



Roll Call Number

Agenda Item Number

39 G

Date October 24, 2022

ABATEMENT OF PUBLIC NUISANCE AT 4108 SE 8<sup>th</sup> STREET

WHEREAS, the property located at 4108 SE 8<sup>th</sup> Street, 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, Rebecca S. Russell, and the Mortgage Holder, RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association, 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 37 in YODER ACRES, PLAT 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 4108 SE 8<sup>th</sup> Street, 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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include 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

<b>Case Number: NUIS-2022-000157</b>	
<b>Notice of Violation</b>	<b>Case Type: Public Nuisance</b>
	<b>Case Opened: 08/02/2022</b>
	<b>Date of Notice: 09/01/2022</b>
	<b>Date of Inspection: 08/02/2022</b>

RCF 2 ACQUISITION TRUST  
 C/O U.S. BANK TRUST NATIONAL ASSOCIATION CT CORPORATION SYSTEM  
 400 E COURT AVE  
 DES MOINES IA 50309

Address of Property: **4108 SE 8TH ST, DES MOINES IA 50315**  
 Parcel Number: **782422401075**  
 Legal Description: **LOT 37 YODER ACRES PLAT 2**

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
<b>135-2 C - Outbuilding and Detached Garage</b> A fully enclosed building on a lot the is detached from the principal structure on the same lot. A principal structure is required, unless otherwise stated.	Remove the outbuilding and/or detached garage should the primary structure be removed.	09/14/2022

**60-191 - Vacation and Abatement**

Any structure, dwelling, mobile home, equipment, or premise declared to be a public nuisance and unfit for human habitation or use, and so designated by the administrator, shall immediately be vacated and the nuisance shall be abated. The owner(s) shall be responsible for the vacation and abatement of the nuisance at such owner's expense. If not complied by such owner(s), then the nuisance may be abated by the city at the owner's expense. As indicated by section 60-19, the owner of land upon which a mobile home sits is a responsible owner in the event that mobile home is declared to be a public nuisance. Both the owner of the mobile home and the owner of the land upon which the mobile home sits shall be responsible for vacation and abatement of the public nuisance.

Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.

09/14/2022

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

For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:

(3) 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 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.

09/14/2022

REPAIR AND REPLACE ANY AND ALL DAMAGED SOFFITT AND FASCIA

OBTAIN FINAL ON PERMIT AND REPAIR OR REPLACE DAMAGE DECKING, RAILING, JOIST, BEAMS, HANDRAIL, AND STAIRS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

OBTAIN FINAL ON PERMIT TO REPAIR OR REPLACE ALL DAMAGED WALL COMPONENTS, INCLUDING: FRAMING, SHEETING, AND COVERINGS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

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

For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:

(5) The building or structure, or part of a structure, 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, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

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.

09/14/2022

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 LICENSED CONTRACTOR. BUILDING PERMIT REQUIRED IF REPLACING SHEETING.

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

UNSAFE TO GAIN ACCESS INTO STRUCTURE, POSSIBLE MORE VIOLATIONS.

**60-194 - Defacing and Removing Placard**

No person shall deface or remove the placard, except as authorized by the administrator.

Replace or restore defaced or removed placard.

09/14/2022

**60-195 - Emergency Measures to Vacate**

If one or more of the following exists, the administrator is hereby authorized and empowered to order and require the owner(s) and/or occupant(s) to vacate the premises immediately:

(1) There is imminent danger of failure of collapse of a building or structure that endangers life;

(2) Any structure or part of a structure has fallen and life is endangered by occupation of the structure; or

(3) There is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

Immediately vacate the building or structure.

09/14/2022

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,



Scott Clauson  
Neighborhood Inspector  
Neighborhood Services  
602 Robert D. Ray Drive, Des Moines, IA 50309  
SAClauson@dmgov.org



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

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REBECCA S RUSSELL  
 4108 SE 8TH ST  
 DES MOINES IA 50315

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09/14/2022

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Respectfully,



Scott Clauson  
Neighborhood Inspector  
Neighborhood Services  
602 Robert D. Ray Drive, Des Moines, IA 50309  
SAClauson@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](mailto:polkweb@assess.co.polk.ia.us)

Location					
<b>Address</b>	4108 SE 8TH ST				
<b>City</b>	DES MOINES	<b>Zip</b>	50315	<b>Jurisdiction</b>	Des Moines
<b>District/Parcel</b>	120/06962-000-000	<b>Geoparcels</b>	7824-22-401-075	<b>Status</b>	<a href="#">Active</a>
<b>School</b>	Des Moines	<b>Nbhd/Pocket</b>	DM38/Z	<b>Tax Authority Group</b>	DEM-C-DEM-77131
<b>Submarket</b>	South Des Moines	<b>Appraiser</b>	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 2015-04-07 a



### [Historical Photos](#)

### Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	RUSSELL, REBECCA S	2002-06-11	<a href="#">9179/27</a>

