



Roll Call Number

Agenda Item Number

29C

Date April 4, 2022

ABATEMENT OF PUBLIC NUISANCE AT 700 KIRKWOOD AVENUE

WHEREAS, the property located at 700 Kirkwood Avenue, 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, All Known and Unknown Heirs to Spencer Kehl Hotek, and Mortgage Holder, Mortgage Electronic Registration System, Inc., 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 574 in FIRST PLAT OF CLIFTON HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 700 Kirkwood Avenue, 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.
Second by _____

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

290



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

Case Number: NUIS-2021-000070	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 12/15/2021
	Date of Notice: 01/07/2022
Date of Inspection: 12/29/2021	

SPENCER HOTEK - DECEASED
700 KIRKWOOD AVE
DES MOINES IA 50315

Address of Property: 700 KIRKWOOD AVE, DES MOINES IA 50315
Parcel Number: 782416254015
Legal Description: LOT 574 1ST PLAT OF CLIFTON HGTS

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
60-191 - Vacation and Abatement	<p>MAIN STRUCTURE WITH GARAGE</p> <p>Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.</p> <p>SEVERE DAMAGE FROM TREE BRANCH FALLING</p>	02/18/2022
60-192(1) - Dangerous Structure or Premise - Door, Stairway, Exit	<p>MAIN STRUTURE</p> <p>Repair or replace any door, aisle, passageway, stairway, exit, or other means of egress that do not conform to the approved building or fire code.</p> <p>THE ENTRANCE DOOR TO THE BREEZEWAY IS SECURED SHUT IS INOPERABLE THIS IS A SAFETY CONCERN DUE TO IT BEING AN ENTRANCE TO OUTSIDE</p>	02/18/2022

60-192(1) - Dangerous Structure or Premise
- Door, Stairway, Exit

ATTACHED GARAGE, BREEZEWAY, SOUTH
PORCH

02/18/2022

Repair or replace any door, aisle,
passageway, stairway, exit, or other
means of egress that do not conform to
the approved building or fire code.

OVERHEAD DOOR AND ENTRY DOOR ARE
DAMAGED

60-192(10) - Dangerous Structure or
Premise - Lack of Sufficient Construction

MAIN STRUCTURE

02/18/2022

Vacate and secure the structure or premises, OR,
demolish the structure after obtaining the 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.

ALL PLUMBING NEEDS REVIEWED BY A LICENSED PLUMBER, WEST FLOOR JOIST IS DAMAGED AND NEED TO BE REPAIRED OR REPLACED, NOTCHED FLOOR JOIST NEEDS TO BE REPAIRED OR REPLACED, MAIN WATER LINE TO HOUSE INSIDE BASEMENT NEEDS TO BE REPAIRED, FLUE PIPE FOR WATER HEATER HAS NEGATIVE SLOPE AND NEEDS TO BE REVIEWED BY A LICENSED HVAC TECHNICIAN

LICENSED CONTRACTOR NEEDS TO REVIEW FOR REPAIRS OR REPLACING AND OBTAIN FINAL PERMIT

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 STRUCTURE. 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 STRUCTURE. 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 ELECTRICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED ELECTRICAL CONTRACTOR.

60-192(10) - Dangerous Structure or
Premise - Lack of Sufficient Construction

GARAGE, BREEZEWAY, SOUTH PORCH
Vacate and secure the structure or
premises, OR,
demolish the structure after obtaining the
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.

02/18/2022

WALLS, STRUCTURE, ROOFING, FLOOR,
LICENSED CONTRACTOR IS REQUIRED TO
OBTAIN FINAL PERMIT

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 STRUCTURE. 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 STRUCTURE.
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
ELECTRICAL SYSTEM THROUGHOUT THE
ENTIRE STRUCTURE. WORK MUST BE DONE
BY A LICENSED ELECTRICAL CONTRACTOR.

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

ATTACHED GARAGE, BREEZEWAY AND
PORCH

02/18/2022

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 OR REPLACE WALLS, FLOOR, ROOF BY LICENSED CONTRACTOR AND OBTAIN FINAL PERMIT

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

MAIN STRUCTURE

02/18/2022

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.

