHTS TO TRIAL BY JURY IN ANY CAUSE OF ACTION, CLAIM, COUNTERCLAIM OR CROSS-COMPLAINT, PROCEEDING OR HEARING WHICH IS IN ANY WAY BASED UPON, OR RELATED TO, ANY MATTER WHATSOEVER ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THIS AGREEMENT, INCLUDING, BUT NOT LIMITED TO, THE RELATIONSHIP OF CREATED HEREIN, ANY CLAIM OF INJURY OR DAMAGE OR THE ENFORCEMENT OF ANY REMEDY UNDER ANY LAW NOW OR HEREAFTER IN EFFECT. THIS WAIVER IS KNOWINGLY, INTENTIONALLY AND VOLUNTARILY MADE BY BOTH PARTIES, AND BOTH PARTIES ACKNOWLEDGE THAT THEY HAVE BEEN REPRESENTED (OR HAVE HAD THE OPPORTUNITY TO BE REPRESENTED) BY INDEPENDENT LEGAL COUNSEL IN THE SIGNING OF THIS AGREEMENT AND IN THE MAKING OF THIS WAIVER.



# Estimate

1714 NE 61st PL  
Des Moines, IA 50313

Date
05/25/21

<b>Name/Address</b>
City of Des Moines
ATTN: Steve Johnson Jason Underwood

<b>Job Address</b>
905 23rd PL Des Moines, IA

Description	Quantity	Cost	Total
Replace sanitary sewer line from curb to main in street.	1	13,200.00	13,200.00
<b>Thank you for the opportunity</b>			<b>Total \$13,200.00</b>

### Please Read

Contractor is responsible for rough grading yard and ditches back after work has been completed. Contractor is not responsible for any seeding, sodding, landscaping, sinking of yard or any additional yard work that may occur. All private utilities are the owner's responsibility to have located.

DSM Excavating-Total Comfort  
 Group-Zippy Drain-Bee Line  
 10540 Hickman Rd Ste. D  
 Clive IA 50325  
 Phone: 515-471-3333

**INVOICE**

DATE	INVOICE #	AOUNT #
6/28/2021	0000021882	0007069

TO: [Redacted]

City Of Des Moines  
 216 SE 5th St  
 Des Moines IA 50309

FROM: [Redacted]

City Of Des Moines  
 905 23rd Pl  
 Des Moines IA 50312

PO NUMBER		DATE		SALES PERSON	
		COD			
QUANTITY	DESCRIPTION	PRICE/UNIT	AMOUNT		
1.00	Price to retap main in street. Price includes all necessary permits and inspections. Street repair sewer. Will need to cut out street and haul away. Dig down to sewer and haul away dirt. Replace line with sch. 40 PVC. Will need to haul in manufactured sand to backfill excavation of street. We will subcontract city of DSM to repour street. Price is to retap main only for service line of 905 23rd Pl. Job complete.	10,560.00	10,560.00		
<p>A Service Charge of 1.5% per month (18% APR), will be assessed on all accounts 30 days past due.            Thank You For Your Business!</p> <p style="font-size: 2em; font-family: cursive;"> <i>J. Smith</i>              6-30-21              PO# 21-010093           </p>					
<b>TOTAL</b>			<b>\$10,560.00</b>		



City of Des Moines  
 Finance Department  
 Procurement Division  
 400 Robert D Ray Dr  
 Des Moines, IA 50309-1891

Bus: 515-283-4228  
 Fax: 515-237-1668

# Purchase Order

Fiscal Year 2021

Page: 1 of: 1

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Finance Dept Accounts Payable  
 City of Des Moines  
 400 Robert D Ray Dr, 1st Floor  
 Des Moines, IA 50309  
 Bus 515-283-4040  
 Fax 515-237-1670  
 Tax Exempt # 42-6004514

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **21010093**

Delivery must be made within doors of specified destination.

