



Roll Call Number

Agenda Item Number

39 E

Date October 24, 2022

ABATEMENT OF PUBLIC NUISANCE AT 4504 FLEUR DRIVE

WHEREAS, the property located at 4504 Fleur Drive, 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, Tony Marks and Brenda Johnson, 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 Lot 6 in POST VIEW PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 4504 Fleur Drive, 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, 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



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

Case Number: NUIS-2022-000146	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 07/15/2022
	Date of Notice: 07/25/2022
	Date of Inspection: 07/15/2022

TONY MARKS
7130 DOUGLAS AVE
URBANDALE IA 50322

Address of Property: 4504 FLEUR DR, DES MOINES IA 50321
Parcel Number: 782420376016
Legal Description: LOT 6 POST VIEW PLACE

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	DETACHED GARAGE Remove the outbuilding and/or detached garage should the primary structure be removed. *IF GARAGE GETS DEMOLISHED THEN A DEMOLITION PERMIT WILL BE REQUIRED, A DETACHED GARAGE CAN NOT STAND ALONE IF THE MAIN STRUCTURE GETS DEMOLISHED	08/29/2022

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

08/29/2022

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.

- *WATER TURNED OFF TO PROPERTY
- *DAMAGED FLUE PIPE FOR WATER HEATER
- *DAMAGED JUNCTION BOXES, WIRING, MAIN PANEL
- *GAS IS TURNED OFF TO THE HOUSE
- *MAIN VENT STACK FOR DRAIN HAS BEEN REMOVED AND DAMAGED
- *DAMAGED DRAIN PIPE AT BATHROOM VANITY
- *COPPER WATER LINES HAVE BEEN CUT
- *TOILET IS DAMAGED

*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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FINALIZING NECESSARY PERMITS AS
REQUIRED TO MEET THE CITY CODES.

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

MAIN STRUCTURE
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.
*DRIVEWAY AND SOUTH WOOD LANDING
THAT IS DETERIORATING OR DAMAGED

08/29/2022

60-192(13) - Unsafe or dangerous structure

MAIN STRUCTURE THROUGHOUT
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.
*SOFFIT AND FASCIA BOARD AT WEST SIDE
*DAMAGED WINDOWS AND DOORS
THROUGHOUT
*REPAIR AND REPLACE ANY AND ALL
DAMAGED EXTERIOR DOORS AND
WINDOWS.
*REPAIR OR REPLACE DAMAGED SOFFIT
AND FASCIA

08/29/2022

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

MAIN STRUCTURE & WEST PORCH
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.
*ALL DOORS TO MAIN STRUCTURE AND
WEST PORCH
*SOUTH WOODEN LANDING AT ENTRYWAY
IS DAMAGED/DETERIORATING
*REPAIR AND REPLACE ANY AND ALL
DAMAGED EXTERIOR DOORS AND DOOR
JAMS AND MUST BE IN GOOD WORKING
ORDER.

08/29/2022

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

MAIN STRUCTURE 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.

*DAMAGED WALLS IN KITCHEN

*BROKEN WINDOWS AND DOORS THROUGHOUT

*DAMAGED

*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.

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

08/29/2022

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

DETACHED GARAGE

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/ DETERIORATING WALLS

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

08/29/2022

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

DETACHED GARAGE

08/29/2022

Repair or replace the building or structure, or part of a structure that 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 IS DAMAGED, CRACKING, BOWING, MOVEMENT NOTED

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

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

MAIN STRUCTURE AND WEST PORCH

08/29/2022

Repair or replace the building or structure, or part of a structure that 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.

*EROSION OR WATER IS CAUSING CONCRETE TO CRACK, MOVE AT WEST PORTION OF WEST PORCH & MAIN STRUCTURE

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

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, 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. *WALLS ARE DAMAGED THROUGHOUT THE GARAGE *DAMAGED CONCRETE FLOOR *ROOF IS CAVING IN ON GARAGE *FOUNDATION NEEDS ENGINEERS REPORT. REPAIR PER ENGINEER'S REPORT. BUILDING PERMIT MAY BE REQUIRED. *ANY STRUCTURAL REPAIRS TO DETACHED GARAGE WILL REQUIRE A OBTAINING AND FINALIZING A PERMIT	08/29/2022
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60-194 - Defacing and Removing Placard	DETACHED GARAGE Replace or restore defaced or removed placard.	08/29/2022
60-194 - Defacing and Removing Placard	MAIN STRUCTURE Replace or restore defaced or removed placard.	08/29/2022
60-195 - Emergency Measures to Vacate	DETACHED GARAGE THROUGHOUT Immediately vacate the building or structure.	08/29/2022