WEST SOFFIT NEEDS REPLACED OR REPAIRED REQUIRING REVIEW BY LICENSED CONTRACTOR AND OBTAIN FINAL ON PERMIT

60-192(4) - Dangerous Structure or Premise
- Insufficient Strength or Stability

MAIN STRUCTURE

02/18/2022

Repair or replace any portion of a building, or any member, appurtenance, or ornamentation on the exterior of the structure that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

WEST SOFFIT, ROOF FRAMING, GUTTERS

60-192(5) - Dangerous Structure or Premise - Dilapidated or Deteriorated	ATTACHED GARAGE, BREEZEWAY, FRAMED PORCH Repair or replace the building or structure, or part of a structure which is likely to partially or completely collapse because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way. WALLS, ROOF, CEILING	02/18/2022
60-192(6) - Dangerous Structure or Premise - Unsafe	MAIN STRUCTURE Vacate and secure any structure that is clearly unsafe for its use and occupancy, OR, demolish the structure after obtaining required permit, OR repair or replace the building or structure, or any portion thereof, that is clearly unsafe for its use and occupancy.	02/18/2022
60-192(6) - Dangerous Structure or Premise - Unsafe	ATTACHED GARAGE AND BREEZEWAY Vacate and secure any structure that is clearly unsafe for its use and occupancy, OR, demolish the structure after obtaining the required permit, OR repair or replace the building or structure, or any portion thereof, that is clearly unsafe for its use and occupancy.	02/18/2022
60-192(7) - Dangerous Structure or Premise - Attractive Nuisance, Harbor for Vagrants	MAIN STRUCTURE Vacate and secure the structure, OR, repair or replace the building or structure that is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. SOFFIT, FASCIA, ROOF FRAMING, GUTTERS	02/18/2022

60-192(7) - Dangerous Structure or Premise - Attractive Nuisance, Harbor for Vagrants	ATTACHED GARAGE WITH BREEZEWAY AND FRAMED PORCH Vacate and secure the structure, OR, repair or replace the building or structure that is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. DILAPIDATED WALLS, FLOORING, ROOFING, DAMAGED ELECTRICAL	02/18/2022
60-192(8) - Dangerous Structure or Premise - Substantial Risk	MAIN STRUCTURE Repair or replace any portion of the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure. WEST SOFFIT, GUTTERING, OBTAIN FINAL PERMIT BY LICENSED CONTRACTOR	02/18/2022
60-192(8) - Dangerous Structure or Premise - Substantial Risk	GARAGE, BREEZEWAY, SOUTH PORCH Repair or replace any portion of the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure. WALLS, ROOFING, FLOORING, STRUCTURE	02/18/2022

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.

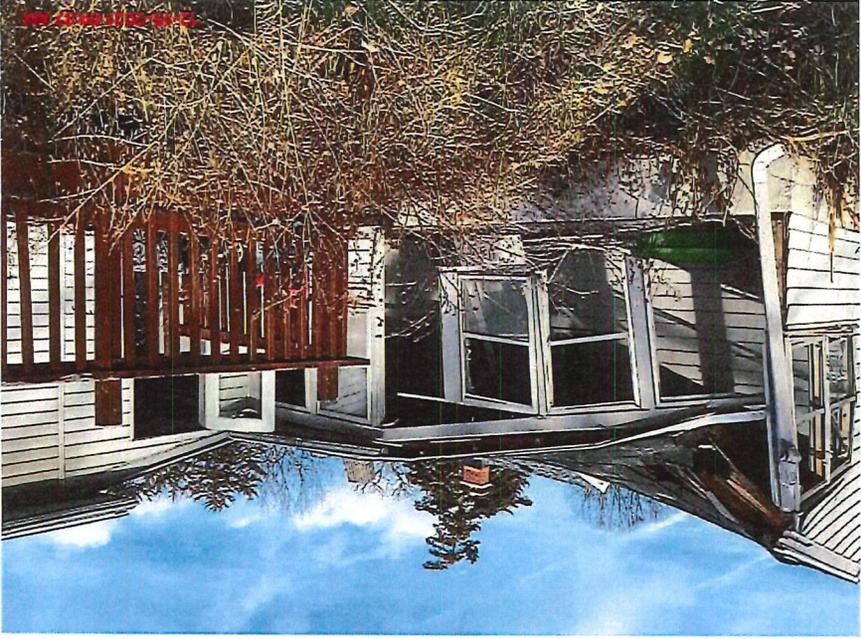
Should you have any questions, feel free to call. I can usually be reached between 8:00 a.m. and 9:00 a.m., Monday through Friday.

