



Roll Call Number

Agenda Item Number

61G

Date September 12, 2022

ABATEMENT OF PUBLIC NUISANCES AT 3230 E. 8TH ST.

WHEREAS, the property located at 3230 E. 8th St., Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure and the garage structure in their present condition constitute not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholder, Geneva M. Daye, and Mortgage Holders, The Bank of New York Mellon and Lederman Bonding Company, were notified more than thirty days ago to repair or demolish the main structure and garage structure and as of this date have failed to abate the nuisances.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure and garage structure on the real estate legally described as Lot 141 in WRIGHT'S GROVE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3230 E. 8th St., have previously been declared public nuisances;

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 nuisances, and should the owner(s) fail to abate the nuisances, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structures.

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

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

616



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

Case Number: NUIS-2022-000121	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 05/18/2022
	Date of Notice: 06/23/2022
	Date of Inspection: 05/02/2022

THE BANK OF NEW YORK MELLON
240 GREENWICH ST
NEW YORK NY 10286

Address of Property: 3230 E 8TH ST, DES MOINES IA 50316
Parcel Number: 792426252015
Legal Description: LOT 141 WRIGHTS GROVE

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	<p>MAIN STRUCTURE THROUGHOUT</p> <p>Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.</p> <p>*UNABLE TO GAIN ACCESS INTO STRUCTURE, POSSIBLE MORE VIOLATIONS EXIST.</p>	07/22/2022
60-192(12) - Dangerous Structure or Premise - Abandoned	<p>MAIN STRUCTURE THROUGHOUT</p> <p>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.</p>	07/22/2022

60-192(14) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT	07/22/2022
	Repair or replace the unsafe equipment OR demolish the structure.	
	*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.	
60-192(15) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT	07/22/2022
	Repair or replace the unsafe or unlawful structure OR demolish the structure.	
60-192(2) - Dangerous Structure or Premise - Walking Surface	MAIN STRUCTURE THROUGHOUT	07/22/2022
	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.	

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.

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

*ALL ELECTRICAL, MECHANICAL, PLUMBING AND STUCTURAL COMPONENTS THROUGHOUT THE STRUCTURE 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 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.

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

MAIN STRUCTURE THROUGHOUT

07/22/2022

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.

*FOUNDATION NEEDS ENGINEERS REPORT. REPAIR PER ENGINEER'S REPORT. BUILDING PERMIT MAY BE REQUIRED.

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

GARAGE THROUGHOUT

07/22/2022

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.

*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 DOORS AND OR JAMS AS NEEDED. OBTAIN FINAL ON PERMIT REQUIRED IF CHANGING OPENING SIZE

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

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

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60-192(7) - Dangerous Structure or Premise
- Attractive Nuisance, Harbor for Vagrants

GARAGE THROUGHOUT

07/22/2022

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.

*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 OBTAINING A BUILDING PERMIT.

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60-194 - Defacing and Removing Placard

MAIN STRUCTURE THROUGHOUT

07/22/2022

Replace or restore defaced or removed placard.

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,



NUIS-2022-000121

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



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LEDERMAN BONDING COMPANY
C/O DAVID LEDERMAN
712 SYCAMORE ST
WATERLOO IA 50703

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Parcel Number: 792426252015
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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

Land

Square Feet	6,650	Acres	0.153	Frontage	50.0
Depth	133.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	2 Stories	Building Style	Early 20s
Year Built	1895	Number Families	1	Grade	4-05
Condition	Poor	Total Square Foot Living Area	1500	Main Living Area	778
Upper Living Area	722	Basement Area	722	Open Porch Area	48
Enclosed Porch Area	207	Foundation	Brick	Exterior Wall Type	Metal Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning Rooms	100	Number Bathrooms	1	Bedrooms	3
	6				



Detached Structures - 1 Record

Detached Structure #101					
Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	24	Measure 2	26	Grade	4
Year Built	1988	Condition	Poor		
Comment	ALLEY ACCESS				

