



Roll Call Number

Agenda Item Number

36C

Date February 7, 2022

ABATEMENT OF PUBLIC NUISANCE AT 3939 RIVER OAKS DRIVE

WHEREAS, the property located at 3939 River Oaks Drive, 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, Iowa State Bank as Trustee for WB Freeman II Revocable Trust, and Mortgage Holder, Iowa State Bank, were notified more than thirty days ago to repair or demolish the main structure and as of this date have 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 2 and the West 50 feet of Lot 3 in RIVER WOODS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3939 River Oaks Drive, has previously been declared a public nuisance;

The City Legal Department 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:

Judy K Parks-Kruse
Judy K. Parks-Kruse, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
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

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City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

Case Number: NUIS-2021-000032	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 10/07/2021
	Date of Notice: 11/30/2021
Date of Inspection: 11/08/2021	

IOWA STATE BANK
ALEN GROSS, PRESIDENT
2301 NW 128TH ST
URBANDALE IA 50323

Address of Property: **3939 RIVER OAKS DR, DES MOINES IA 50312**
Parcel Number: **782407351041**
Legal Description: **W 50F LOT 3 & ALL LOT 2 RIVER WOODS**

Upon inspection of the property located at and locally known as the Address of Property shown above, located in Des Moines, Iowa, ("Property"), there was/were found to be violation(s) of the Municipal Code of the City of Des Moines, Iowa. It has been determined from that inspection that the dwelling currently constitutes a danger to health and safety to the public and is a public nuisance.

We are notifying you that you have the **time set out in this notice (below under "Compliance Due Date")** to abate the following violation(s) and complete the required remedial action.

VIOLATION(S)

Violation	Corrective Action	Compliance Due Date
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60-192(10) - Dangerous Structure or
Premise - Lack of Sufficient Construction

Vacate and secure the structure or premises, OR,
demolish the structure after obtaining required demolition permit, OR,
repair or replace insufficient construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause that is a threat to life or health.

12/18/2021

HAVE A LICENSED MECHANICAL CONTRACTOR INSPECT THE ENTIRE MECHANICAL SYSTEM AND PROVIDE A COPY OF THE FINDING. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE MECHANICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTRE. WORK MUST BE DONE BY A LICENSED MECHANICAL CONTRACTOR.

HAVE A LICENSED PLUMBING CONTRACTOR INSPECT THE ENTIRE PLUMBING SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE PLUMBING SYSTEM THROUGHOUT THE ENTIRE STRUCTRE. WORK MUST BE DONE BY A LICENSED PLUMBING CONTRACTOR.

HAVE A LICENSED ELECTRICAL CONTRACTOR INSPECT THE ENTIRE ELECTRICAL SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE ELEC TRICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTRE. WORK MUST BE DONE BY A LICENSED ELECTRICAL CONTRACTOR.

60-192(3) - Dangerous Structure or Premise
- Damaged

12/18/2021

Repair or replace any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

REPAIR AND REPLACE ANY AND ALL DAMAGED FLOORING THROUGHOUT THE STRUCTURE.

REPAIR OR REPLACE ALL DAMAGED OR MISSING DOORS AND OR JAMS AS NEEDED. OBTAIN FINAL ON PERMIT REQUIRED IF CHANGING OPENING SIZE

REPAIR OR REPLACE ALL DAMAGED OR MISSING WINDOWS AS NEEDED. PERMIT REQUIRED IF CHANGING OPENING SIZE.

OBTAIN FINAL ON PERMIT AND HAVE LICENSED CONTRACTOR REPAIR OR REPLACE DAMAGE DECKING, RAILING, JOIST, BEAMS, HANDRAIL, AND STAIRS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

OBTAIN FINAL ON PERMIT AND HAVE LICENSED CONTRACTOR PROPERLY REMEDIATE ALL MOLD. PROVIDE COPY OF INVOICE.

