



Roll Call Number

Agenda Item Number

27B

Date November 15, 2021

ABATEMENT OF PUBLIC NUISANCES AT 2536 CAPITOL AVENUE

WHEREAS, the property located at 2536 Capitol Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure and garage structure in their present condition constitutes not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholder, Robert B. Smith, and the Contract Buyer, Estate of Gary D. Denniston, were notified more than thirty days ago to repair or demolish the main structure and garage structure and as of this date have failed to abate the nuisances.

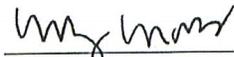
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure and garage structure on the real estate legally described as The East 2/3 of Lot 131 and the West 2/3 of Lot 133 in Block 1 in GRANT PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2536 Capitol Avenue, have previously been declared public nuisances;

The City Legal Department 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:



Megan Norberg, 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

Polk County Assessor

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

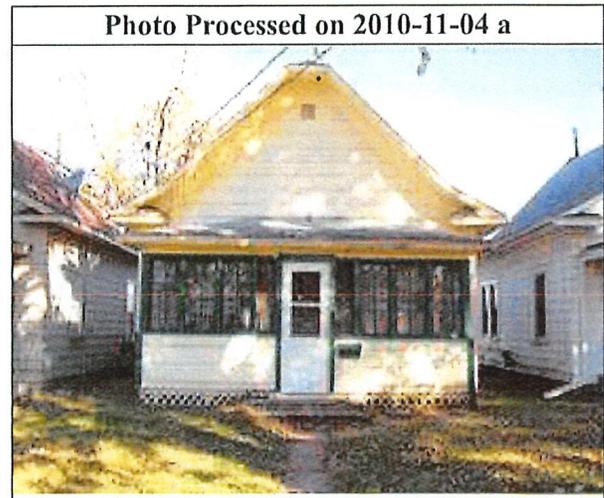
(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	2536 CAPITOL AVE				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	050/01788-000-000	Geoparcels	7824-01-180-022	Status	Active
School	Des Moines	Nbhd/Pocket	DM16/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northeast Des Moines	Appraiser	Braxton Peats 515-286-3839		

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 - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	SMITH, ROBERT B	1996-05-31	7412/880
Contract Buyer	1	DENNISTON, GARY D	2012-11-14	14529/36

Legal Description and Mailing Address

E 2/3 LOT 131 & W 2/3 LOT 133 BLK 1 GRANT PARK	ROBERT B SMITH 2406 LYON ST DES MOINES, IA 50317-6551
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Current Values

Type	Class	Kind	Land	Bldg	Total
2021 Value	Residential	Full	\$12,500	\$62,500	\$75,000

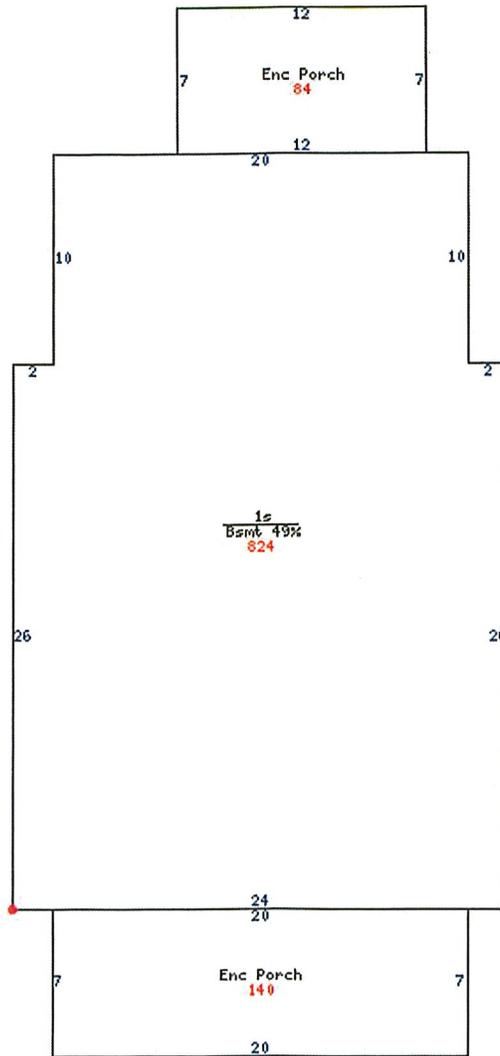
[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N3C	N3c Neighborhood District		Residential

