



Roll Call Number

Agenda Item Number

61E

Date September 12, 2022

ABATEMENT OF PUBLIC NUISANCE AT 1138 13th ST.

WHEREAS, the property located at 1138 13th St., 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 Titleholders, Maureen Canada and Lillian A. Williams, 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 Fifty-Six feet (N 56') of Lot One (1) of Subdivision of Lots Eight (8) and Nine (9) of the Official Plat of the Northwest Fractional Quarter of the Northwest Fractional Quarter, Section Four (4), Township Seventy-Eight (78) North, Range Twenty-Four (24), West of the 5th P.M., Polk County, Iowa, and locally known as 1138 13th St., 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.

Second by _____

FORM APPROVED:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
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.

Mayor

City Clerk

61E



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

Case Number: NUIS-2022-000111	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 05/02/2022
	Date of Notice: 05/18/2022
Date of Inspection: 05/02/2022	

LILLIAN WILLIAMS- DECEASED
1138 13TH ST
DES MOINES IA 50314

Address of Property: 1138 13TH ST, DES MOINES IA 50314
Parcel Number: 782404101033
Legal Description:

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 THROUGH OUT Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	06/14/2022
60-192(1) - Dangerous Structure or Premise - Door, Stairway, Exit	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.	06/14/2022
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.	06/14/2022

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

MAIN STRUCTURE THROUGH OUT

06/14/2022

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.

* ALL ELECTRICAL, MECHANICAL, PLUMBING AND STUCTURAL COMPONENTS THROUGHOUT THE STRUCTRE THAT ARE IN NEED OF REPLACEMENT OR REPAIR ARE TO BE BROUGHT TO MINIMUM CODE REQUIREMENTS WITH NECESSARY PERMITS AS REQUIRED TO MEET THE CITY CODES.

* 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 STRUCTRE. 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 STRUCTRE. WORK MUST BE DONE BY A LICENSED PLUMBING CONTRACTOR.

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* REPLACE/REPAIR DUCTWORK BY LICENSED MECHANICAL CONTRACTOR, OBTAIN FINAL ON MECHANICAL PERMIT OR PROVIDE RECEIPT FROM LICENSED CONTRACTOR

* REPLACE WATER HEATER BY LICENSED PLUMBING CONTRACTOR, OBTAIN FINAL ON PLUMBING PERMIT OR PROVIDE RECEIPT FROM LICENSED CONTRACTOR.

* REPLACE GAS LINES BY LICENSED PLUMBING CONTRACTOR, OBTAIN FINAL ON PLUMBING PERMIT OR PROVIDE RECEIPT FROM LICENSED CONTRACTOR.

* REPLACE PLUMBING AND PLUMBING FIXTURES BY LICENSED PLUMBING CONTRACTOR, OBTAIN FINAL ON PLUMBING PERMIT OR PROVIDE RECEIPT FROM LICENSED CONTRACTOR.

*REPLACE ELECTRICAL SERVICE BY LICENSED ELECTRICAL CONTRACTOR, OBTAIN FINAL ON ELECTRICAL PERMIT.

* REPLACE ELECTRICAL RECEPTACLES BY LICENSED ELECTRICAL CONTRACTOR, OBTAIN FINAL ON ELECTRICAL PERMIT

* REPLACE ELECTRICAL WIRES BY LICENSED ELECTRICAL CONTRACTOR, OBTAIN FINAL ON ELECTRICAL PERMIT

* WAS UNABLE TO DETERMINE IF MAIN STRUCTURE IS DAMAGED AS WELL. WILL REQUIRE A STRUCTURE INSPECTION ONCE THE GARAGE IS DEMOLISHED OR SAFE TO ENTER.

* REPLACE ALL DAMAGED EXTERIOR WALLS AND IT COMPONENTS.

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

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

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

MAIN STRUCTURE THROUGH OUT
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.

06/14/2022

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.

06/14/2022

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.

06/14/2022

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.

06/14/2022

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

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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,



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	1138 13TH ST				
City	DES MOINES	Zip	50314	Jurisdiction	Des Moines
District/Parcel	030/05988-000-000	Geoparcels	7824-04-101-033	Status	Active
School	Des Moines	Nbhd/Pocket	DM76/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

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

Photo Processed on 2018-06-26 a

[Historical Photos](#)

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	CANADA, MAUREEN	1977-02-01	4661/990
Title Holder	2	WILLIAMS, LILLIAN A		

Legal Description and Mailing Address

N 56 F LT 1 SD LTS 8 & 9 OP NW FRL 1/4 NW FRL 1/4 SEC 4-78-24	MAUREEN CANADA 1138 13TH ST DES MOINES, IA 50314-2266
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Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$3,500	\$2,800	\$6,300