Thank you for your help,

Respectfully,



Keith Brincks
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4246
kmbrincks@dmgov.org

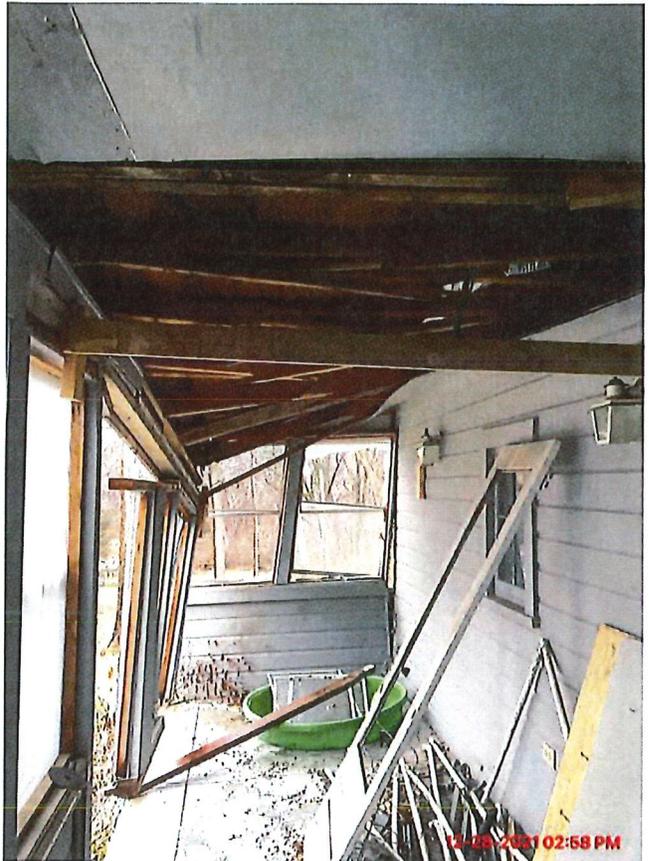