OBTAIN FINAL ON PERMIT AND HAVE LICENSED CONTRACTOR REPAIR OR REPLACE ALL DAMAGED WALL COMPONENTS, INCLUDING: FRAMING, SHEETING, AND COVERINGS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

HAVE LICENSED CONTRACTOR CHECK AND OBTAIN FINAL ON PERMIT REPLACE ALL DAMAGE AND DETERIORATED TRUSSES.

REPLACE ANY DAMAGED ROOFING MATERIAL. PER CITY CODE SHINGLES LIMITED TO ONE LAYER. ANY STRUCTURAL REPAIRS WILL REQUIRE A PERMIT

REPLACE ALL DAMAGED ROOFING COMPONENTS BY LICENSED CONTRACTOR.

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BUILDING PERMIT REQUIRED IF REPLACING SHEETING.

If not occupied, the structure is to remain vacant and unoccupied until occupancy is authorized by this office.

If the structure 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 may seek a court order directing you to vacate the structure, pursuant to Section 60-191 and 60-192 of the Municipal Code of the City of Des Moines, Iowa.

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. Should you have any 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 over a year, there may be zoning issues, which may affect the renovation plans. Please contact the Development Zoning Division at (515) 283-4207 to determine if there is anything you should be aware of.

If you decide to demolish the building or take the structure down, you will need a demolition permit.

If you cannot renovate or demolish the structure, contact me to discuss allowing the City to remove the structure. There will be costs billed out to you and possibly a judgment. It may be cheaper for you to remove the structure yourself.

If you no longer own this property, please let us know.

Unpaid costs may be collected by personal judgment, collection, or assessment to be collected as a property tax.

Should you have any questions, feel free to call. I can usually be reached between 8:00 a.m. and 9:00 a.m., Monday through Friday.

Thank you for your help,

Respectfully,



Scott Clauson
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
SAClauson@dmgov.org

top 3939 River Oaks Dr.



Network Jan 10, 2022 at 9:27:02 AM CST
Local Jan 10, 2022 at 9:27:02 AM CST
N 41° 34' 18.477" W 93° 40' 16.487"
3939 River Oaks Dr
Des Moines IA 50312
United States

HP 3939 River Oaks Dr

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Network: Jan 10, 2022 at 9:26:47 AM CST
Local: Jan 10, 2022 at 9:26:47 AM CST
N 41° 34' 18.155", W 93° 40' 16.325"
3939 River Oaks Dr
Des Moines IA 50312
United States



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	3939 RIVER OAKS DR				
City	DES MOINES	Zip	50312	Jurisdiction	Des Moines
District/Parcel	090/06151-000-000	Geoparcel	7824-07-351-041	Status	Active
School	Des Moines	Nbhd/Pocket	DM48/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Brett Tierney 515-286-3019		

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	IOWA STATE BANK (TRUSTEE)	2019-08-22	17462/289
Title Holder	2	WB FREEMAN II REVOCABLE TRUST	2019-08-22	17462/289

Legal Description and Mailing Address

W 50F LOT 3 & ALL LOT 2 RIVER WOODS	IOWA STATE BANK TRUST DEPT WB FREEMAN II REVOCABLE TRUST 2301 128TH ST URBANDALE, IA 50323-1818
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Current Values

Type	Class	Kind	Land	Bldg	Total
2021 Value	Residential	Full	\$100,600	\$348,700	\$449,300

