



Roll Call Number

Agenda Item Number

46 B

Date August 8, 2022

ABATEMENT OF PUBLIC NUISANCE AT 1017 FRANKLIN AVENUE

WHEREAS, the property located at 1017 Franklin 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, Rafael Pineda, 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 East 1/2 of the West 88 feet of Lot 125 in THIRD PLAT OF PROSPECT PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1017 Franklin 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			

CERTIFICATE

I, Laura Baumgartner, 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

Mayor

46 B



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

Case Number: NUIS-2022-000076	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 04/04/2022
	Date of Notice: 04/18/2022
Date of Inspection: 04/04/2022	

RAFAEL PINEDA
1512 E VIRGINIA AVE
DES MOINES IA 50320

Address of Property: 1017 FRANKLIN AVE, DES MOINES IA 50314
Parcel Number: 792434128011
Legal Description: E 1/2 W 88 F LOT 125 THIRD PLAT PROSPECT PARK

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
60-192(1) - Dangerous Structure or Premise - Door, Stairway, Exit	MAIN STRUCTURE THROUGH OUT 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.	05/19/2022
60-192(1) - Dangerous Structure or Premise - Door, Stairway, Exit	MAIN STRUCTURE THROUGH OUT 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. *BOTH FRONT AND REAR EXITS *ALL WINDOWS *INTERIOR IS DOWN TO STUDS *MISSING DRYWALL	05/19/2022

60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction	MAIN STRUCTURE THROUGH OUT 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.	05/19/2022
60-192(12) - Dangerous Structure or Premise - Abandoned	MAIN STRUCTURE THROUGH OUT 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.	05/19/2022
60-192(13) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGH OUT 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.	05/19/2022
60-192(14) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGH OUT Repair or replace the unsafe equipment OR demolish the structure.	05/19/2022
60-192(15) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGH OUT Repair or replace the unsafe or unlawful structure OR demolish the structure.	05/19/2022
60-192(2) - Dangerous Structure or Premise - Walking Surface	MAIN STRUCTURE THROUGH OUT Repair or replace walking surface of any aisle, passageway, stairway, exit, or other means of egress that is unsafe and does not provide safe and adequate means of egress. * INTERIOR HAS BEEN SUBJECTED TO ALL WEATHER ELEMENTS REPAIR OR REPLACE	05/19/2022

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

MAIN STRUCTURE THROUGH OUT

05/19/2022

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.

*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(4) - Dangerous Structure or Premise
- Insufficient Strength or Stability

MAIN STRUCTURE THROUGH OUT

05/19/2022

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.

60-192(5) - Dangerous Structure or Premise - Dilapidated or Deteriorated	MAIN STRUCTURE THROUGH OUT 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.	05/19/2022
60-192(6) - Dangerous Structure or Premise - Unsafe	MAIN STRUCTURE THROUGH OUT 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.	05/19/2022
60-192(7) - Dangerous Structure or Premise - Attractive Nuisance, Harbor for Vagrants	MAIN STRUCTURE THROUGH OUT 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.	05/19/2022
60-192(8) - Dangerous Structure or Premise - Substantial Risk	MAIN STRUCTURE THROUGH OUT 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.	05/19/2022
60-192(9) - Dangerous Structure or Premise - Unsanitary, Unfit for Habitation	MAIN STRUCTURE THROUGH OUT 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.	05/19/2022
60-194 - Defacing and Removing Placard	Replace or restore defaced or removed placard.	05/19/2022

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,



Charles McClaran
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4143
CWMcClaran@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	1017 FRANKLIN AVE				
City	DES MOINES	Zip	50314	Jurisdiction	Des Moines
District/Parcel	080/05587-000-000	Geoparcel	7924-34-128-011	Status	Active
School	Des Moines	Nbhd/Pocket	DM78/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Joseph Peterson 515-286-3011		

Map and Current Photos - 1 Record

Click on parcel to get a new listing

11TH ST

FRANKLIN AVE

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



[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	PINEDA, RAFAEL	2020-10-05	18106/158