202

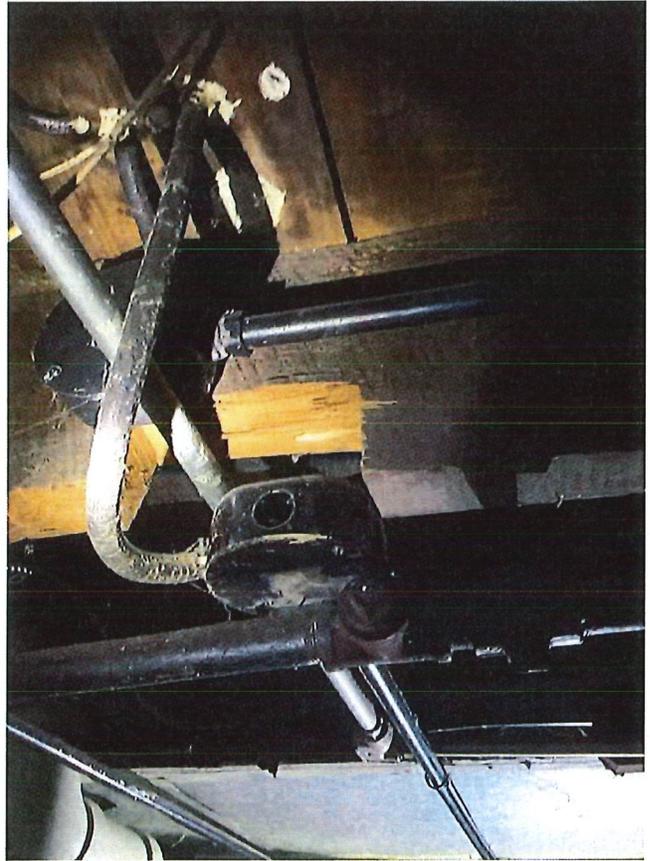
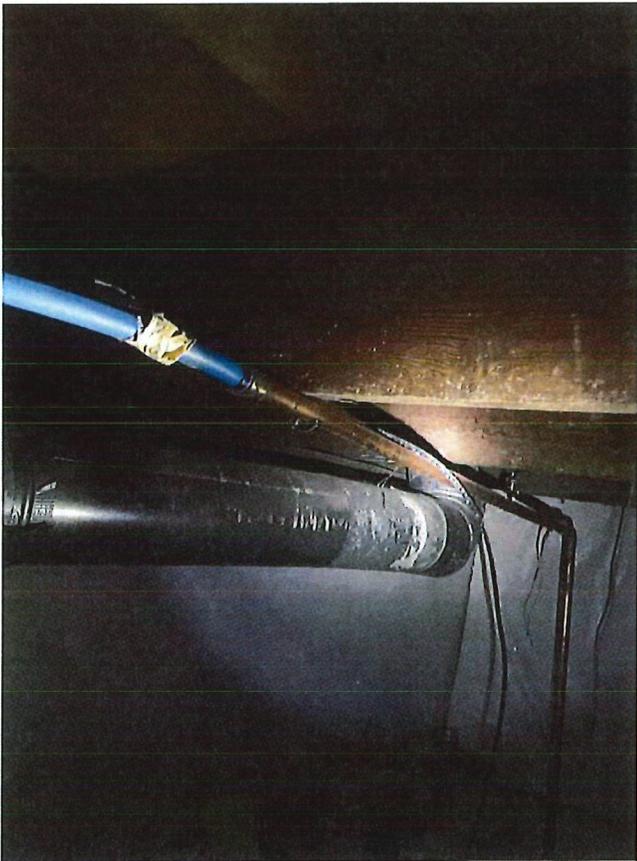
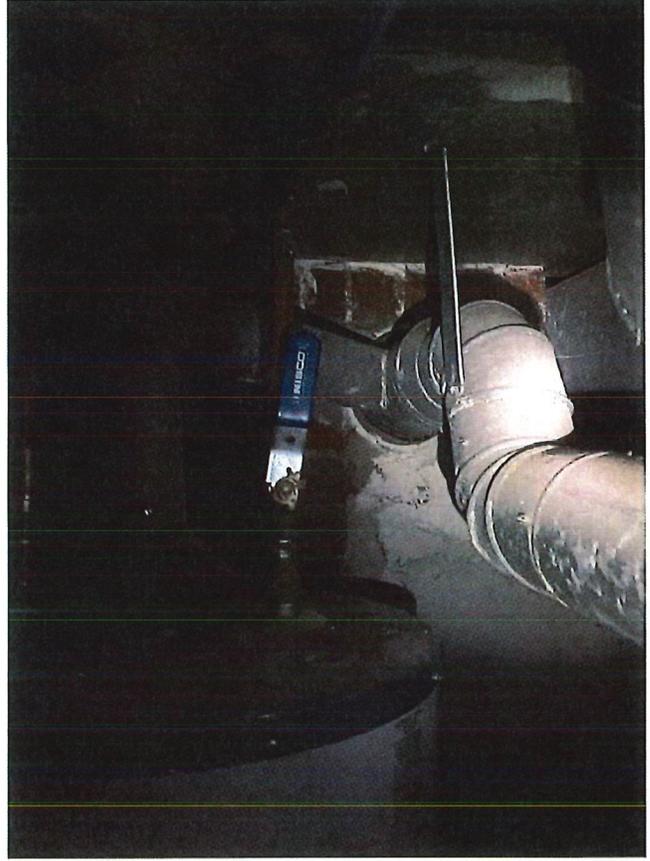
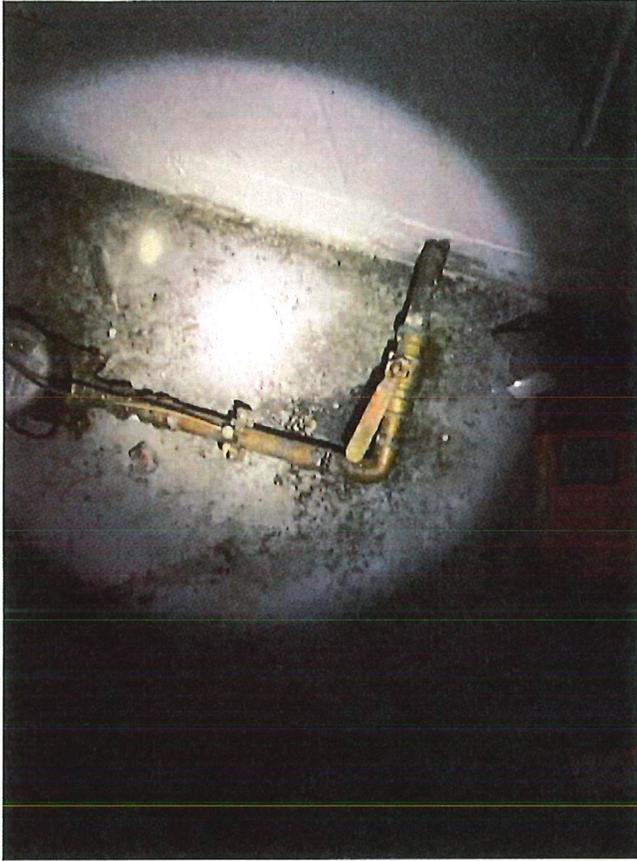


