



Roll Call Number

Agenda Item Number

46 E

Date August 8, 2022

ABATEMENT OF PUBLIC NUISANCE AT 1102 VIRGINIA AVENUE

WHEREAS, the property located at 1102 Virginia Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the garage structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, Dee Dee M. Weatherly, was notified more than thirty days ago to repair or demolish the garage 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 garage structure on the real estate legally described as Lot 20 in VIRGINIA HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and that part of the right-of-way thirty feet wide, east of, and adjoining said Lot 20, AND all of the vacated East/West alley Right-of-Way lying South of and adjoining Lot 20, Virginia Heights, an Official Plat and lying South of and adjoining the West 30.0 feet of vacated Right-of-Way lying East of and adjoining said Lot 20, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1102 Virginia 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 garage 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, 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

46E



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

Case Number: NUIS-2022-000098	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 04/19/2022
	Date of Notice: 04/22/2022
Date of Inspection: 04/19/2022	

DEE DEE M WEATHERLY
1102 VIRGINIA AVE
DES MOINES IA 50315

Address of Property: 1102 VIRGINIA AVE, DES MOINES IA 50315
Parcel Number: 782416377051
Legal Description: VAC E/W ALLEY ROW S & ADJ & LOT 20 & VAC E/W ALLEY ROW S & ADJ & 30F VAC RR ROW LYING E OF LT 20 VIRGINIA HEIGHTS

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

06/06/2022

DETACHED GARAGE THROUGHOUT
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.

*ELECTRICAL THROUGHOUT GARAGE WITH
DAMAGED LIGHT FIXTURE ATTACHED TO
FRONT

*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.

*ALL ELECTRICAL, MECHANICAL, PLUMBING
AND STUCTURAL COMPONENTS
THROUGHOUT THE STRUCTURE ARE TO BE
BROUGHT TO MINIMUM CODE
REQUIREMENTS WITH OBTAINING AND
FINALIZING NECESSARY PERMITS AS
REQUIRED TO MEET THE CITY CODES.

60-192(12) - Dangerous Structure or
Premise - Abandoned

DETACHED GARAGE THROUGHOUT
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.
*PORTIONS OF FENCING ARE DAMAGED
AND CREATING A SAFETY HAZARD TO THE
PUBLIC, REPAIRS OR REPLACING IS
REQUIRED

06/06/2022

60-192(2) - Dangerous Structure or Premise
- Walking Surface

DETACHED GARAGE THROUGHOUT
Repair or replace the 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.

*EAST DOORS ARE DAMAGED DUE TO TREE
FALLING ON GARAGE

06/06/2022

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

06/06/2022

DETACHED GARAGE THROUGHOUT

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 EXTERIOR DOORS AND DOOR JAMS AND MUST BE IN GOOD WORKING ORDER.

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

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

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

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

REPLACE ALL DAMAGED ROOFING COMPONENTS. OBTAINING AND FINALIZING OF BUILDING PERMIT IS REQUIRED IF REPLACING SHEETING.

*REPAIR/REPLACE ANY BROKEN, MISSING, DAMAGED, OR ROTTED SIDING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE OBTAINING AND FINALIZING BUILDING PERMITS.

*UNSAFE TO GAIN ACCESS INTO STRUCTURE, POSSIBLE MORE VIOLATIONS.

*IF CHOSEN TO DEMOLISH, PERMIT MUST BE PULLED AND FINALIZED.

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

*REPLACE ALL DAMAGED ROOFING COMPONENTS. OBTAINING AND FINALIZING A BUILDING PERMIT IS REQUIRED IF REPLACING SHEATHING.

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

DETACHED GARAGE THROUGHOUT
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.
*DAMAGED AND DETERIORATING SIDING THROUGHOUT
*DAMAGED AND INOPERABLE DOORS
*SOFFIT IS DAMAGED THROUGHOUT
*FIXTURES ATTACHED TO WALLS AND ROOF HAVE BEEN DAMAGED FROM TREEN FALLING ON THE GARAGE.
*ITEMS ABOVE WILL NEED REPAIRED OR REPLACED AND WILL REQUIRE OBTAINING AND FINALIZING PERMITS AS REQUIRED.

