



Roll Call Number

Agenda Item Number

41C

Date July 18, 2022

ABATEMENT OF PUBLIC NUISANCE AT 229 EAST PAYTON AVE.

WHEREAS, the property located at 229 East Payton Ave., 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 public nuisance; and

WHEREAS, the Titleholder, Sarah L. Applegate, and Mortgage Holders, Movement Mortgage, LLC, and Mortgage Electronic Registration Systems, 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 The North 150 feet of Lot 181 in CUMMINSFORD, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 229 East Payton Ave., has previously been declared a public nuisance;

The City Legal Department, through Special Counsel Ahlers & Cooney, P.C., 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,

Seconded by _____

FORM APPROVED:

Kristine Stone

Kristine Stone, Special Counsel
Ahlers & Cooney, P.C.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk

41C



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

Case Number: NUIS-2022-000071	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 03/29/2022
	Date of Notice: 05/09/2022
Date of Inspection: 03/29/2022	

MOVEMENT MORTGAGE, LLC
C/O CORPORATION SERVICE COMPANY, REG. AGENT
505 5TH AVE STE. 729
DES MOINES IA 50309

Address of Property: 229 E PAYTON AVE, DES MOINES IA 50315
Parcel Number: 782427354008
Legal Description: N 150 F LOT 181 CUMMINSFORD

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
135-2 C - Outbuilding and Detached Garage	Remove the outbuilding and/or detached garage should the primary structure be removed.	05/11/2022
60-191 - Vacation and Abatement	Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	05/11/2022

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

05/12/2022

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.

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. OBTAIN FINAL ON MECHANICAL PERMIT.

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60-192(11) - Dangerous Structure or Premise - Remains after Demolition Remove any portion of the building, structure, or accessory structure remaining on site after the demolition or destruction of the primary building or structure. 05/11/2022

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 USE ONLY PURSUANT TO DES MOINES MUNICIPAL CODE SECTION 134-343.

60-192(4) - Dangerous Structure or Premise - Insufficient Strength or Stability 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. 05/12/2022

OBTAIN FINAL ON PERMIT TO REPAIR OR REPLACE OF ANY DAMAGED OR MISSING EXTERIOR WALLS.

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.

REPAIR/REPLACE ANY BROKEN, MISSING, DAMAGED OR ROTTED SIDING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.

UNSAFE TO GAIN ACCESS INTO STRUCTURE, POSSIBLE MORE VIOLATIONS.

60-194 - Defacing and Removing Placard Replace or restore defaced or removed placard. 05/11/2022

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

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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.

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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.

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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

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Notice of Violation	Case Type: Public Nuisance
	Case Opened: 03/29/2022
	Date of Notice: 05/09/2022
	Date of Inspection: 03/29/2022

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
C/O GENPACT MERS MAILROOM
1901 E VORHEES ST STE C
DANVILLE IL 618344512

Address of Property: 229 E PAYTON AVE, DES MOINES IA 50315
Parcel Number: 782427354008
Legal Description: N 150 F LOT 181 CUMMINSFORD

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SARAH L APPLGATE A/K/A SARAH POTTER
3805 92ND DR
URBANDALE IA 50322

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Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
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Polk County Assessor

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

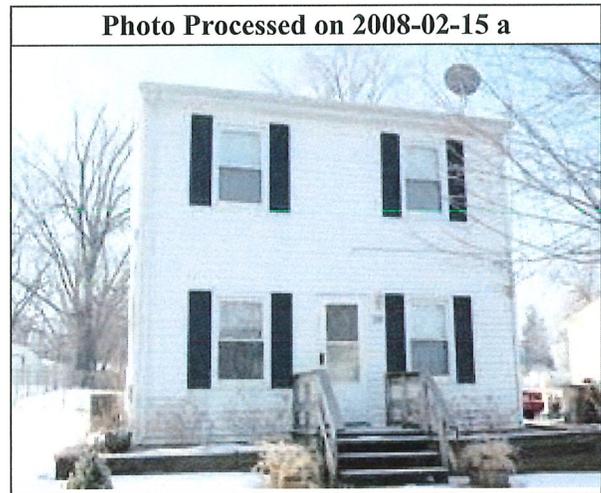
(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	229 E PAYTON AVE				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	120/00731-000-000	Geoparcels	7824-27-354-008	Status	Active
School	Des Moines	Nbhd/Pocket	DM41/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	South Des Moines	Appraiser	Andrew Rand 515-286-3368		