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TOTAL COMFORT GROUP/ZIPPY DRAIN  
 10540 HICKMAN RD STE D  
 CLIVE, IA 50325

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Public Works Dept Sewer Div  
 City of Des Moines  
 216 SE 5th St  
 Des Moines, IA 50309

Vendor Phone Number		Vendor Fax Number		Requisition Number		Delivery Reference			
				21911200					
Date Ordered	Vendor Number	Date Required	Freight Method/Terms			Department/Location			
06/16/2021	45845		NET 30			Public Works			
Item#	Description/PartNo					QTY	UOM	Unit Price	Extended Price
1	repair of a sewer abatement at 905 23rd Pl. <b>PW247462 - 521020</b>  \$10,560.00  FOR REPAIR OF A PRIVATE SERVICE AT: 905 23RD PL DES MOINES, IA CONTACT PERSON: JASON UNDERWOOD CONTACT NUMBER: 515-237-1655 DES MOINES EXCAVATING					1.0	EACH	\$10,560.00	\$10,560.00

All shipments, shipping papers, Invoices, and correspondence must be identified with our Purchase Order Number. Overshipments will not be accepted unless authorized by city prior to shipment. Vendors shall comply with all federal, state, and local laws.

By: Jena Johnson  
 Jena A Johnson

**DEPARTMENT COPY**

	<b>PO Total</b>
	<b>\$10,560.00</b>



OFFICIAL NOTICE REGARDING COSTS OF PUBLIC NUISANCE

RE: 905 23<sup>rd</sup> Pl.  
Des Moines, IA 50312

VIA REGULAR AND CERTIFIED MAIL

TO: Sandra Townes:

Please be advised that the City of Des Moines' Department of Public Works has completed the public nuisance abatement work upon your property locally known as **905 23<sup>rd</sup> Pl.**, Des Moines, and legally described as **(LOT 32 L M MANN'S SUB DIVISION)**. Upon inspection, the Public Works Department determined that a public nuisance existed on your property adjacent to the City right-of-way by reason of a faulty sewer service, which created a hazardous condition in the public roadway which was undermining or would have undermined the street and sidewalk. Notice of this condition was given to you on the **14<sup>th</sup> day of April 2021**.

Due to your failure to abate the condition within the time set forth in said prior notice, the City has abated the nuisance by making the necessary sewer repairs within your property at the cost shown on the attached invoice. This invoice was the cost provided by the lowest responsive, responsible bidder, including any change orders.

You are hereby directed to make full payment of the enclosed invoice within **14** calendar days of the date of this Notice. Said payment can be made by certified check or money order made payable to the City of Des Moines and mailed to the following address: City of Des Moines, Attn: Jason Underwood, Public Works Department, 216 SE 5<sup>th</sup> St. Des Moines, IA 50390-4820. If you fail to make such payment within 14 calendar days of the date of this Notice, the City of Des Moines Public Works Department and City Council may assess the full cost against your property, which cost shall be certified as a lien against your property and collected in the same manner as a property tax, following administrative hearing if requested and in accordance with Iowa Code Section 364.12(3)(a) and (h) and Des Moines Municipal Code Chapter 42, Article VI.

If you have any questions about this notice, please contact our Operations Manager, Jason M. Underwood at (515) 283-4968.

You or your duly authorized agent, as identified in a notarized statement provided by you, may file a written request for an administrative hearing on costs of abatement only, as set forth in this notice. If you decide to make a request for an administrative hearing, you are required to either hand-deliver such request or send such request via regular mail (U.S. postal service) within seven (7) calendar days of the date of this letter to: City Clerk, City of Des Moines, Iowa, 400 Robert D. Ray Drive, Des Moines, Iowa 50309. Such request for administrative hearing must be in writing and must include your name, address, electronic mail (e-mail) address, and daytime telephone number, and must include the same contact information for any attorney and/or agent duly authorized by you to represent you at the administrative hearing, and must include the basis for contesting the determination. Failure to request a hearing within seven (7) calendar days from the date of this notice shall be deemed a waiver of your right to contest the validity of the determination of costs, and assessment of the abatement costs as shown on the attached invoice may proceed as indicated herein. For further information, please see Des Moines Municipal Code Section 42-358.02(b).

Dated this **13<sup>th</sup> day of July 2021**, at Des Moines, Iowa.