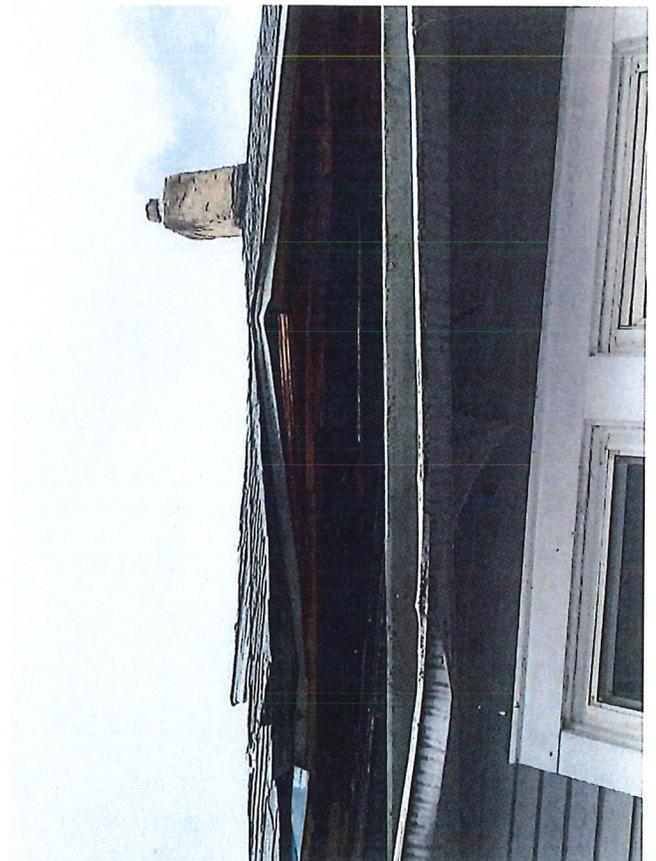
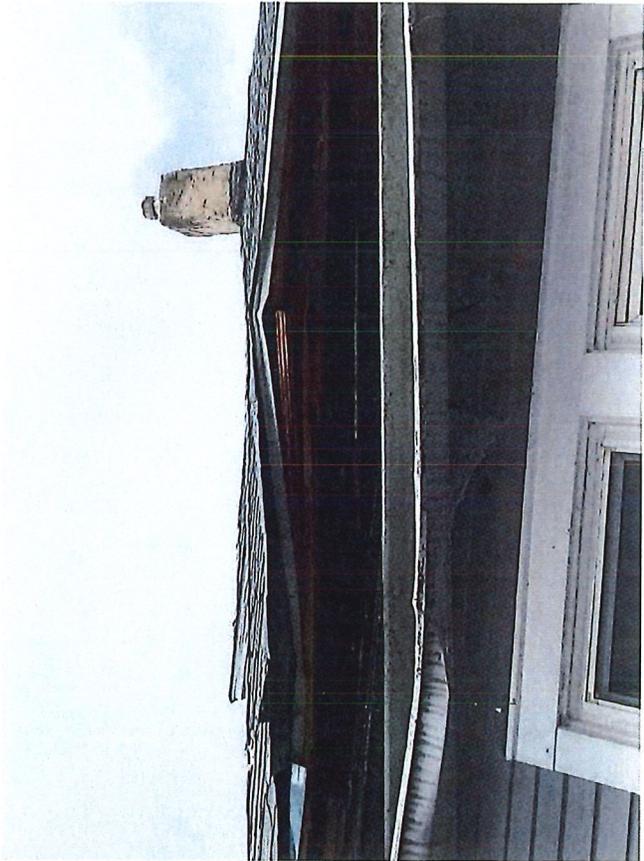
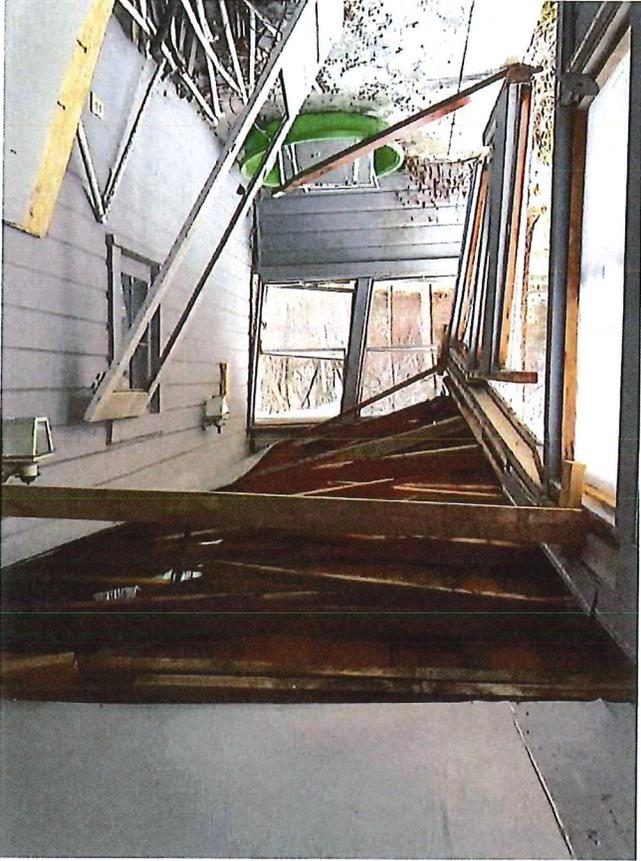
arc