### Legal Description and Mailing Address

LOT 37 YODER ACRES PLAT 2

REBECCA S RUSSELL  
4108 SE 8TH ST  
DES MOINES, IA 50315-3703

### Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$19,800	\$77,900	\$97,700

### [Market Adjusted Cost Report](#)

### Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N3A	N3a Neighborhood District		Residential

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

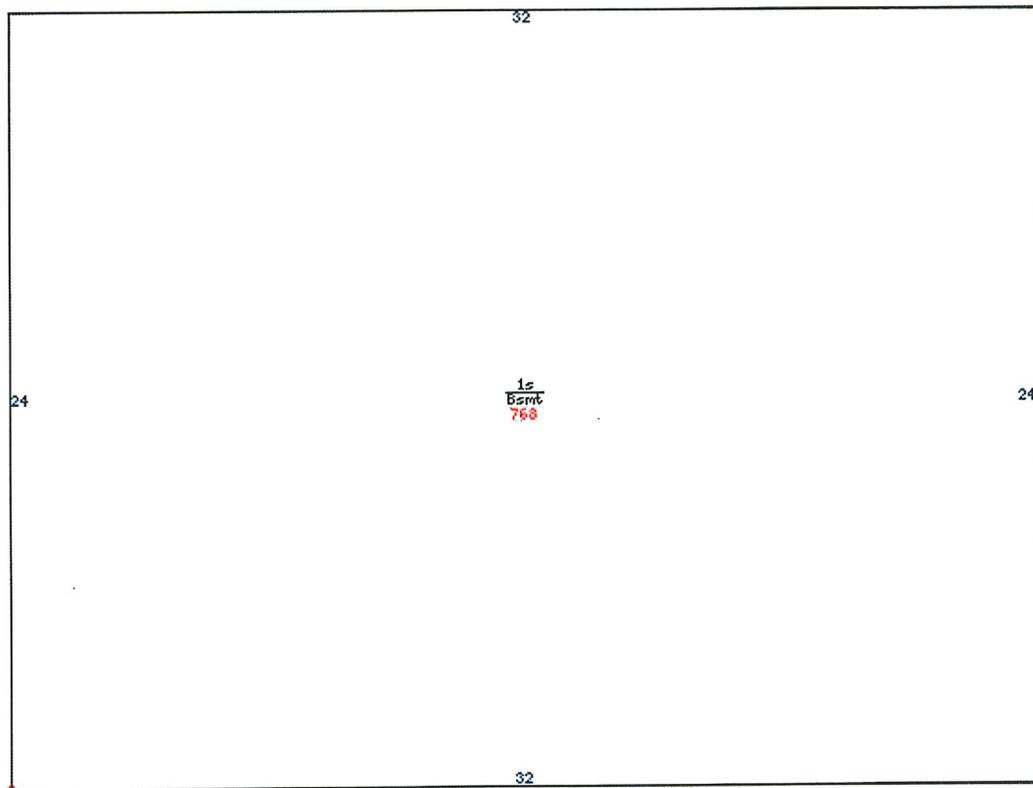
**Land**

<b>Square Feet</b>	10,710	<b>Acres</b>	0.246	<b>Frontage</b>	70.0
<b>Depth</b>	153.0	<b>Topography</b>	Normal	<b>Shape</b>	Rectangle
<b>Vacancy</b>	No	<b>Unbuildable</b>	No		

**Residences - 1 Record**

**Residence #1**

<b>Occupancy</b>	Single Family	<b>Residence Type</b>	1 Story	<b>Building Style</b>	Ranch
<b>Year Built</b>	1951	<b>Number Families</b>	1	<b>Grade</b>	4-05
<b>Condition</b>	Above Normal	<b>Total Square Foot Living Area</b>	768	<b>Main Living Area</b>	768
<b>Basement Area</b>	768	<b>Foundation</b>	Concrete Block	<b>Exterior Wall Type</b>	Vinyl Siding
<b>Roof Type</b>	Gable	<b>Roof Material</b>	Asphalt Shingle	<b>Heating</b>	Gas Forced Air
<b>Air Conditioning</b>	0	<b>Number Bathrooms</b>	1	<b>Bedrooms</b>	2
<b>Rooms</b>	4				



**Sales - 2 Records**

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
MANUFACTURERS & TRADERS TRUST COMPANY	RUSSELL, REBECCA S.	<a href="#">2002-05-22</a>	\$50,000	Deed	<a href="#">9179/27</a>
RUSSELL, DANNY W	THOMPSON, RALPH	<a href="#">1997-11-25</a>	\$18,340	Deed	<a href="#">7788/277</a>