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



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

Case Number: NUIS-2022-000146	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 07/15/2022
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BRENDA JOHNSON
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Parcel Number: 782420376016
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60-192(10) - Dangerous Structure or
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- Damaged

MAIN STRUCTURE THROUGHOUT

08/29/2022

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- Dilapidated or Deteriorated

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MAIN STRUCTURE AND WEST PORCH

08/29/2022

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Respectfully,



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



4504 Fleur Dr.



4504 Fleur Dr.

Polk County Assessor

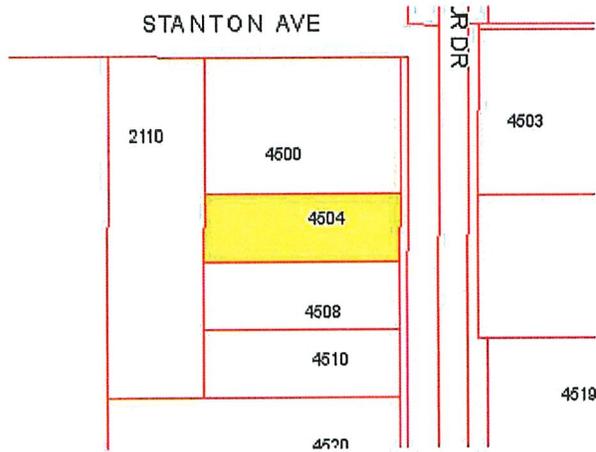
111 Court Avenue #195
Des Moines, IA 50309-0904

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

Location					
Address	4504 FLEUR DR				
City	DES MOINES	Zip	50321	Jurisdiction	Des Moines
District/Parcel	120/03983-000-000	Geoparcels	7824-20-376-016	Status	Active
School	Des Moines	Nbhd/Pocket	DM46/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](#)

Photo Processed on 2014-06-06 a



[Historical Photos](#)

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	MARKS, TONY	2005-10-17	11343/179
Title Holder	2	JOHNSON, BRENDA		

Legal Description and Mailing Address

LOT 6 POST VIEW PLACE

TONY MARKS
7130 DOUGLAS AVE
URBANDALE, IA 50322-3202

Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$41,600	\$49,200	\$90,800

[Market Adjusted Cost Report](#)

Auditor Adjustments to Value

Category	Name	Information
2022 Homestead Credit	MARKS, TONY	Application #181061

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
MX2	MX2 Mixed Use District		

City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)