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 - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	APPLEGATE, SARAH L	2019-10-15	17543/739

Legal Description and Mailing Address

N 150 F LOT 181 CUMMINSFORD	SARAH L APPLEGATE 229 E PAYTON AVE DES MOINES, IA 50315-5853
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Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$24,900	\$117,800	\$142,700

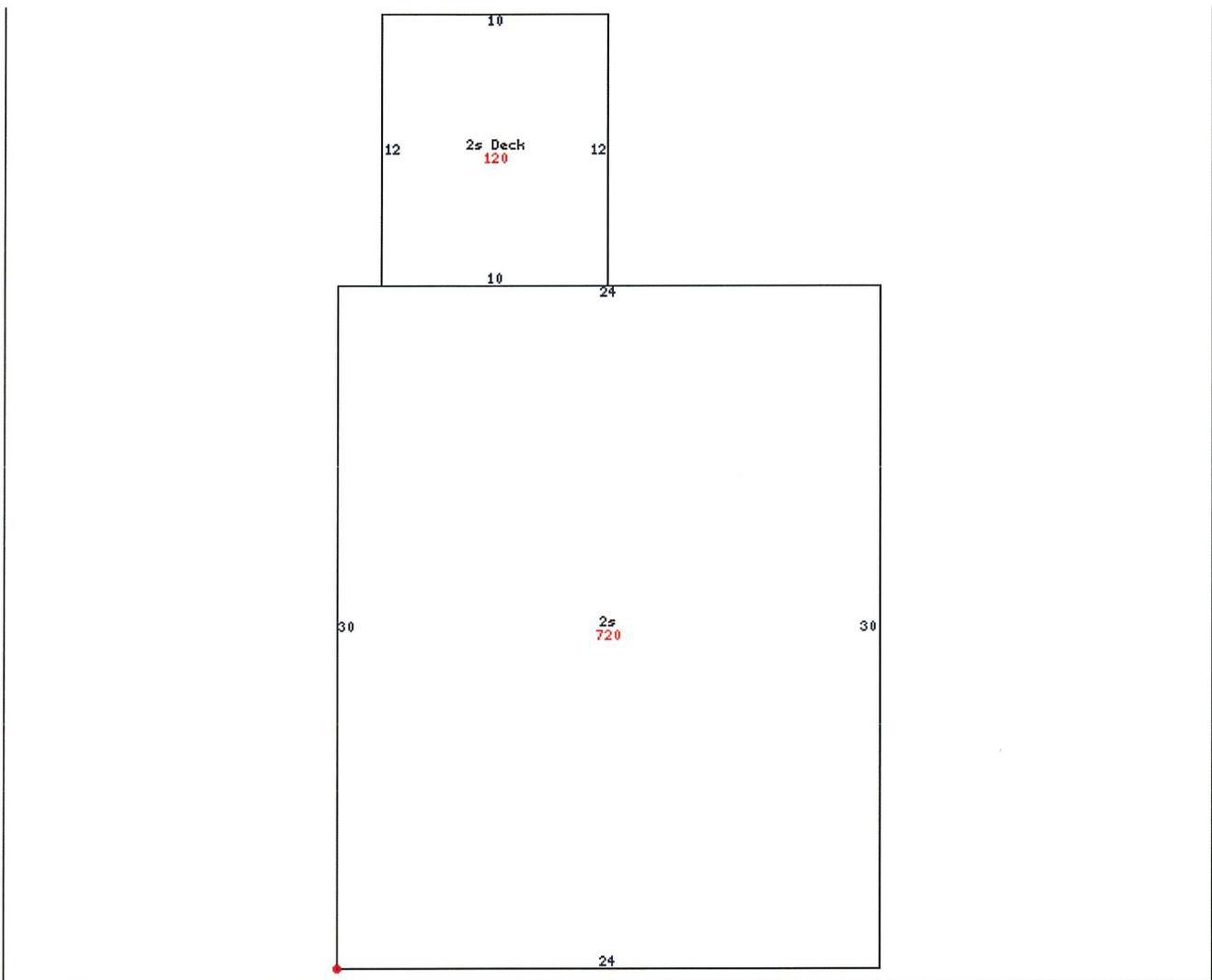
[Market Adjusted Cost Report](#)