Jonathan Gano  
Public Works Director  
City of Des Moines, Iowa

BY: Jason Underwood

Digitally signed by Jason Underwood  
DN: cn=Jason Underwood, o=City of Des Moines, ou=Public Works Department, email=jason.underwood@dm.gov, c=US



## OFFICIAL NOTICE TO ABATE PUBLIC NUISANCE

RE: 905 23<sup>rd</sup> Pl.  
Des Moines, IA 50312-4808

VIA REGULAR AND CERTIFIED MAIL

TO: Sandra Townes:

Please be advised that the City of Des Moines' Department of Public Works has inspected your property locally known as **905 23<sup>rd</sup> Pl.**, Des Moines, Iowa, and legally described as **LOT 32 L M MANN'S SUB DIVISION**). Upon inspection, the Public Works Department has determined that a public nuisance exists on a property adjacent to the City right-of-way by reason of a faulty sewer service, which is creating a hazardous condition in the public roadway which is undermining or will undermine the street and sidewalk, pursuant to Des Moines Municipal Code Sections 42-347, "Nuisance Construed", and 42-348, "Specifically Identified Nuisances", subsection (16), which identifies as a nuisance "discharging sewage...into or any public or private real property."

You are hereby **ORDERED** to abate this nuisance by the repair of your sewer service within **14** days of the date of this Notice. If you fail to take this action within 14 days of the date of this Notice, as required by Des Moines Municipal Code Chapter 42, Article VI, you shall be deemed liable for the nuisance and the City of Des Moines Public Works Department may enter upon your property and may make or cause to be made the necessary sewer repairs within your property and assess the cost and repairs thereof to you and against your property, which expenses shall be certified as a lien against your property and collected in the same manner as a property tax, following administrative hearing if requested and in accordance with Iowa Code Section 364.12(3)(a) and (h) and Des Moines Municipal Code Chapter 42, Article VI. Any other violations of Chapter 42 Article VI found on the property at the time of a city cleanup will be removed without further notice.

If you have any questions about this Notice, please contact our Public Works Operations Manager, Jason Underwood at (515) 283-4968. Please contact the City's Permit and Development Center, located at City Armory Building, 602 Robert D. Ray Drive, Des Moines, Iowa 50309, or by phone at (515) 283-4200, prior to beginning work to abate the nuisance in order to determine if any permits are required for the corrective work.

You or your duly authorized agent, as identified in a notarized statement provided by you, may file a written request for an administrative hearing regarding this determination of a public nuisance. If you decide to make a request for an administrative hearing, you are required to either hand-deliver such request or send such request via regular mail (postmarked by official U.S. postal service cancellation and not by postage meter) within seven (7) calendar days of the date of this Notice to: City Clerk, City of Des Moines, Iowa, 400 Robert

D. Ray Drive, Des Moines, Iowa 50309. Such request for administrative hearing must be in writing and must include your name, address, electronic mail (e-mail) address, and daytime telephone number, and must include the same contact information for any attorney and/or agent duly authorized by you to represent you at the administrative hearing, and must include the basis for your appeal of the determination in this Notice. If you request an administrative hearing, you and your attorney or agent, if identified, will receive notice of the date and time of the hearing at either the address, e-mail address or phone number provided in your request for hearing at least three (3) business days in advance of the hearing. Failure to request a hearing within seven (7) calendar days from the date of this Notice shall be deemed a waiver of your right to contest the validity of the determination of nuisance, and abatement by the City may proceed as indicated herein. For further information, please see Des Moines Municipal Code Section 42-358.02.

Dated this 12th day of April 2021, at Des Moines, Iowa.

Jonathan Gano  
Public Works Director  
City of Des Moines, Iowa

BY: \_\_\_\_\_

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<i>City, State, ZIP+4</i> <b>DSM, IA 50312-4808</b>	

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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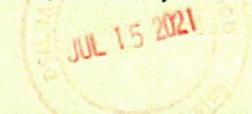
Sandra Townes  
905 - 23rd Place  
Des Moines, IA 50312

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*Sandra Townes*  Addressee

B. Received by (*Printed Name*) *Sandra Townes* C. Date of Delivery *7/15/21*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No



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