06/06/2022

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

DETACHED GARAGE THROUGHOUT
Vacate and secure any structure that is clearly unsafe for its use and occupancy, OR,
demolishes 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.
*MAJORITY OF WALLS ARE BOWING, DAMAGED, AND CAVING IN, WILL REQUIRE AN ENGINEERS REPORT IF REPAIRING

06/06/2022

60-192(8) - Dangerous Structure or Premise
- Substantial Risk

DETACHED GARAGE THROUGHOUT
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.
*SEVERE DAMAGE FROM TREE FALLING ON DETACHED GARAGE, REPAIRS, REPLACEMENT OR DEMOLITION WILL BE REQUIRED WITH OBTAINING AND FINALIZING OF PERMITS AS REQUIRED.

06/06/2022

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.

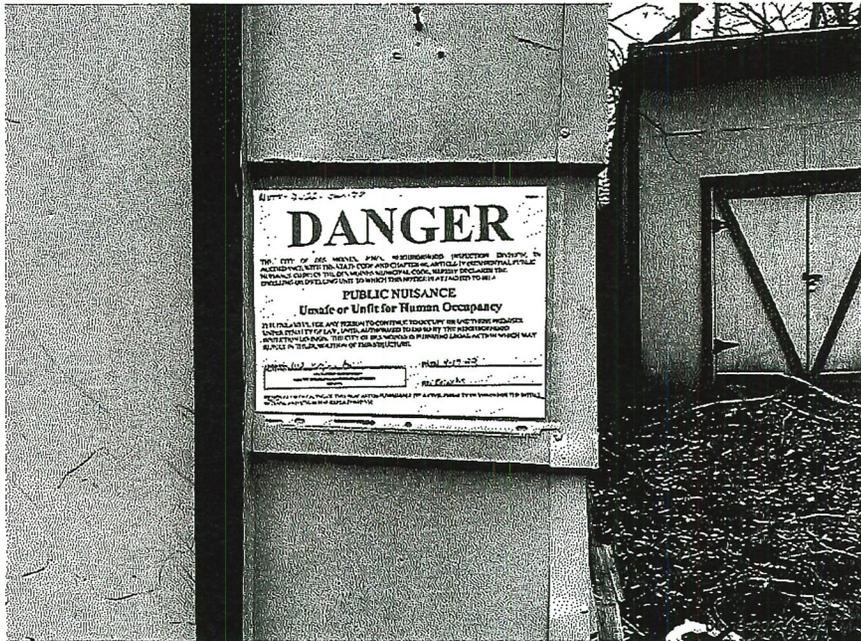
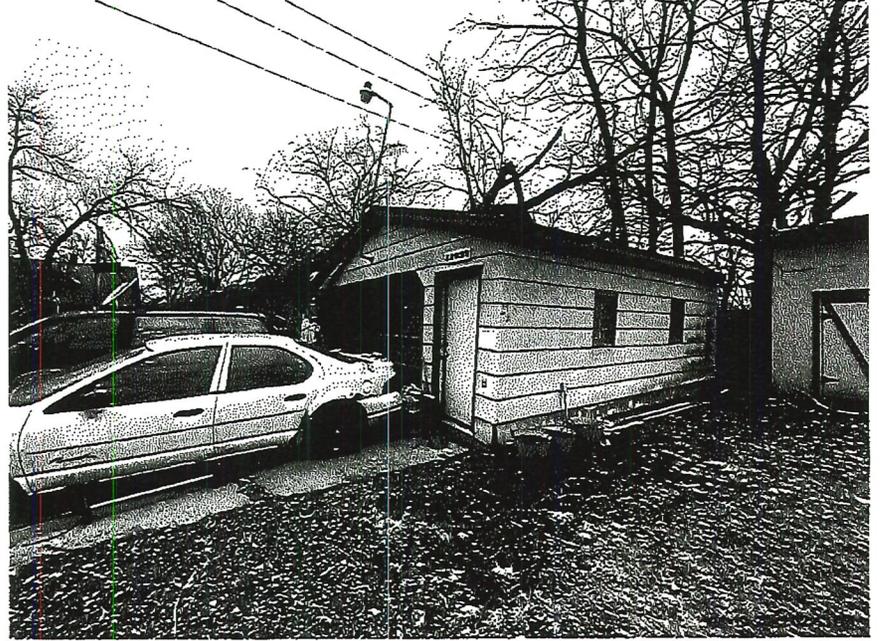
Should you have any questions, feel free to call. I can usually be reached between 8:00 a.m. and 9:00 a.m., Monday through Friday.