29c

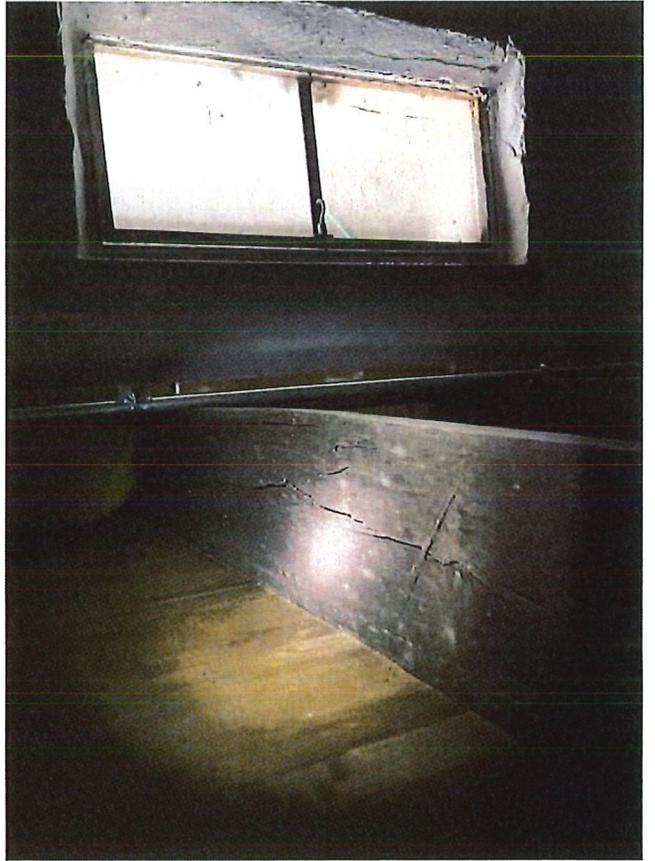
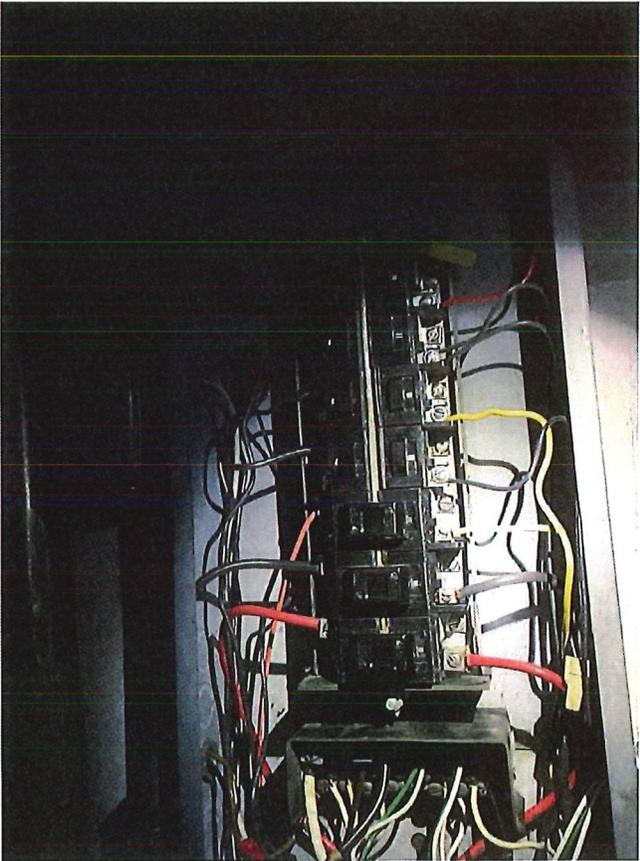
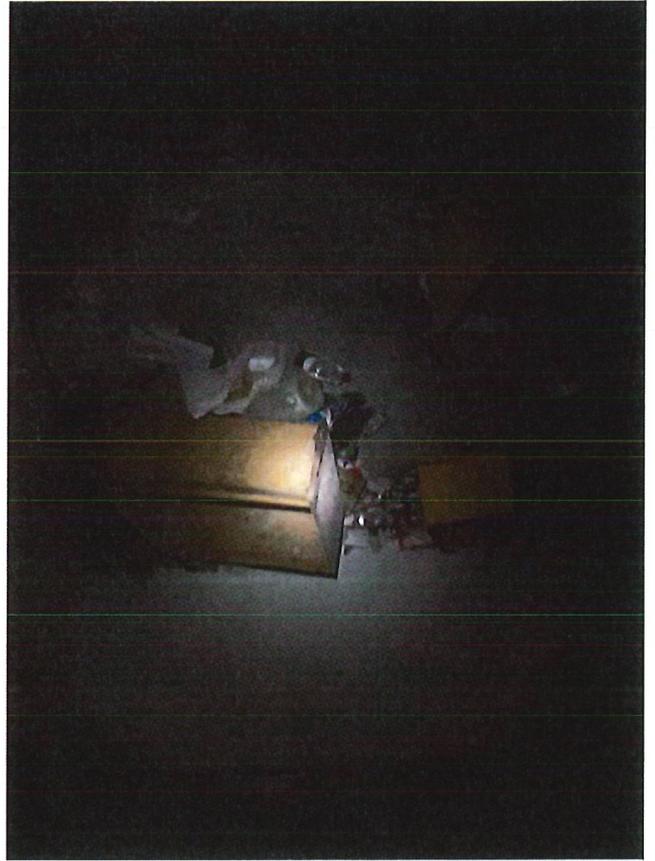