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

Land					
Square Feet	4,462	Acres	0.102	Frontage	33.0
Depth	134.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story Unfinished Attic	Building Style	Conventional
Year Built	1905	Number Families	1	Grade	5+10
Condition	Below Normal	Total Square Foot Living Area	824	Main Living Area	824
Attic Floor and Stairs Area	288	Basement Area	404	Enclosed Porch Area	224
Foundation	Brick	Exterior Wall Type	Hardboard	Roof Type	Gable
Roof Material	Asphalt Shingle	Heating	Gas Forced Air	Air Conditioning	100
Number Bathrooms	1	Bedrooms	2	Rooms	4



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	24	Measure 2	24	Grade	4
Year Built	2011	Condition	Normal		

Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
SMITH, ROBERT B	DENNISTON, GARY D.	2012-11-09	\$43,500	Contract	14529/36
BURT-REEB	SMITH, ROBERT	1996-05-28	\$39,000	Deed	7412/880
HALL, BETTY A	QUAD RENTALS CORP	1992-07-02	\$12,000	Contract	6604/455

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
SMITH, ROBERT BOYD	DENNISTON, GARY D	2012-11-09	2012-11-14	Contract	14529/36

Permits - 10 Records

Year	Type	Permit Status	Application	Reason	Reason1
2015	Permit	Complete	2013-03-29	Construction	GARAGE (576 sf)
2015	Pickup	Complete	2013-02-19	Review Value	CHECK CONDITION
2014	Permit	Partial	2013-03-29	Construction	GARAGE (576 sf)
2014	Pickup	Pass	2013-02-19	Review Value	CHECK CONDITION
2014	Permit	Cancel	2011-11-17	Construction	GARAGE (576 sf)
2013	Pickup	Pass	2013-02-19	Review Value	CHECK CONDITION
2013	Permit	Partial	2011-11-17	Construction	GARAGE (576 sf)
2012	Permit	Partial	2011-11-17	Construction	GARAGE (576 sf)
2008	Permit	No Add	2007-10-02	Fix Damage	FOUNDATION
1999	Permit	Complete	1998-05-01	Construction	GARAGE (576 sf) (Cost \$9,815)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$12,500	\$62,500	\$75,000
2019	Assessment Roll	Residential	Full	\$11,000	\$54,400	\$65,400
2017	Assessment Roll	Residential	Full	\$9,400	\$47,800	\$57,200
2015	Assessment Roll	Residential	Full	\$8,800	\$44,800	\$53,600
2014	Assessment Roll	Residential	Full	\$8,800	\$43,300	\$52,100
2013	Assessment Roll	Residential	Full	\$8,800	\$40,800	\$49,600
2012	Assessment Roll	Residential	Full	\$10,000	\$60,000	\$70,000
2011	Assessment Roll	Residential	Full	\$10,000	\$64,200	\$74,200
2009	Assessment Roll	Residential	Full	\$10,900	\$67,400	\$78,300
2007	Assessment Roll	Residential	Full	\$10,800	\$66,500	\$77,300
2005	Assessment Roll	Residential	Full	\$7,800	\$50,300	\$58,100
2003	Assessment Roll	Residential	Full	\$7,530	\$48,480	\$56,010
2001	Assessment Roll	Residential	Full	\$5,750	\$35,790	\$41,540
1999	Assessment Roll	Residential	Full	\$5,010	\$33,960	\$38,970
1997	Assessment Roll	Residential	Full	\$4,540	\$23,590	\$28,130
1995	Assessment Roll	Residential	Full	\$3,950	\$20,540	\$24,490
1993	Assessment Roll	Residential	Full	\$3,500	\$18,210	\$21,710
1990	Board Action	Residential	Full	\$3,500	\$16,600	\$20,100
1990	Assessment Roll	Residential	Full	\$3,500	\$18,300	\$21,800