Thank you for your help,

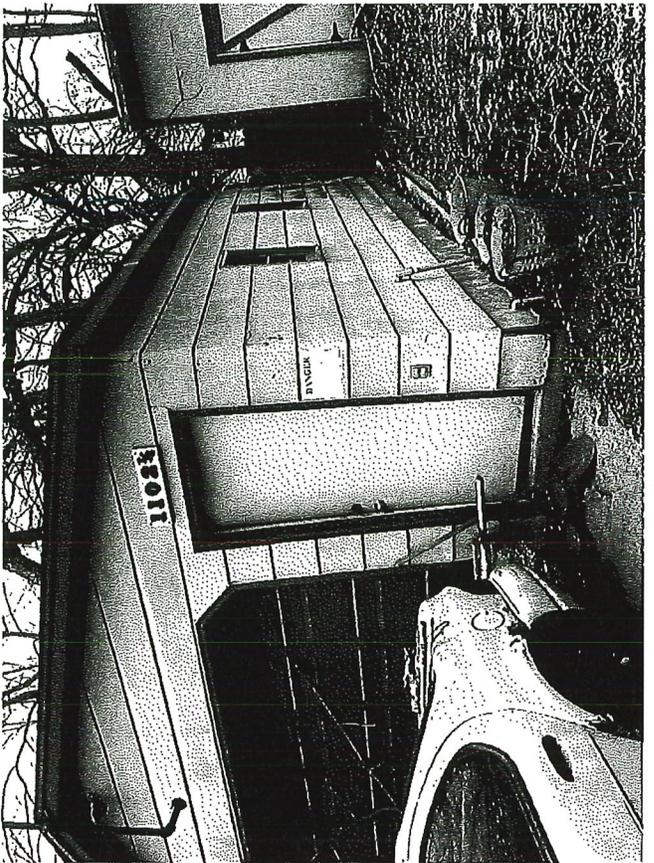
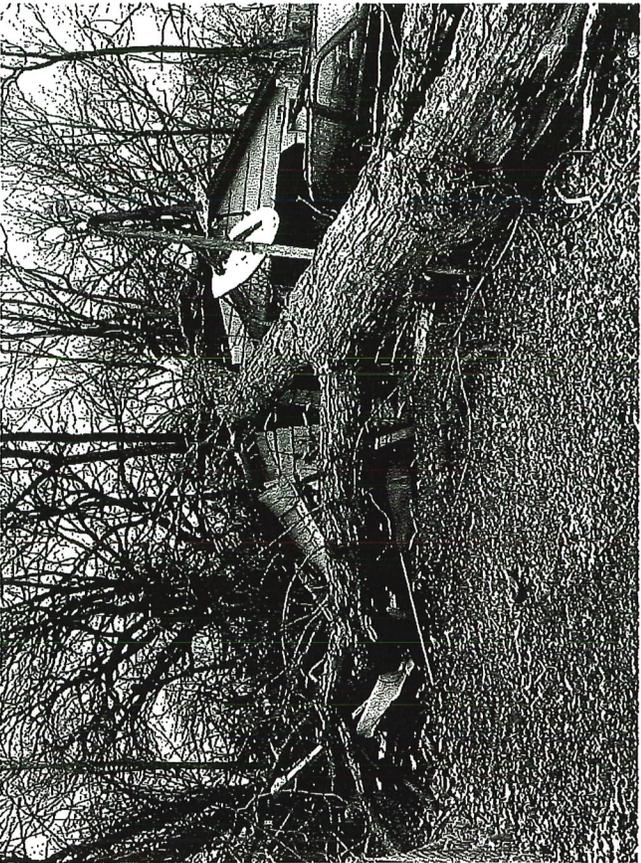
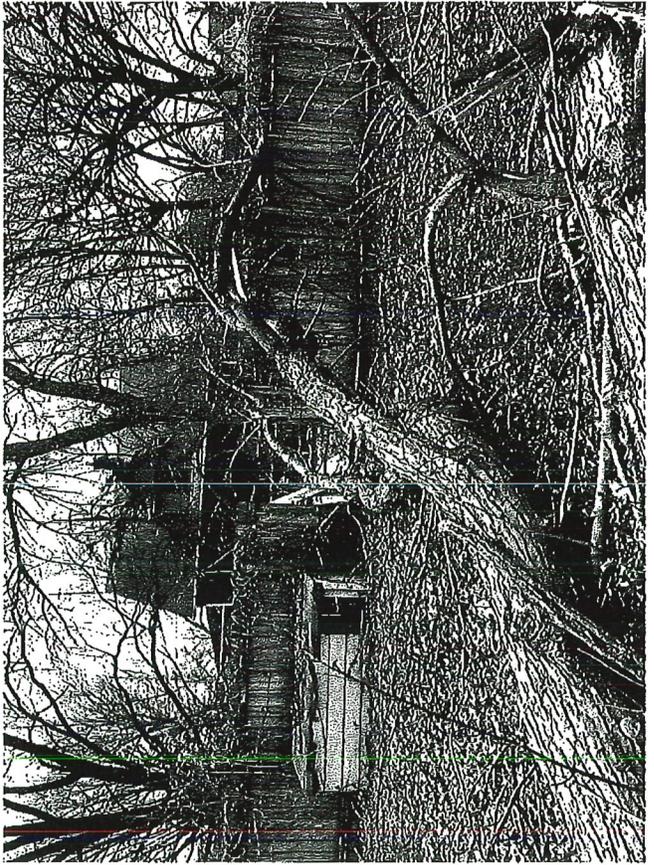
Respectfully,