Legal Description and Mailing Address

E 1/2 W 88 F LOT 125 THIRD PLAT PROSPECT PARK	RAFAEL PINEDA 1512 E VIRGINIA AVE DES MOINES, IA 50320-1322
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Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$4,200	\$4,200	\$8,400

[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)

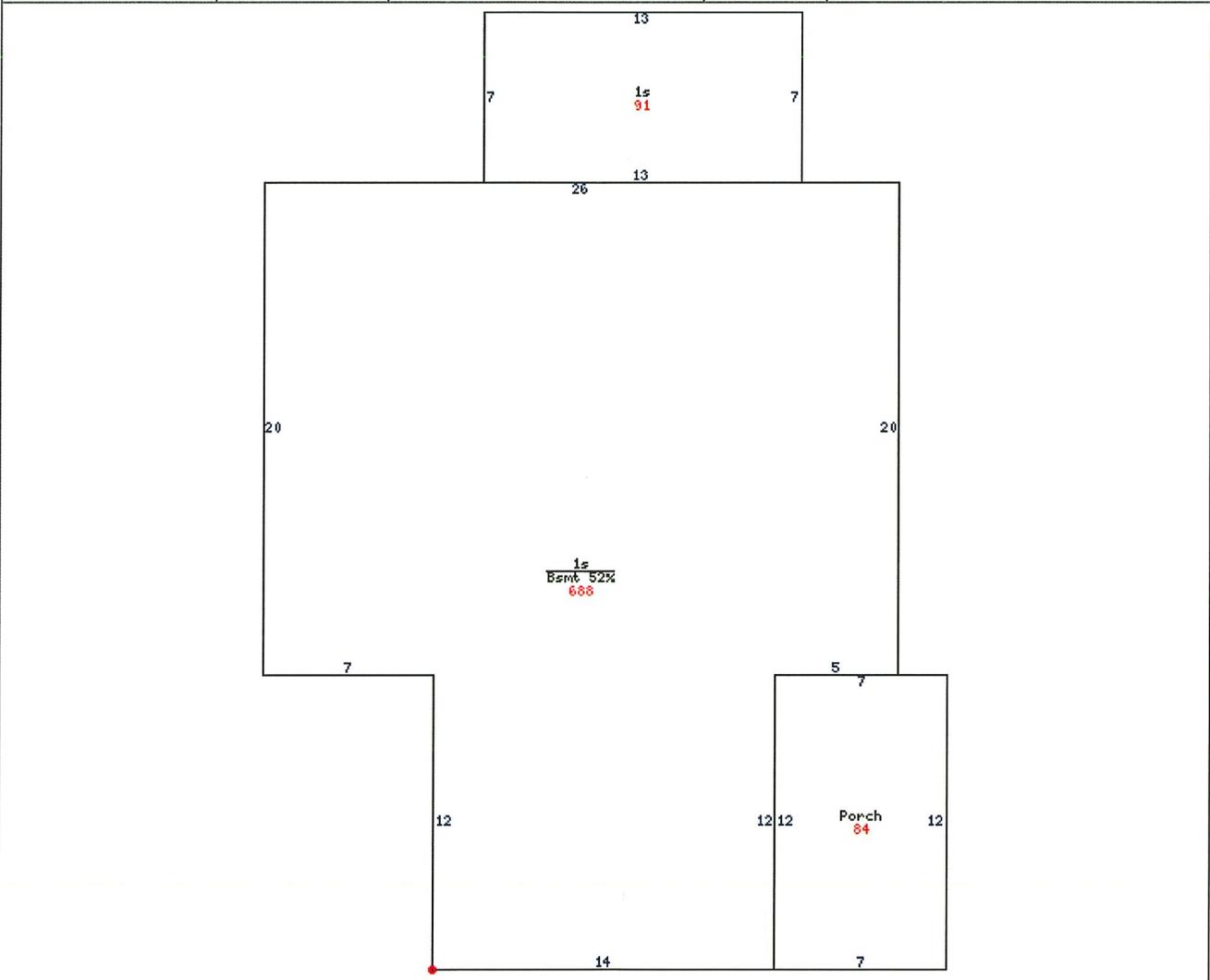
Land

Square Feet	2,640	Acres	0.061	Frontage	44.0
Depth	60.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	1 Story	Building Style	Colonial
Year Built	1906	Number Families	1	Grade	5+05
Condition	Very Poor	Total Square Foot Living Area	779	Main Living Area	779
Basement Area	358	Open Porch Area	84	Foundation	Masonry
Exterior Wall Type	Wood Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	1
Bedrooms	2	Rooms	5		



Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
OAK TREE PROPERTIES LLC	PINEDA, RAFAEL	2020-09-22	\$16,000	Deed	18106/158
MC KINNEY, JOE	CAMPBELL, NORMA	1998-02-19	\$19,500	Contract	7832/497
SPILMAN, AL	MC KINNEY, JOE	1991-10-05	\$15,000	Contract	6444/698

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
OAK TREE PROPERTIES LLC	PINEDA, RAFAEL	2020-09-22	2020-10-05	Warranty Deed Corporate	18106/158
MCKINNEY, JULIE A MCKINNEY, JOSEPH D	OAK TREE PROPERTIES LLC	2020-06-29	2020-07-08	Quit Claim Deed	17934/713
MCKINNEY, JOSEPH D MCKINNEY, JULIE A	OAK TREE PROPERTIES LLC	2020-06-04	2020-07-07	Quit Claim Deed	17931/814
CATFISH CREEK LLC STEARNS BANK NA (Custodian)	OAK TREE PROPERTIES LLC	2020-03-16	2020-03-20	Special Warranty Deed	17743/241