Sales - 2 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
DAYE, LEWIS H	DAYE, JOHN H. & GENEVA M.	1996-08-23	\$19,984	Deed	7473/389
UNKNOWN	DAYE, LEWIS H.	1988-08-16	\$15,750	Deed	5931/293

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
DAYE, GENEVA M DAYE, JOHN HUMPHERY Also Known As DAYE, GENEVA MARIE	DAYE, GENEVA MARIE	2019-02-14	2019-02-14	Affidavit of Surviving Tenant	17235/870

Permits - 8 Records

Year	Type	Permit Status	Application	Reason	Reason1
2022	Pickup	Cancel	2017-11-28	Review Value	CHECK CONDITION
2021	Pickup	Pass	2017-11-28	Review Value	CHECK CONDITION
2020	Pickup	Pass	2017-11-28	Review Value	CHECK CONDITION
2019	Permit	No Add	2018-02-05	Fix Damage	FOUNDATION
2019	Pickup	Pass/Partial	2017-11-28	Review Value	CHECK CONDITION
2018	Pickup	Partial	2017-11-28	Review Value	CHECK CONDITION
1990	Pickup	Cancel	1990-03-06		UR Application
1989	Permit	Complete	1988-10-05		New Garage

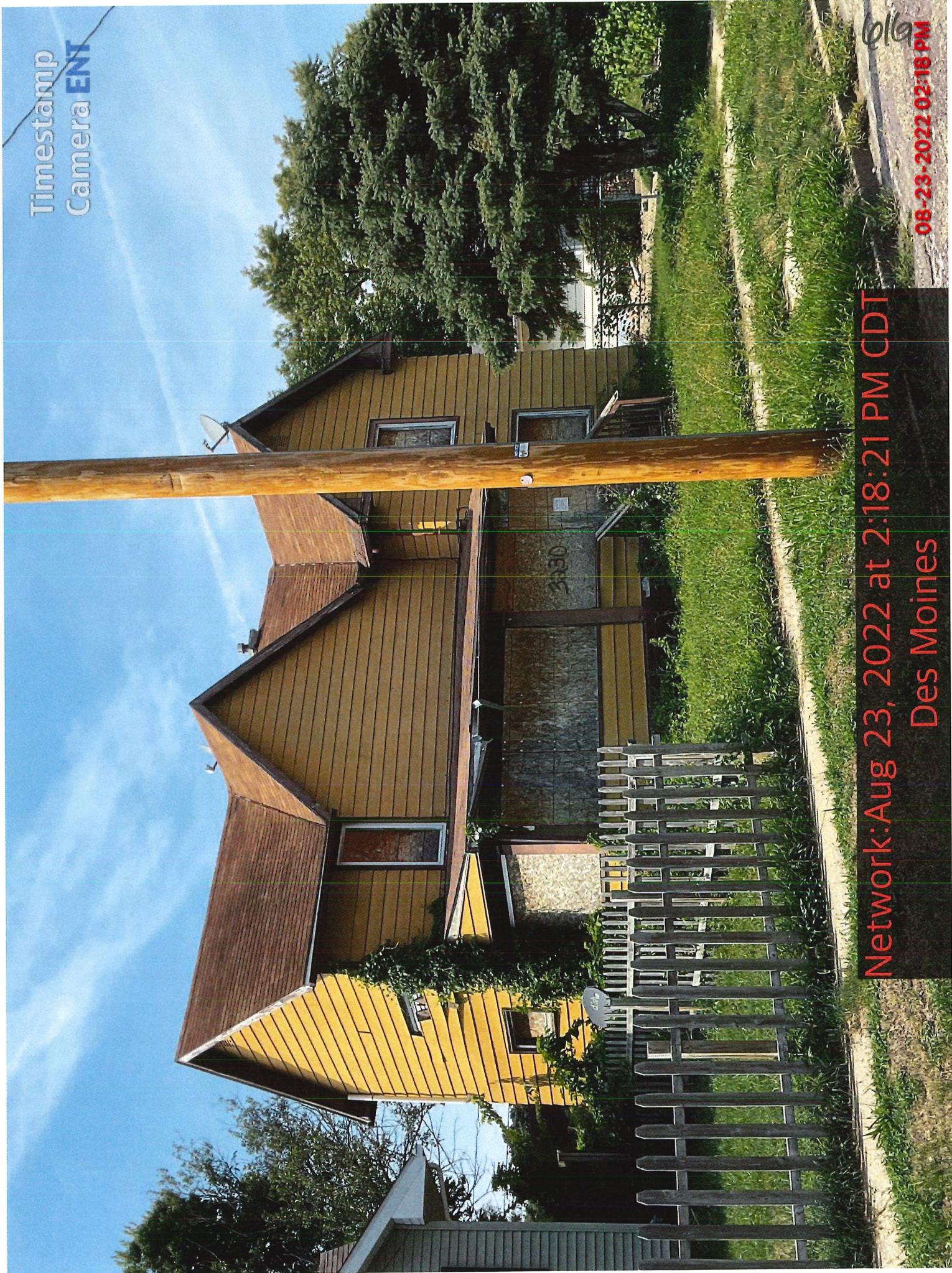
Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$21,800	\$20,300	\$42,100
2019	Assessment Roll	Residential	Full	\$19,200	\$18,000	\$37,200
2018	Assessment Roll	Residential	Full	\$17,000	\$17,400	\$34,400
2017	Assessment Roll	Residential	Full	\$17,000	\$42,700	\$59,700
2015	Assessment Roll	Residential	Full	\$15,300	\$38,900	\$54,200
2013	Assessment Roll	Residential	Full	\$13,600	\$35,100	\$48,700
2011	Assessment Roll	Residential	Full	\$16,600	\$42,500	\$59,100
2010	Board Action	Residential	Full	\$19,800	\$48,400	\$68,200
2009	Assessment Roll	Residential	Full	\$19,800	\$84,600	\$104,400
2007	Assessment Roll	Residential	Full	\$18,700	\$79,700	\$98,400

