



Roll Call Number

Agenda Item Number

63 F

Date June 13, 2022

ABATEMENT OF PUBLIC NUISANCE AT 215 SE 28th STREET

WHEREAS, the property located at 215 SE 28th Street, 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, Enrique Gutierrez Hernandez, 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 The North 49 feet of the South 139 feet of the East 136 feet of the West 160 feet of Lot 3 in SUBDIVISION OF OFFICIAL PLAT LOTS 12 AND 13 SOUTH ONE-HALF, Section 1, Township 78, Range 24, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 215 SE 28th Street, 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, Laura Baumgartner acting
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



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

Case Number: NUIS-2022-000023	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 01/19/2022
	Date of Notice: 01/25/2022
Date of Inspection: 01/05/2021	

ENRIQUE GUTIERREZ HERNANDEZ
3145 SCOTT AVE
DES MOINES IA 50317

Address of Property: **215 SE 28TH ST, DES MOINES IA 50317**
Parcel Number: **782401477005**
Legal Description: **N 49F S 139F E 135F W 160F LOT 3 SD OP LOTS 12 & 13 SEC 1-78-24**

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	MAIN STRUCTURE THROUGHOUT Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	03/02/2022
60-192(1) - Dangerous Structure or Premise - Door, Stairway, Exit	MAIN STRUCTURE THROUGHOUT Repair or replace any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to the approved building or fire code.	03/08/2022

60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction	MAIN STRUCTURE THROUGHOUT	03/08/2022
	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.	
60-192(12) - Dangerous Structure or Premise - Abandoned	MAIN STRUCTURE THROUGHOUT	03/08/2022
	Demolish the abandoned structure or premises, OR, repair, replace, or renovate the abandoned building or structure to a state such that it is no longer a nuisance or hazard to the public.	
60-192(13) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT	03/08/2022
	Repair or replace 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.	
60-192(15) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT	03/08/2022
	Repair or replace the unsafe or unlawful structure OR demolish the structure.	

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.

*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.

*REPAIR AND REPLACE ANY AND ALL DAMAGED EXTERIOR DOORS AND WINDOWS.

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

*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.

*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. BUILDING PERMIT REQUIRED IF REPLACING SHEETING.

*SEVERE SMOKE AND FIRE DAMAGE. REPLACE ALL THAT IS DAMAGED. BUILDING PERMIT REQUIRED.

*GAS SERVICE HAS BEEN SHUT OFF NEED LICENSED MECHANICAL CONTRACTOR TO VERIFY SAFETY OF MECHANICAL SYSTEMS AND CORRECT ANY VIOLATIONS PRIOR TO SERVICE BEING RESTORED. PERMIT REQUIRED.

*CLEAN SMOKE DAMAGE FROM WALLS AND THEN PAINT TO MATCH.

*THE GARAGE OR SHED 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 US ONLY PURSUANT TO DES MOINES MUNICIPAL CODE SECTION 134-343.

60-192(5) - Dangerous Structure or Premise
- Dilapidated or Deteriorated

MAIN STRUCTURE THROUGHOUT

03/08/2022

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.

60-192(6) - Dangerous Structure or Premise
- Unsafe

MAIN STRUCTURE THROUGHOUT

03/08/2022

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.

60-192(7) - Dangerous Structure or Premise - Attractive Nuisance, Harbor for Vagrants	MAIN STRUCTURE THROUGHOUT	03/08/2022
	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.	
60-192(9) - Dangerous Structure or Premise - Unsanitary, Unfit for Habitation	MAIN STRUCTURE THROUGHOUT	03/08/2022
	Vacate and secure the structure or premises, OR, repair, replace, and/or sanitize any building or structure determined to be unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease.	
60-194 - Defacing and Removing Placard	Replace or restore defaced or removed placard.	03/08/2022

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,

Kevin Pyles
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4122
KEPyles@dmgov.org

Polk County Assessor

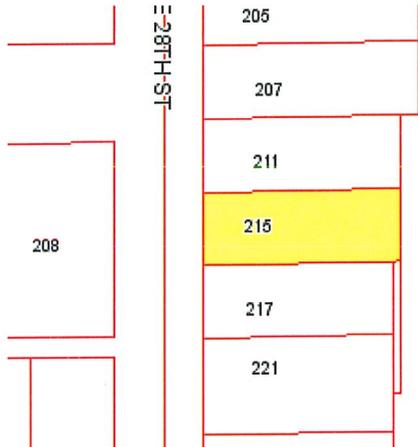
111 Court Avenue #195
Des Moines, IA 50309-0904

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

Location					
Address	215 SE 28TH ST				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	050/04471-000-000	Geoparcels	7824-01-477-005	Status	Active
School	Des Moines	Nbhd/Pocket	DM20/Z	Tax Authority Group	DEM-C-DEM-77131
TIF	52/Des Moines SE Agri Business Park UR	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](#)

Photo Processed on 2010-10-21 a



[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	GUTIERREZ HERNANDEZ, ENRIQUE	2021-05-27	18554/276