LACEY, BEN (Agent) MALONEY, MARY (Treasurer)	CATFISH CREEK LLC STEARNS BANK NA (Custodian)	2020-02-11	2020-02-12	Tax Sale Deed	17696/961
JACKSON, STEVEN LAMOUNT	JACKSON, SHANNA	2013-05-16	2013-05-22	Quit Claim Deed	14798/39

Permits - 4 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Pickup	To Work	2020-12-01	Review Value	CHECK CONDITION
2022	Pickup	Pass	2020-12-01	Review Value	CHECK CONDITION
2021	Pickup	Partial	2020-12-01	Review Value	CHECK CONDITION
1999	Pickup	Complete	1999-02-25	Correct Data	CONDITION

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$4,200	\$4,200	\$8,400

Yr	Type	Class	Kind	Land	Bldg	Total
2019	Assessment Roll	Residential	Full	\$3,700	\$18,800	\$22,500
2017	Assessment Roll	Residential	Full	\$3,300	\$31,000	\$34,300
2015	Assessment Roll	Residential	Full	\$3,100	\$29,000	\$32,100
2013	Assessment Roll	Residential	Full	\$2,900	\$27,400	\$30,300
2011	Assessment Roll	Residential	Full	\$2,900	\$27,600	\$30,500
2009	Assessment Roll	Residential	Full	\$2,900	\$27,500	\$30,400
2007	Assessment Roll	Residential	Full	\$3,000	\$28,300	\$31,300
2005	Assessment Roll	Residential	Full	\$2,000	\$23,800	\$25,800
2003	Assessment Roll	Residential	Full	\$1,710	\$20,040	\$21,750
2001	Assessment Roll	Residential	Full	\$1,470	\$14,200	\$15,670
1999	Assessment Roll	Residential	Full	\$2,390	\$14,020	\$16,410
1997	Board Action	Residential	Full	\$2,210	\$10,550	\$12,760
1997	Assessment Roll	Residential	Full	\$2,210	\$10,550	\$12,760
1995	Assessment Roll	Residential	Full	\$2,000	\$9,560	\$11,560
1995	Was Prior Year	Residential	Full	\$1,730	\$8,270	\$10,000

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