Yr	Type	Class	Kind	Land	Bldg	Total
2005	Assessment Roll	Residential	Full	\$15,800	\$70,600	\$86,400
2003	Assessment Roll	Residential	Full	\$14,250	\$63,200	\$77,450
2001	Assessment Roll	Residential	Full	\$14,440	\$61,950	\$76,390
2000	Assessment Roll	Residential	Full	\$10,460	\$50,000	\$60,460
1999	Assessment Roll	Residential	Full	\$10,460	\$50,000	\$60,460
			Adj	\$10,460	\$43,460	\$53,920
1997	Assessment Roll	Residential	Full	\$9,390	\$46,210	\$55,600
			Adj	\$9,390	\$39,670	\$49,060
1995	Assessment Roll	Residential	Full	\$8,330	\$40,990	\$49,320
			Adj	\$8,330	\$34,450	\$42,780
1993	Assessment Roll	Residential	Full	\$7,060	\$34,760	\$41,820
			Adj	\$7,060	\$28,220	\$35,280
1990	Assessment Roll	Residential	Full	\$7,060	\$33,040	\$40,100
			Adj	\$7,060	\$26,500	\$33,560
1989	Assessment Roll	Residential	Full	\$7,060	\$31,700	\$38,760

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

Timestamp
Camera ENT



Network: Aug 23, 2022 at 2:18:21 PM CDT
Des Moines

0169
08-23-2022 02:18 PM

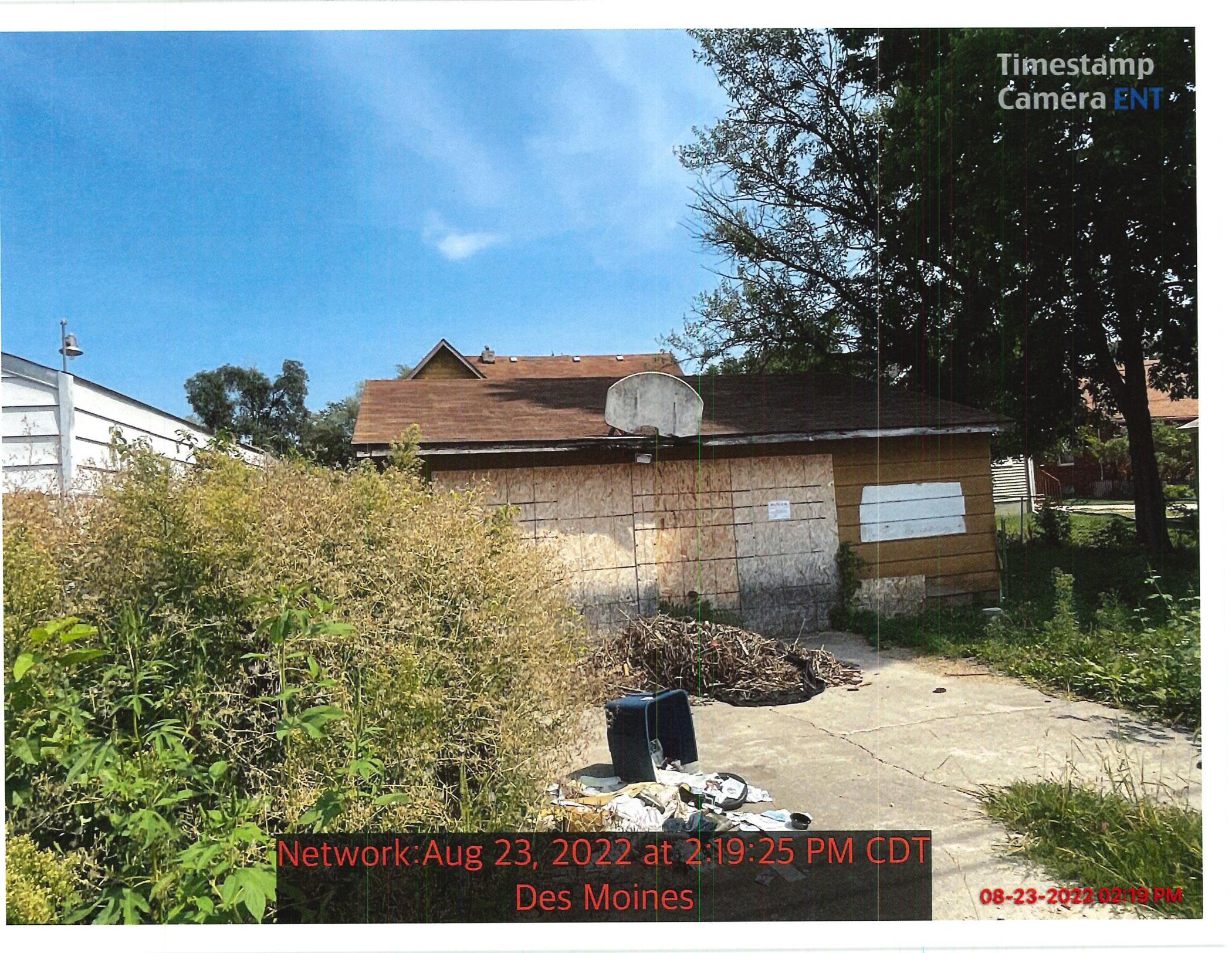
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Camera ENT