29C





200



DBE



PHOTOGRAPH BY
MAYOR'S OFFICE
CITY OF NEW YORK
OFFICE OF THE
COMPTROLLER
OF THE CITY OF
NEW YORK

202



2225 W
2225 W
6000 N
Des Moines, IA 50315
United States

Mar 22, 2022 at 1:37:24 PM
600-874 Kirkwood Ave
Des Moines IA 50315
United States





10/17/2012 at 1:37:43 PM
814 Kirkwood Ave
Des Moines IA 50315
United States

292

Mar 22, 2022 at 1:38:20 PM
700 Kirkwood Ave
Des Moines IA 50315
United States



Mar 22, 2022 at 1:38:23 PM
700 Kirkwood Ave
Des Moines IA 50315
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	700 KIRKWOOD AVE				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	010/00855-000-000	Geoparcel	7824-16-254-015	Status	Active
School	Des Moines	Nbhd/Pocket	DM27/A	Tax Authority Group	DEM-C-DEM-77131
Submarket	South Des Moines	Appraiser	Joseph Peterson 515-286-3011		

Map and Current Photos - 1 Record

Click on parcel to get a new listing

Map showing street grid with Kirkwood Ave and Courtland Dr. Parcel 700 is highlighted in yellow. Other parcels shown include 715, 707, 701, 625, 621, 607, 605, 517, 17, 16, 712, 708, 704, 702, 808, 604, 602, 2400, 2402, 2408.

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



Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	HOTEK, SPENCER	2016-05-31	16022/370

Legal Description and Mailing Address

LOT 574 1ST PLAT OF CLIFTON HGTS	SPENCER HOTEK 700 KIRKWOOD AVE DES MOINES, IA 50315-7343
----------------------------------	--

Current Values

Type	Class	Kind	Land	Bldg	Total
2021 Value	Residential	Full	\$20,600	\$106,500	\$127,100

[Assessment Roll Notice](#) [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)