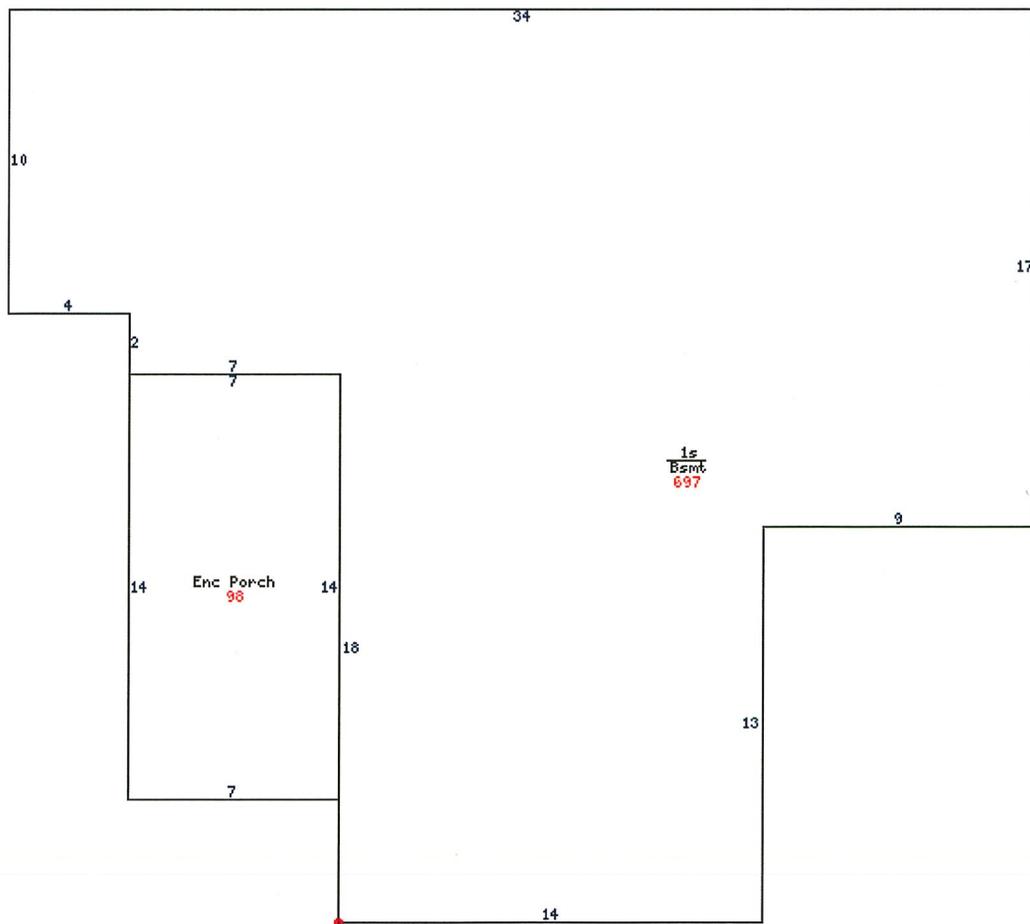
[Market Adjusted Cost Report](#)

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	2,464	Acres	0.057	Frontage	56.0
Depth	44.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Early 20s
Year Built	1883	Number Families	1	Grade	5+00
Condition	Very Poor	Total Square Foot Living Area	697	Main Living Area	697
Basement Area	697	Enclosed Porch Area	98	Foundation	Concrete Block
Exterior Wall Type	Metal Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	1
Bedrooms	1	Rooms	5		



Permits - 2 Records

Year	Type	Permit Status	Application	Reason	Reason1
2006	Permit	No Add	2005-01-26	Alterations	BATH
1994	Permit	No Add	1993-12-06		Flood Damage Repair

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$3,500	\$2,800	\$6,300
2019	Assessment Roll	Residential	Full	\$3,200	\$2,500	\$5,700
2017	Assessment Roll	Residential	Full	\$2,800	\$11,200	\$14,000
2015	Assessment Roll	Residential	Full	\$2,800	\$11,300	\$14,100
2013	Assessment Roll	Residential	Full	\$2,700	\$9,700	\$12,400
2011	Assessment Roll	Residential	Full	\$2,900	\$11,700	\$14,600
2009	Assessment Roll	Residential	Full	\$2,400	\$13,600	\$16,000
2007	Assessment Roll	Residential	Full	\$2,300	\$13,100	\$15,400
2005	Assessment Roll	Residential	Full	\$2,300	\$13,000	\$15,300
2003	Assessment Roll	Residential	Full	\$1,910	\$10,610	\$12,520
2001	Assessment Roll	Residential	Full	\$1,730	\$9,880	\$11,610
1999	Assessment Roll	Residential	Full	\$2,910	\$12,840	\$15,750
1997	Assessment Roll	Residential	Full	\$2,380	\$10,510	\$12,890
1995	Assessment Roll	Residential	Full	\$2,220	\$9,800	\$12,020
1989	Assessment Roll	Residential	Full	\$1,920	\$8,480	\$10,400

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



08-17-2021 12:59 PM

61E

CITY OF DES MOINES
RECYCLING
3400 UNIVERSITY AVENUE, SUITE 200
DES MOINES, IA 50319

CITY OF DES MOINES
RECYCLING
3400 UNIVERSITY AVENUE, SUITE 200
DES MOINES, IA 50319



09-01-2022 03:33 PM



09-01-2022 03:33 PM

CAUTION



08/01/2022 03:34 PM