Auditor Adjustments to Value

Category	Name	Information
2021 Homestead Credit	APPLEGATE, SARAH L	Application #413407

Zoning - 1 Record

Zoning	Description			SF	Assessor Zoning
N3B	N3b Neighborhood District				Residential
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	7,500	Acres	0.172	Frontage	50.0
Depth	150.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	2 Stories	Building Style	Conventional
Year Built	1953	Number Families	1	Grade	4+00
Condition	Above Normal	Total Square Foot Living Area	1440	Main Living Area	720
Upper Living Area	720	Deck Area	240	Foundation	Concrete Block
Exterior Wall Type	Vinyl Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	1
Number Toilet Rooms	1	Bedrooms	4	Rooms	6



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	24	Measure 2	26	Story Height	1
Grade	4	Year Built	1987	Condition	Normal
Comment	CHANGE COND NM NOW AN WORK DONE AFTER SALE 7-98 PV				

Sales - 4 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
EGGERS, ANGELA S	APPLEGATE, SARAH L	2019-10-09	\$114,000	Deed	17543/739
NORTHWAY LIMITED	PLENLAND, ANGELA S.	2001-05-18	\$85,900	Deed	8832/445
CONTRACT FINANCE, L.C.	NORTHWAY LTD	1998-01-23	\$30,000	Deed	7815/379
IOWA FOOD SALES CO	CONTRACT FINANCE, L.C.	1998-01-01	\$20,050	Contract	7815/375

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
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410

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
EGGERS, ANGELA S <hr/> EGGERS, WILLIAM P	APPLEGATE, SARAH L	2019-10-09	2019-10-15	Warranty Deed	17543/739