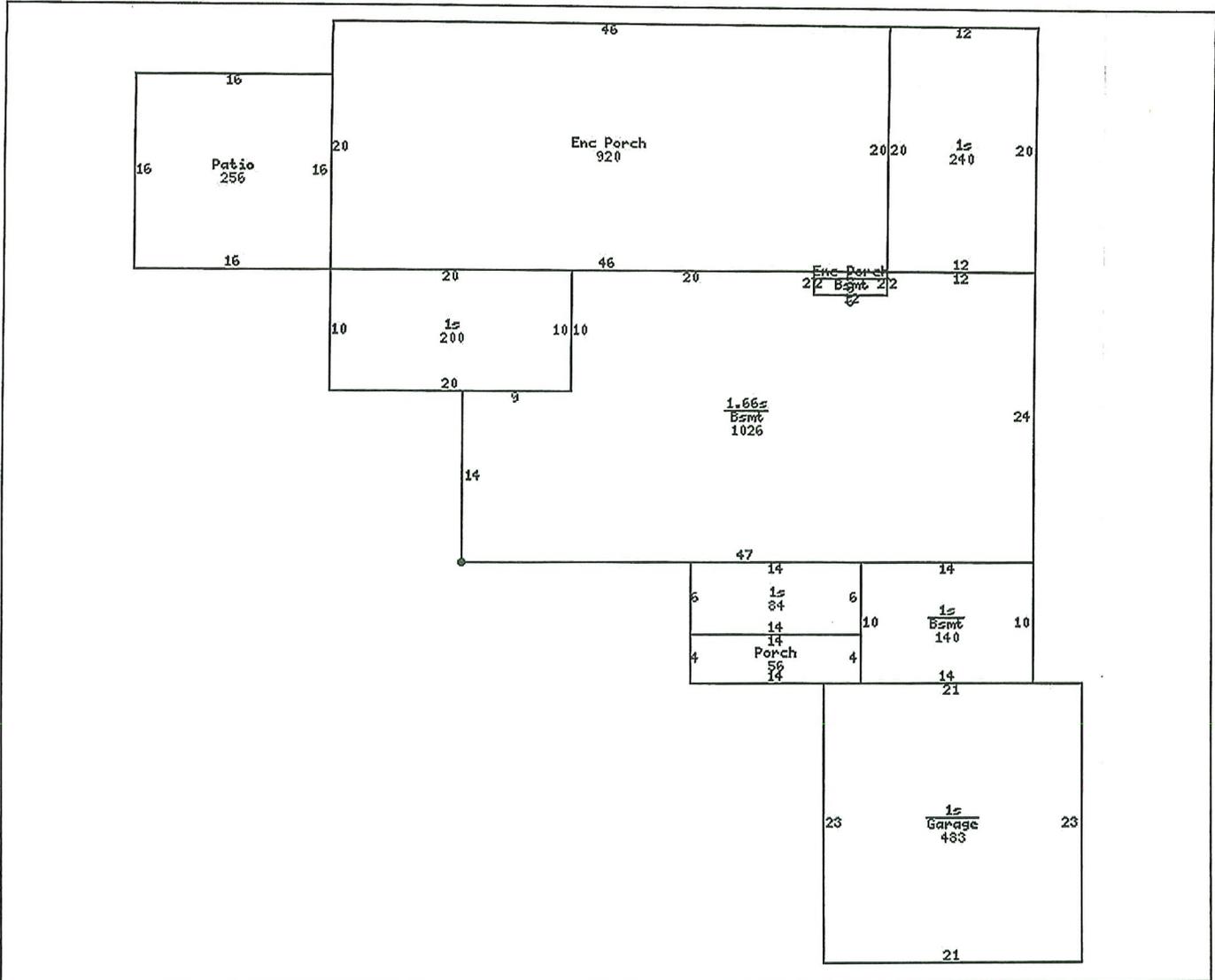
[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning

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Zoning	Description			SF	Assessor Zoning	
N3A	N3a Neighborhood District				Residential	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>						
Land						
Square Feet	21,838	Acres	0.501	Topography	Normal	
Shape	Rectangular	Vacancy	No	Unbuildable	No	
Residences - 1 Record						
Residence #1						
Occupancy	Single Family	Residence Type	1.5 Stories	Building Style	Conventional	
Year Built	1950	Year Remodel	2011	Number Families	1	
Grade	3-05	Condition	Very Good	Total Square Foot Living Area	2850	
Main Living Area	1690	Upper Living Area	1160	Attached Garage Square Foot	483	
Basement Area	1178	Finished Basement Area 1	400	Finished Basement Quality 1	Average Plus	
Total Basement Finish	400	Open Porch Area	56	Enclosed Porch Area	932	
Patio Area	256	Veneer Area	170	Foundation	Concrete Block	
Exterior Wall Type	Wood Siding	Roof Type	Gable	Roof Material	Asphalt Shingle	
Basement Garage Capacity	1	Heating	Gas Forced Air	Air Conditioning	100	
Number Bathrooms	3	Number Toilet Rooms	1	Number Extra Fixtures	2	
Bedrooms	4	Rooms	6			



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Swimming Pool Indoor/Res	Measurement Code	Square Feet	Measure 1	600
Grade	4	Year Built	1960	Condition	Normal
Comment	CONCRETE POOL LOCATED INSIDE ENCLOSED PORCH.				