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

DATE OF NOTICE: May 4, 2021

DATE OF INSPECTION: October 16, 2020

CASE NUMBER: COD2020-04681

PROPERTY ADDRESS: 2536 CAPITOL AVE

LEGAL DESCRIPTION: E 2/3 LOT 131 & W 2/3 LOT 133 BLK 1 GRANT PARK

ROBERT B SMITH
Title Holder
2406 LYON ST
DES MOINES IA 50317

MICHELLE L MATHEWS
Administrator - ESTATE OF GARY D DENNISTON
12025 NE 56TH ST
ELKHART IA 50073

GARY D DENNISTON
Contract Buyer
DECEASED

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 COMPONETS 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: 5/4/2021

MAILED BY: JDH

Areas that need attention: 2536 CAPITOL AVE

Component:	Electrical System	Defect:	Disconnected Utility
Requirement:	Electrical Permit		Water/Gas/Electric
		Location:	Main Structure Throughout
Comments:	Hire licensed electrical contractor to verify safety of electrical system and correct any violations that may exist. Electrical permit required.		

Component:	Mechanical System	Defect:	Disconnected Utility
Requirement:	Mechanical Permit		Water/Gas/Electric
		Location:	Main Structure Throughout
Comments:	Hire licensed contractor to repair/replace damaged or rotted materials and verify safety and operation of mechanical systems.		

Component:	Plumbing System	Defect:	Disconnected Utility
Requirement:	Plumbing Permit		Water/Gas/Electric
		Location:	Main Structure Throughout
Comments:	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.		

Component:	Exterior Walls	Defect:	Deteriorated
Requirement:	Building Permit		
		Location:	Main Structure Throughout
Comments:	Repair/replace any rotted, damaged or broken boards. Repair/replace any broken, missing, damaged or rotted siding. Any repairs to the structure will require a building permit.		

Component:	Flooring	Defect:	Deteriorated
Requirement:	Compliance, International Property Maintenance Code		
		Location:	Main Structure Throughout
Comments:	Replace any damaged flooring material. Any structural repairs will require a permit.		

Component:	Windows/Window Frames	Defect:	Cracked/Broken
Requirement:	Building Permit		
		Location:	Main Structure Throughout
Comments:	Repair/replace any missing, rotted or damaged windows/window frames. Any repairs to the structure will require a building permit.		

Component:	Roof	Defect:	Deteriorated
Requirement:	Compliance, International Property Maintenance Code		
		Location:	Main Structure Throughout
Comments:	Replace any damaged roofing material. Per city code shingles limited to one layer. Any structural repairs will require a permit.		

Component:	See Comments	Defect:	In poor repair
Requirement:	Building Permit		
		Location:	Basement
Comments:	Other violations may exist inside the structure due to inspection being limited to main floor only at this time due to stairs being blocked by debris.		

<u>Component:</u>	Soffit/Facia/Trim	<u>Defect:</u>	In poor repair
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit.		
<u>Component:</u>	Soffit/Facia/Trim	<u>Defect:</u>	In poor repair
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Garage Throughout
<u>Comments:</u>	Repair/replace any rotted, damaged or broken boards. Any repairs to the structure will require a building permit.		
<u>Component:</u>	Exterior Walls	<u>Defect:</u>	In poor repair
<u>Requirement:</u>	Compliance, International Property Maintenance Code	<u>Location:</u>	Garage Throughout
<u>Comments:</u>	Repair/replace any broken, missing , damaged or rotted siding. Any repairs to the structure will require a building permit.		
<u>Component:</u>	Interior Walls /Ceiling	<u>Defect:</u>	Inadequate wall covering
<u>Requirement:</u>	Compliance, International Property Maintenance Code	<u>Location:</u>	Garage Throughout
<u>Comments:</u>	Repair/replace any broken, missing , damaged or rotted drywall/paneling/wall covering. Any repairs to the structure will require a building permit.		

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