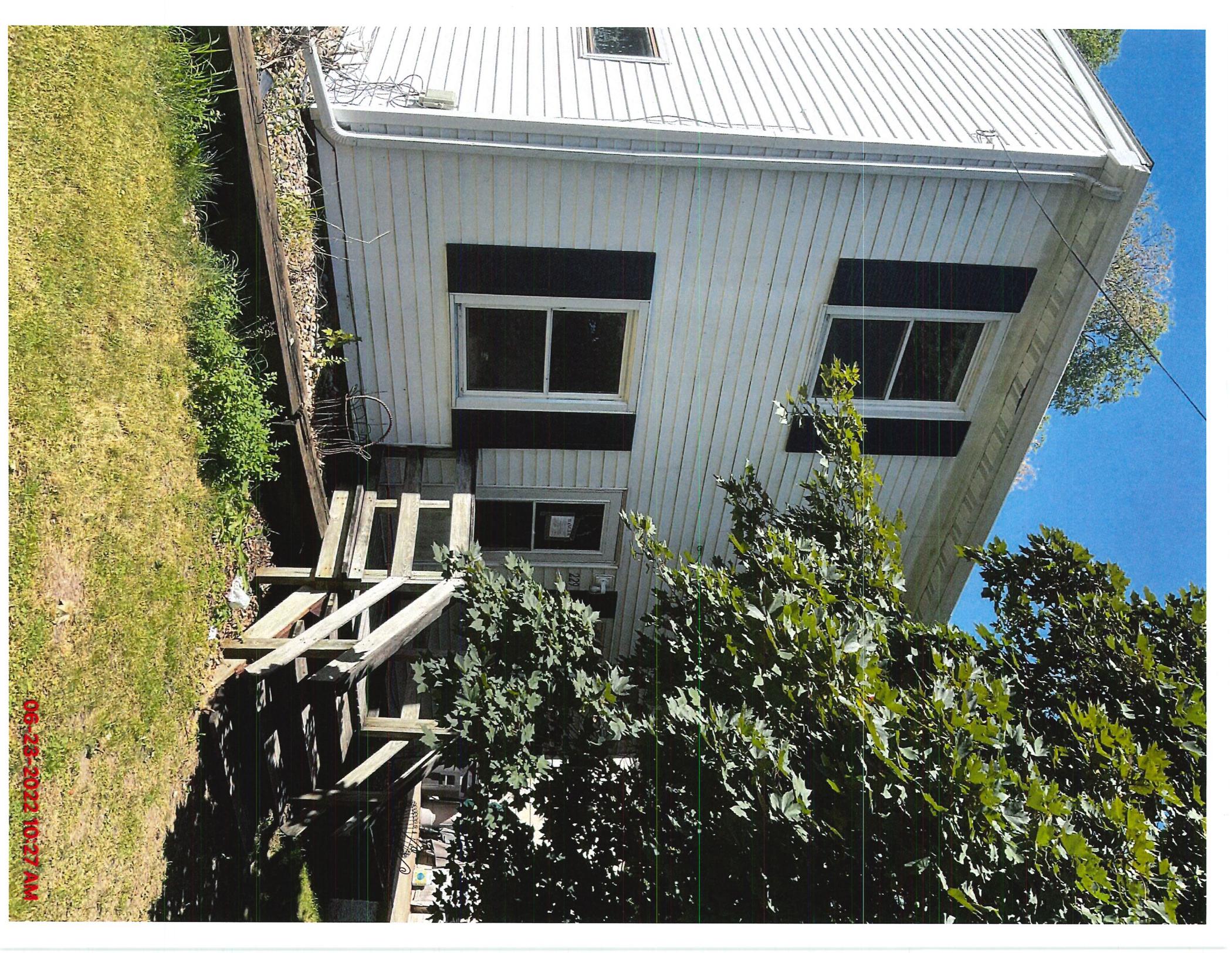
Permits - 2 Records

Year	Type	Permit Status	Application	Reason	Reason1
1999	Pickup	Complete	1998-12-02	Alterations	REMODEL
1988	Permit	Complete	1987-06-04		New Garage

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$24,900	\$117,800	\$142,700
2019	Assessment Roll	Residential	Full	\$21,800	\$104,200	\$126,000
2017	Assessment Roll	Residential	Full	\$19,200	\$94,200	\$113,400
2015	Assessment Roll	Residential	Full	\$17,400	\$87,300	\$104,700
2013	Assessment Roll	Residential	Full	\$16,700	\$85,900	\$102,600
2011	Assessment Roll	Residential	Full	\$17,600	\$90,700	\$108,300
2009	Assessment Roll	Residential	Full	\$17,800	\$88,400	\$106,200
2007	Assessment Roll	Residential	Full	\$19,300	\$87,600	\$106,900
2005	Assessment Roll	Residential	Full	\$14,000	\$81,900	\$95,900
2003	Assessment Roll	Residential	Full	\$12,100	\$70,690	\$82,790
2001	Assessment Roll	Residential	Full	\$11,890	\$63,700	\$75,590
1999	Assessment Roll	Residential	Full	\$8,440	\$45,090	\$53,530
1997	Assessment Roll	Residential	Full	\$7,840	\$49,150	\$56,990
1995	Assessment Roll	Residential	Full	\$6,900	\$43,250	\$50,150
1993	Assessment Roll	Residential	Full	\$6,000	\$37,600	\$43,600
1991	Assessment Roll	Residential	Full	\$6,000	\$35,920	\$41,920
1991	Was Prior Year	Residential	Full	\$6,000	\$29,200	\$35,200

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