Sales - 4 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
FREEMAN, BRIAN	FREEMAN, WILLIAM B	<u>2007-04-26</u>	\$176,500	Deed	<u>12174/506</u>
FEDERAL NATIONAL MORTGAGE ASSOCIATION	FREEMAN, BRIAN	<u>2004-11-10</u>	\$181,690	Deed	<u>10831/961</u>
CHILDS, RONALD L	FREEMAN, WILLIAM B	<u>1994-02-04</u>	\$175,000	Deed	<u>6962/72</u>
WALTERS, JOHN B	CHILDS, RONALD LEE	<u>1992-08-02</u>	\$145,000	Deed	<u>6611/660</u>

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
FREEMAN, WILLIAM B Also Known As FREEMAN II, WB	IOWA STATE BANK (Trustee) WB FREEMAN II REVOCABLE TRUST	2019-08-13	2019-08-22	Quit Claim Deed	<u>17462/289</u>

Permits - 6 Records

Year	Type	Permit Status	Application	Reason	Reason1
2012	Permit	Complete	2011-11-17	Addition	MISC
2012	Permit	Complete	2011-10-04	Addition	MISC
2012	Permit	Complete	2011-08-02	Alterations	BASEMENT FINISH
2012	Permit	Complete	2011-07-19	Fix Damage	FOUNDATION
2010	Permit	Complete	2009-07-13	Alterations	INTERIOR
2008	Permit	No Add	2007-06-25	Addition	FENCE

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<u>Assessment Roll</u>	Residential	Full	\$100,600	\$348,700	\$449,300
2019	<u>Assessment Roll</u>	Residential	Full	\$92,500	\$321,900	\$414,400
2017	<u>Assessment Roll</u>	Residential	Full	\$82,100	\$296,700	\$378,800
2015	<u>Assessment Roll</u>	Residential	Full	\$71,600	\$259,700	\$331,300
			Adj	\$71,600	\$140,800	\$212,400
2013	<u>Assessment Roll</u>	Residential	Full	\$68,500	\$252,600	\$321,100
			Adj	\$68,500	\$136,600	\$205,100
2012	<u>Assessment Roll</u>	Residential	Full	\$68,500	\$255,500	\$324,000
			Adj	\$68,500	\$136,600	\$205,100
2011	<u>Assessment Roll</u>	Residential	Full	\$68,600	\$180,400	\$249,000
2010	<u>Assessment Roll</u>	Residential	Full	\$70,600	\$183,800	\$254,400
2009	<u>Assessment Roll</u>	Residential	Full	\$70,600	\$136,600	\$207,200
2007	<u>Assessment Roll</u>	Residential	Full	\$70,500	\$220,400	\$290,900
2005	<u>Assessment Roll</u>	Residential	Full	\$63,600	\$185,800	\$249,400
2003	<u>Assessment Roll</u>	Residential	Full	\$54,610	\$162,370	\$216,980
2001	<u>Assessment Roll</u>	Residential	Full	\$51,780	\$143,150	\$194,930
1999	Assessment Roll	Residential	Full	\$65,340	\$114,870	\$180,210
1997	Assessment Roll	Residential	Full	\$62,050	\$109,090	\$171,140
1995	Assessment Roll	Residential	Full	\$54,450	\$116,690	\$171,140
1993	Assessment Roll	Residential	Full	\$47,170	\$99,830	\$147,000
1991	Assessment Roll	Residential	Full	\$33,860	\$113,140	\$147,000
1990	Assessment Roll	Residential	Full	\$33,860	\$106,140	\$140,000

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