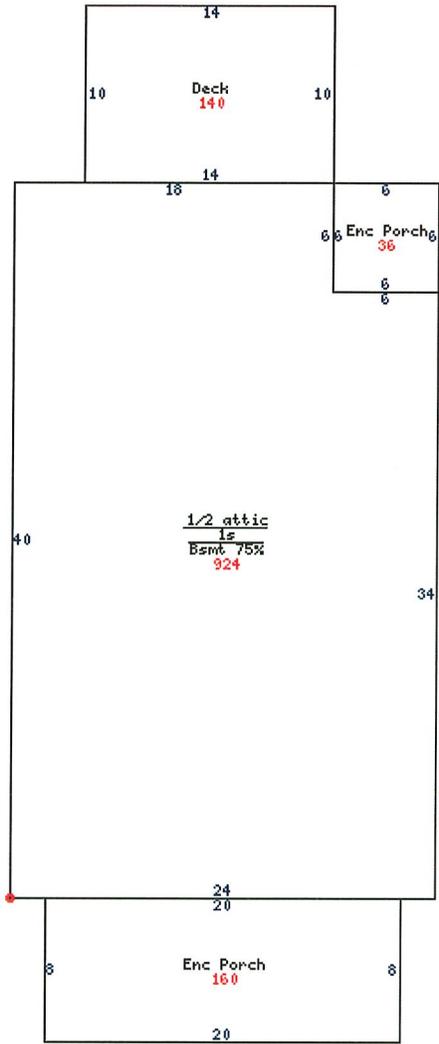
Land

Square Feet	6,350	Acres	0.146	Frontage	50.0
Depth	127.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	1 Story Finished Attic	Building Style	Conventional
Year Built	1906	Number Families	1	Grade	4+00
Condition	Above Normal	Total Square Foot Living Area	1247	Main Living Area	924
Attic Finished Area	323	Basement Area	693	Enclosed Porch Area	196
Deck Area	140	Foundation	Concrete Block	Exterior Wall Type	Wood Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning Rooms	100	Number Bathrooms	1	Bedrooms	4
	6				



Detached Structures - 2 Records

Detached Structure #101

Occupancy	Garage	Measurement Code	Dimensions	Measure 1	10
Measure 2	25	Grade	4	Year Built	1950
Condition	Normal				
Comment	YEAR EST				

Detached Structure #102

Occupancy	Enclosed Porch	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	6	Measure 2	25	Story Height	1
Grade	4	Year Built	1950	Condition	Normal

Sales - 8 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
TRI STATE VENTURES INC	HOTEK, SPENCER	2016-05-26	\$105,500	Deed	16022/370
NATIONSTAR MORTGAGE LLC	TRI STATE VENTURES, INC.	2015-12-16	\$47,500	Deed	15872/813

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
M & R PROPERTY INVESTMENT, LLC	PETERSON, AMY J	2009-06-19	\$83,000	Deed	13140/476
FIRST CONTRACT INC	M & R PROPERTY INVESTMENT LLC	2009-04-16	\$52,000	Contract	12999/424
US BANK NA	FIRST CONTRACT INC.	2009-03-17	\$32,000	Deed	12972/856
DE HECK, BARBARA K	TENEYCK, SARDONNA M.	2003-04-22	\$80,400	Deed	9828/335
DINGMAN, DONALD P	FREED, BARBARA K	1990-07-10	\$38,000	Deed	6262/789
UNKNOWN	DINGMAN, DONALD P.	1987-07-14	\$16,500	Deed	5747/746

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
TRI STATE VENTURES INC	HOTEK, SPENCER	2016-05-26	2016-05-31	Warranty Deed	16022/370
NATIONSTAR MORTGAGE LLC	TRI STATE VENTURES INC	2015-12-16	2016-01-19	Quit Claim Deed	15872/813
MCCARTHY, BILL (Sheriff) ----- PETERSON, AMY J (Defendant) ----- PETERSON, ANDREW (Defendant)	NATIONSTAR MORTGAGE LLC	2015-11-10	2015-11-23	Sheriffs Deed	15815/138

Permits - 1 Record

Year	Type	Permit Status	Application	Reason	Reason1
2002	Pickup	No Add	2001-07-05	Correct Data	EXTERIOR

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$20,600	\$106,500	\$127,100
2019	Assessment Roll	Residential	Full	\$18,300	\$95,600	\$113,900
2017	Board Action	Residential	Full	\$15,900	\$85,300	\$101,200
2017	Assessment Roll	Residential	Full	\$15,900	\$85,300	\$101,200
2015	Assessment Roll	Residential	Full	\$14,400	\$57,100	\$71,500
2013	Assessment Roll	Residential	Full	\$14,400	\$57,700	\$72,100

Yr	Type	Class	Kind	Land	Bldg	Total
2011	Assessment Roll	Residential	Full	\$14,400	\$57,200	\$71,600
2009	Assessment Roll	Residential	Full	\$15,000	\$57,500	\$72,500
2007	Assessment Roll	Residential	Full	\$15,700	\$67,800	\$83,500
2005	Assessment Roll	Residential	Full	\$15,000	\$60,700	\$75,700
2003	Assessment Roll	Residential	Full	\$13,840	\$55,680	\$69,520
2001	Assessment Roll	Residential	Full	\$11,160	\$54,460	\$65,620
1999	Assessment Roll	Residential	Full	\$8,770	\$43,080	\$51,850
1997	Assessment Roll	Residential	Full	\$8,200	\$40,260	\$48,460
1995	Assessment Roll	Residential	Full	\$7,180	\$35,270	\$42,450
1993	Assessment Roll	Residential	Full	\$6,350	\$31,210	\$37,560
1991	Assessment Roll	Residential	Full	\$5,880	\$27,120	\$33,000
1991	Was Prior Year	Residential	Full	\$5,880	\$21,910	\$27,790

This template was last modified on Thu Jun 3 19:39:49 2021 .