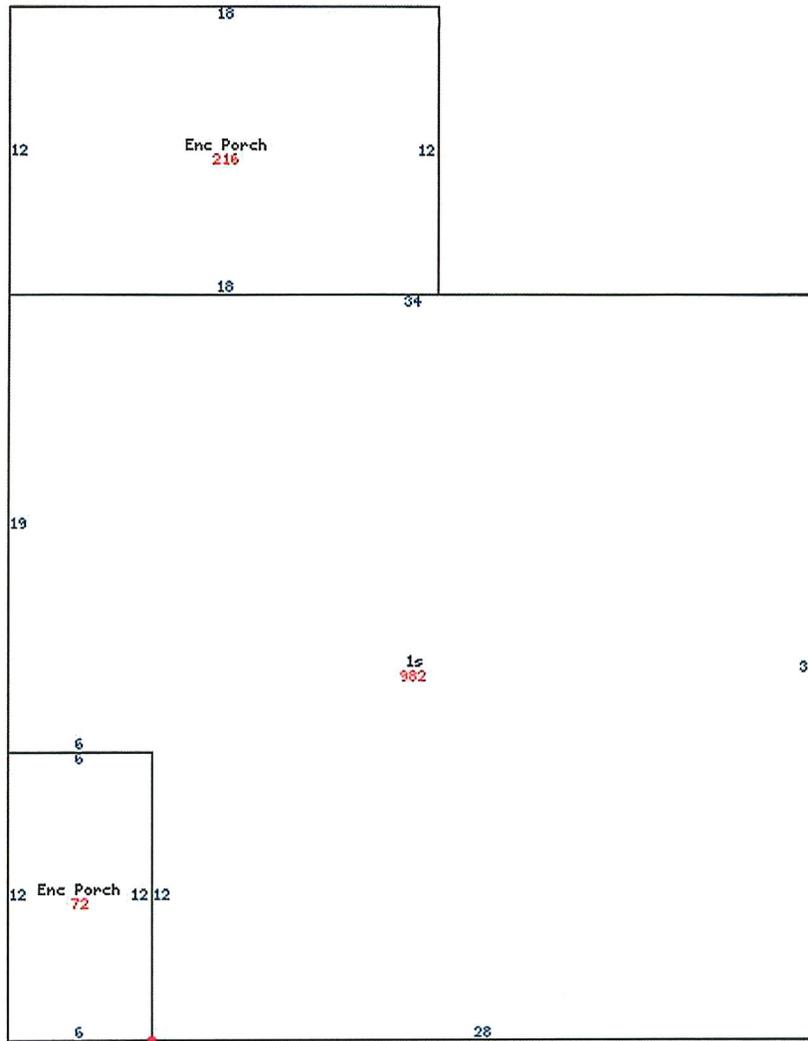
Land

Square Feet	14,000	Acres	0.321	Frontage	70.0
Depth	200.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	1 Story	Year Built	1949
Number Families	1	Grade	4+00	Condition	Above Normal
Total Square Foot Living Area	982	Main Living Area	982	Enclosed Porch Area	288
Foundation	Poured Concrete	Exterior Wall Type	Other	Roof Material	Slate
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	1
Bedrooms	2	Rooms	5		



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	25	Measure 2	20	Story Height	1
Grade	4	Year Built	1950	Condition	Normal

Sales - 2 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
BUCKINGHAM PHOTO	JOHNSON, BRENDA	2005-10-10	\$97,000	Deed	11343/179
BALDWIN, GRACE ESTATE %C MORGAN (ADMIT)	BUCKINGHAM PHOTOGRAPHY LLC	1998-04-28	\$61,000	Deed	7892/833

Permits - 4 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	To Work	2022-09-21	Remove	GARAGE
2014	Pickup	Complete	2013-12-17	Review Value	CLASS CHANGE

Year	Type	Permit Status	Application	Reason	Reason1
2003	Pickup	No Add	2002-12-09	Review Value	REVAL
1999	Permit	Complete	1998-05-22	Alterations	REMODEL (Cost \$1,000)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$41,600	\$49,200	\$90,800
2019	Assessment Roll	Residential	Full	\$38,000	\$44,500	\$82,500
2017	Assessment Roll	Residential	Full	\$34,900	\$42,300	\$77,200
2015	Assessment Roll	Residential	Full	\$32,000	\$39,700	\$71,700
2014	Assessment Roll	Residential	Full	\$31,100	\$38,900	\$70,000
2013	Assessment Roll	Commercial	Full	\$84,400	\$100	\$84,500
2011	Assessment Roll	Commercial	Full	\$84,400	\$100	\$84,500
2009	Assessment Roll	Commercial	Full	\$84,500	\$10,400	\$94,900
2007	Assessment Roll	Commercial	Full	\$84,500	\$10,400	\$94,900
2005	Board Action	Commercial	Full	\$71,940	\$10,060	\$82,000
2005	Assessment Roll	Commercial	Full	\$77,100	\$10,060	\$87,160
2003	Board Action	Commercial	Full	\$67,000	\$10,060	\$77,060
2003	Assessment Roll	Commercial	Full	\$67,000	\$35,000	\$102,000
2001	Board Action	Commercial	Full	\$63,000	\$9,700	\$72,700
2001	Assessment Roll	Commercial	Full	\$63,000	\$24,000	\$87,000
1999	Assessment Roll	Commercial	Full	\$33,700	\$29,000	\$62,700
1997	Assessment Roll	Residential	Full	\$12,870	\$39,620	\$52,490
1995	Assessment Roll	Residential	Full	\$11,800	\$36,320	\$48,120
1993	Assessment Roll	Residential	Full	\$10,260	\$31,580	\$41,840
1993	Was Prior Year	Residential	Full	\$10,260	\$28,300	\$38,560

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