Legal Description and Mailing Address

N 49F S 139F E 135F W 160F LOT 3 SD OP LOTS 12 & 13 SEC 1-78-24

ENRIQUE GUTIERREZ HERNANDEZ
3145 SCOTT AVE
DES MOINES, IA 50317-1438

Current Values

Type	Class	Kind	Land	Bldg	Total
2021 Value	Residential	Full	\$7,400	\$47,600	\$55,000

[Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
I1	I1 Industrial District		Industrial Light

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

Land					
Square Feet	6,615	Acres	0.152	Frontage	49.0
Depth	135.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Bungalow
Year Built	1910	Year Remodel	1984	Number Families	1
Grade	5+00	Condition	Normal	Total Square Foot Living Area	560
Main Living Area	560	Basement Area	196	Foundation	Masonry
Exterior Wall Type	Metal Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	1
Bedrooms	2	Rooms	4		

The diagram shows a rectangular floor plan with the following dimensions and labels:

- Top horizontal dimension: 20
- Left vertical dimension: 28
- Right vertical dimension: 28
- Bottom horizontal dimension: 20
- Center labels: 1s, Bsm 35%, 560

Detached Structures - 1 Record

Detached Structure #101					
Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	20	Measure 2	20	Story Height	1
Grade	4	Year Built	1997	Condition	Normal

Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
SEGUNDO, RUBEN ISLAS	GUTIERREZ HERNANDEZ, ENRIQUE	2020-08-21	\$35,000	Deed	18554/276
COMMUNITY STATE BANK, NA	RUBEN, ISLAS	2010-02-18	\$22,500	Deed	13363/84
UNKNOWN	FREEMAN, GLORIA J.	1988-10-04	\$7,750	Deed	5975/362

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
Also Known As RUBEN, ISLAS ----- SEGUNDO, RUBEN ISLAS	GUTIERREZ HERNANDEZ, ENRIQUE	2020-08-21	2021-05-27	Warranty Deed	18554/276

Permits - 3 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	To Work	2022-02-17	Alterations	ROOF
2001	Pickup	No Add	2001-03-08	Review Value	ABATEMENT FILED
1998	Permit	Complete	1997-06-08	Construction	GARAGE (400 sf) (Cost \$6,816)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$7,400	\$47,600	\$55,000
2019	Assessment Roll	Residential	Full	\$6,500	\$41,800	\$48,300
2017	Assessment Roll	Residential	Full	\$5,600	\$36,200	\$41,800
2015	Assessment Roll	Residential	Full	\$5,300	\$35,000	\$40,300
2013	Assessment Roll	Residential	Full	\$5,400	\$35,900	\$41,300
2011	Assessment Roll	Residential	Full	\$5,400	\$35,600	\$41,000
2009	Assessment Roll	Residential	Full	\$5,600	\$35,800	\$41,400
			Adj	\$5,600	\$34,480	\$40,080
2007	Assessment Roll	Residential	Full	\$5,500	\$35,400	\$40,900
			Adj	\$5,500	\$34,080	\$39,580
2005	Assessment Roll	Residential	Full	\$3,600	\$28,200	\$31,800
			Adj	\$3,600	\$26,880	\$30,480
2003	Board Action	Residential	Full	\$3,190	\$24,660	\$27,850
			Adj	\$3,190	\$23,340	\$26,530

Yr	Type	Class	Kind	Land	Bldg	Total
2003	Assessment Roll	Residential	Full	\$3,190	\$24,660	\$27,850
			Adj	\$3,190	\$23,340	\$26,530
2001	Assessment Roll	Residential	Full	\$3,530	\$16,500	\$20,030
			Adj	\$3,530	\$15,180	\$18,710
1999	Assessment Roll	Residential	Full	\$1,110	\$26,480	\$27,590
1998	Assessment Roll	Residential	Full	\$960	\$22,970	\$23,930
1995	Assessment Roll	Residential	Full	\$960	\$17,690	\$18,650
1993	Assessment Roll	Residential	Full	\$900	\$16,530	\$17,430
			Adj	\$900	\$6,110	\$7,010
1993	Was Prior Year	Residential	Full	\$900	\$15,700	\$16,600
			Adj	\$900	\$5,280	\$6,180

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Timestamp
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Network: Apr 20, 2022 at 10:28:40 AM CDT
Des Moines

04-20-2022 10:28 AM



Timestamp
Camera EXI

Network: Apr 20, 2022 at 10:28:37 AM CDT
Des Moines

04-20-2022 10:28 AM

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Camera ENT



Network: Apr 20, 2022 at 10:28:27 AM CDT
Des Moines

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Network: Apr 20, 2022 at 10:28:01 AM CDT
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Network: Apr 20, 2022 at 10:27:54 AM CDT
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04-20-2022 10:27 AM

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Network: Apr 20, 2022 at 10:27:50 AM CDT
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Network: Apr 20, 2022 at 10:27:44 AM CDT
Des Moines

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