Keith Brincks
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4245
kmbrincks@dmgov.org



40E



Polk County Assessor

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

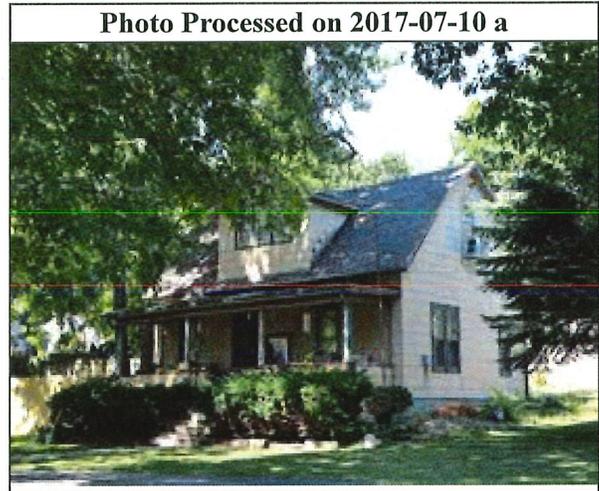
(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	1102 VIRGINIA AVE				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	010/05423-001-000	Geoparcels	7824-16-377-051	Status	Active
School	Des Moines	Nbhd/Pocket	DM28/Z	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

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



[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	WEATHERLY, DEE DEE M	2002-10-15	9383/307

Legal Description and Mailing Address

VAC E/W ALLEY ROW S & ADJ & LOT 20 & VAC E/W ALLEY ROW S & ADJ & 30F VAC RR ROW LYING E OF LT 20 VIRGINIA HEIGHTS	DEE DEE M WEATHERLY 1102 VIRGINIA AVE DES MOINES, IA 50315-2250
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Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$38,300	\$139,600	\$177,900

[Market Adjusted Cost Report](#)