Network: Aug 23, 2022 at 2:18:35 PM CDT
Des Moines

08-23-2022 02:18 PM

1016

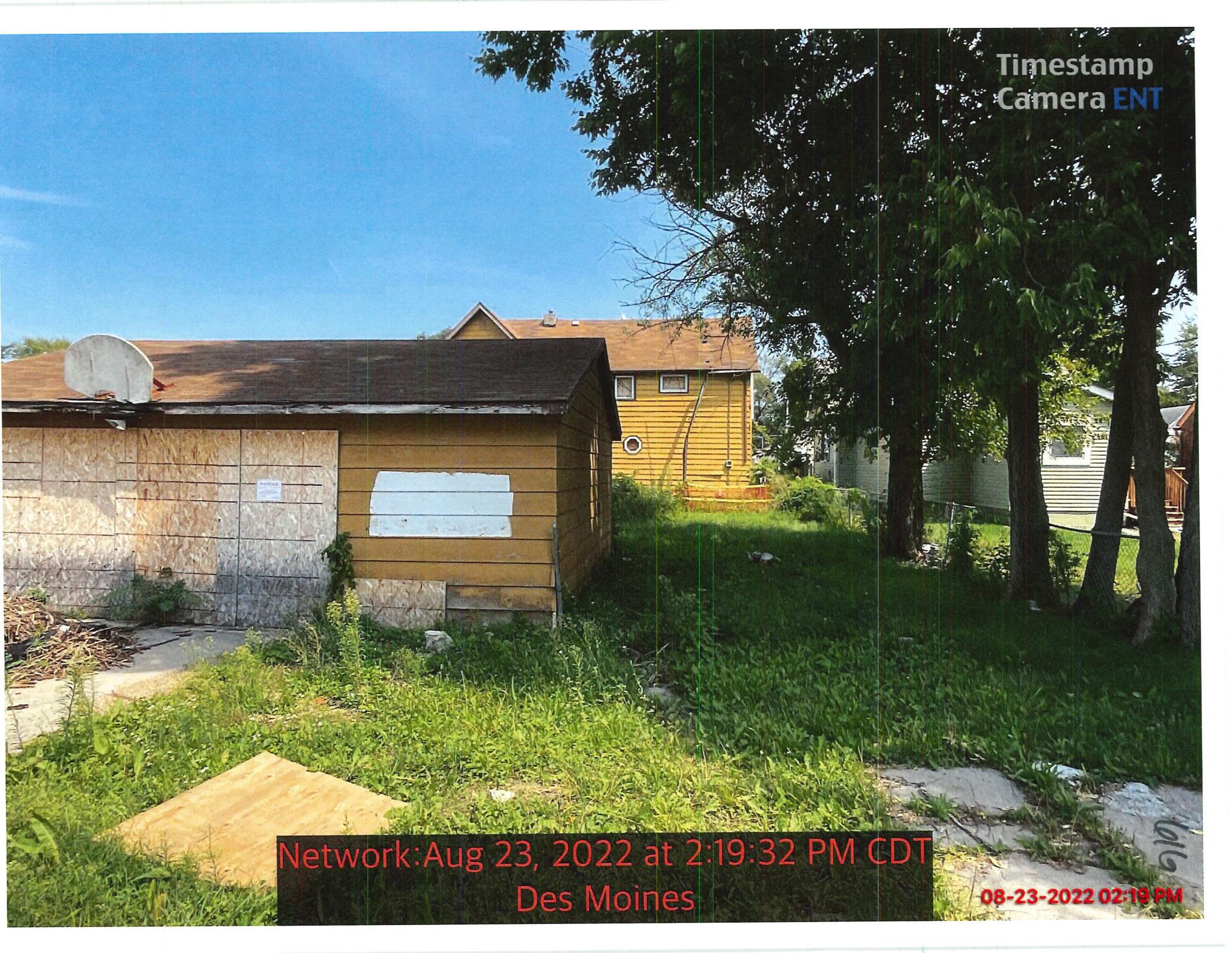
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Camera ENT



Network: Aug 23, 2022 at 2:19:25 PM CDT
Des Moines

08-23-2022 02:19 PM

Timestamp
Camera ENT



Network: Aug 23, 2022 at 2:19:32 PM CDT
Des Moines

08-23-2022 02:19 PM

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Network: Aug 23, 2022 at 2:19:40 PM CDT
Des Moines

08-23-2022 02:19 PM