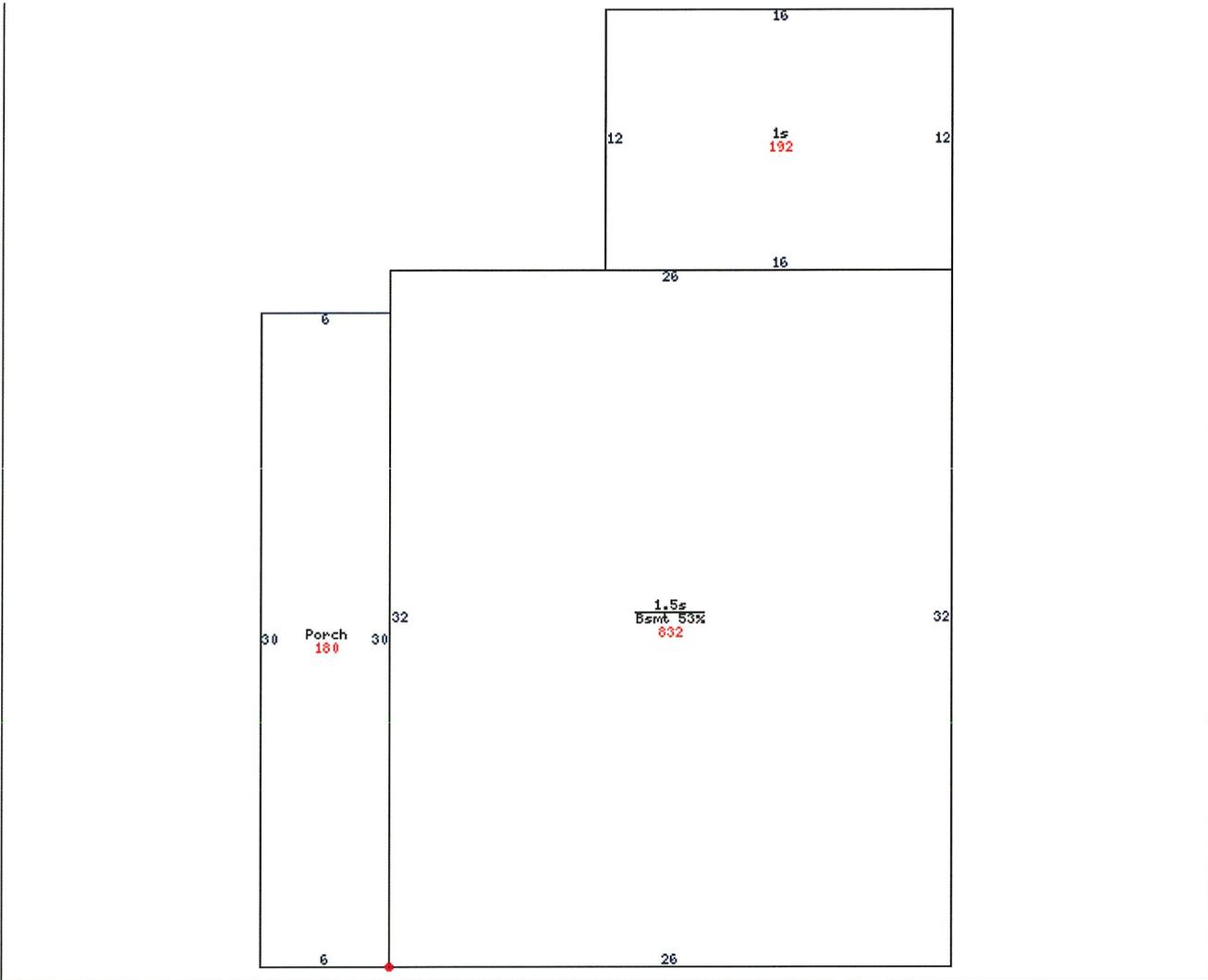
Auditor Adjustments to Value

Category	Name	Information
2021 Homestead Credit	WEATHERLY, DEE DEE M	Application #35127

Zoning - 1 Record

46E

Zoning	Description		SF	Assessor Zoning	
N5	N5 Neighborhood District			Residential	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	17,680	Acres	0.406	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	1906	Number Families	1	Grade	4+05
Condition	Above Normal	Total Square Foot Living Area	1581	Main Living Area	1024
Upper Living Area	557	Basement Area	441	Open Porch Area	180
Foundation	Brick	Exterior Wall Type	Wood Siding	Roof Type	Gable
Roof Material	Asphalt Shingle	Heating	Gas Forced Air	Air Conditioning	0
Number Bathrooms	1	Bedrooms	3	Rooms	7



Detached Structures - 2 Records

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	22	Measure 2	22	Story Height	1
Grade	4	Year Built	1990	Condition	Normal
Comment	SHED 8 X 10 PP				

Detached Structure #102

Occupancy	Garage	Measurement Code	Dimensions	Measure 1	12
Measure 2	20	Story Height	1	Grade	4
Year Built	1993	Condition	Normal		

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$38,300	\$139,600	\$177,900
2019	Assessment Roll	Residential	Full	\$33,500	\$121,300	\$154,800
2017	Assessment Roll	Residential	Full	\$29,900	\$110,300	\$140,200
2015	Assessment Roll	Residential	Full	\$27,400	\$101,500	\$128,900
2013	Assessment Roll	Residential	Full	\$27,600	\$103,900	\$131,500
2011	Assessment Roll	Residential	Full	\$27,600	\$103,100	\$130,700

Yr	Type	Class	Kind	Land	Bldg	Total
2009	Assessment Roll	Residential	Full	\$29,000	\$102,700	\$131,700
2007	Assessment Roll	Residential	Full	\$28,100	\$111,700	\$139,800
2005	Assessment Roll	Residential	Full	\$28,000	\$98,400	\$126,400
2004	Assessment Roll	Residential	Full	\$24,950	\$87,410	\$112,360

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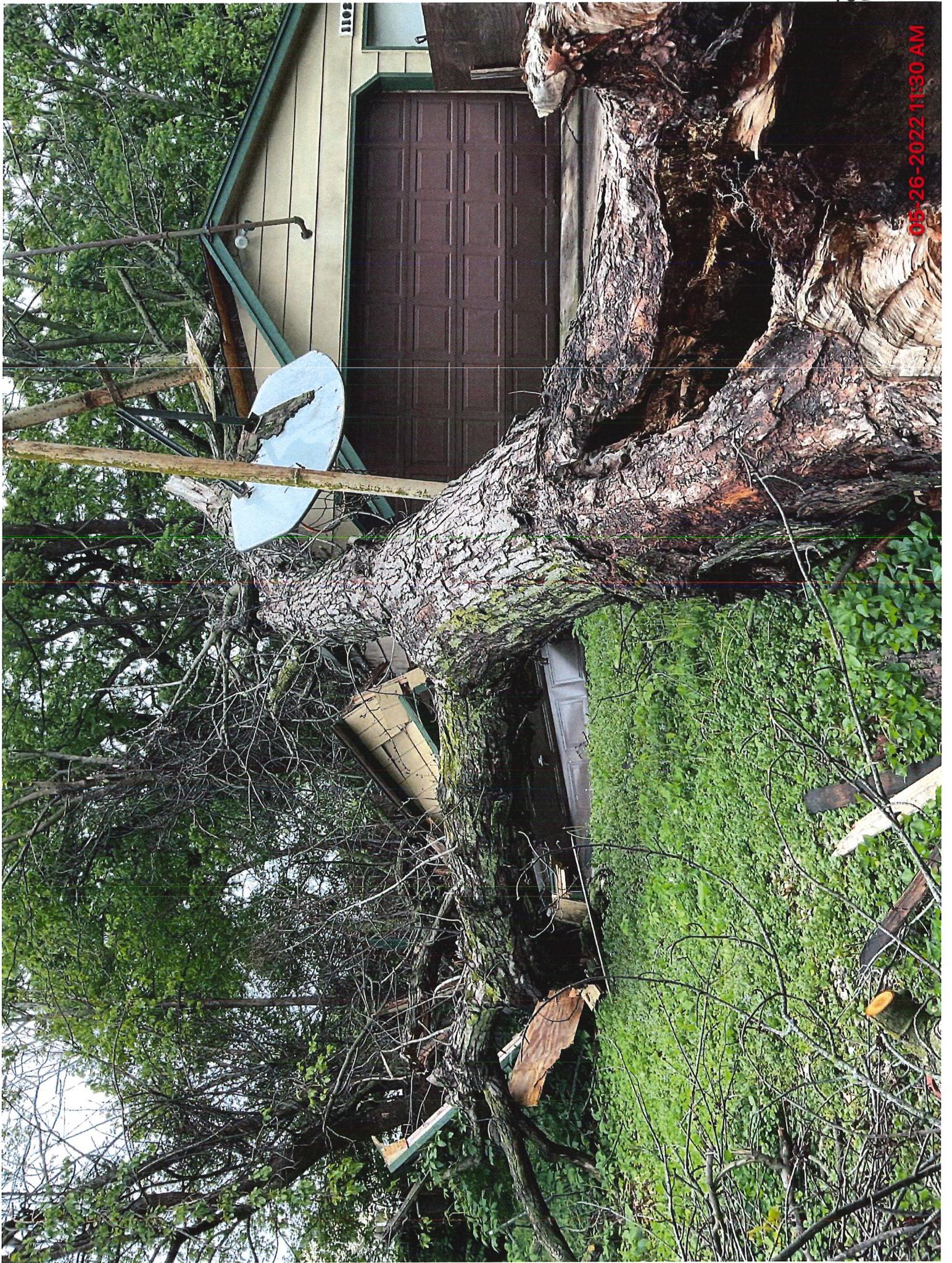
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