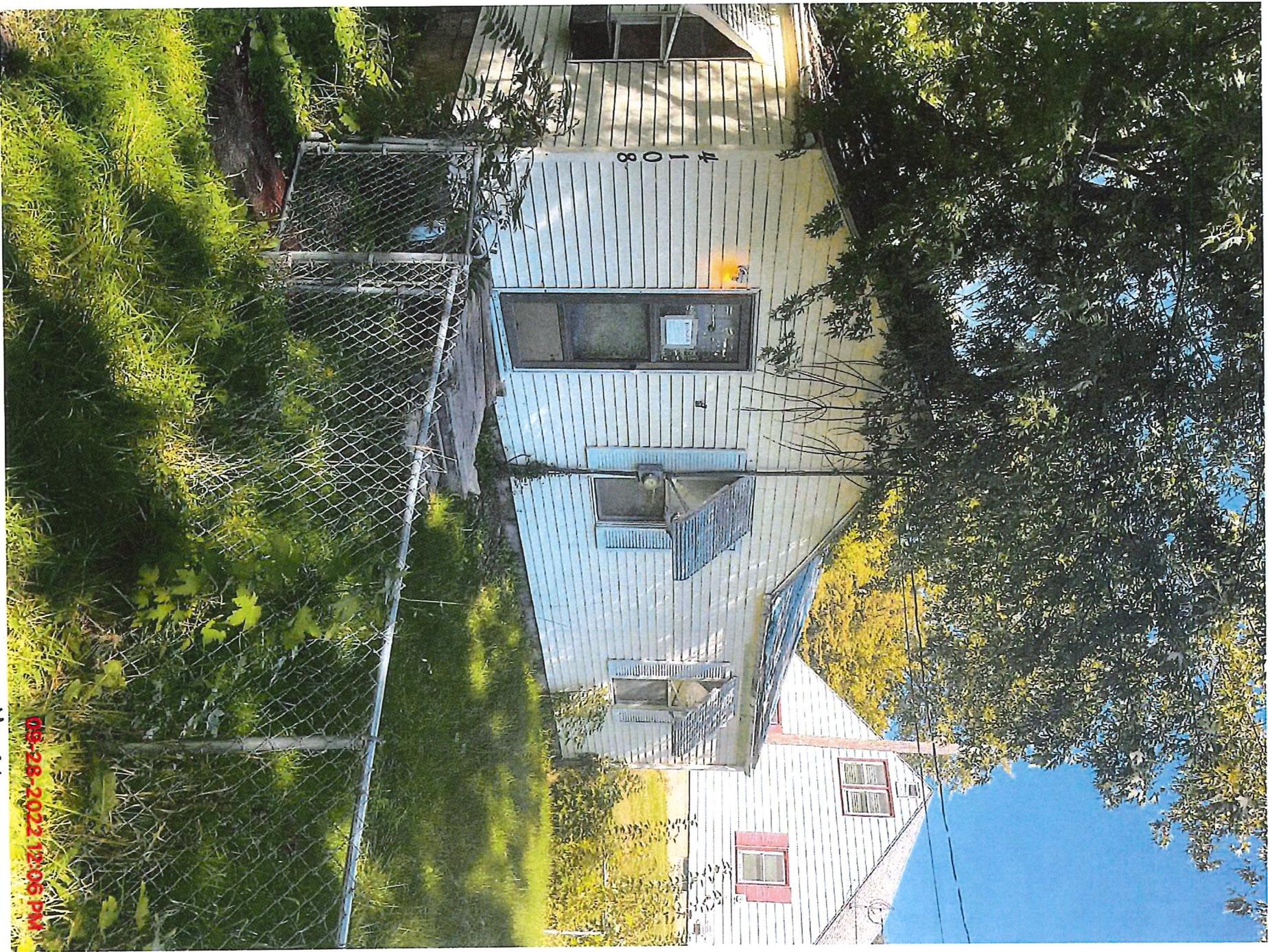
**Permits - 2 Records**

Year	Type	Permit Status	Application	Reason	Reason1
Current	Pickup	To Work	2022-06-23	Review Value	CHECK CONDITION
1998	Permit	No Add	1997-11-05	Alterations	FOUNDATION (Cost \$3,000)

**Historical Values**

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<a href="#">Assessment Roll</a>	Residential	Full	\$19,800	\$77,900	\$97,700
2019	<a href="#">Assessment Roll</a>	Residential	Full	\$18,000	\$71,400	\$89,400
2017	<a href="#">Assessment Roll</a>	Residential	Full	\$15,000	\$60,600	\$75,600
2015	<a href="#">Assessment Roll</a>	Residential	Full	\$13,900	\$57,800	\$71,700
2013	<a href="#">Assessment Roll</a>	Residential	Full	\$14,100	\$59,700	\$73,800
2011	<a href="#">Assessment Roll</a>	Residential	Full	\$14,100	\$60,000	\$74,100
2009	<a href="#">Assessment Roll</a>	Residential	Full	\$14,300	\$60,700	\$75,000
2007	<a href="#">Assessment Roll</a>	Residential	Full	\$15,200	\$61,400	\$76,600
2005	<a href="#">Assessment Roll</a>	Residential	Full	\$13,100	\$52,300	\$65,400
2003	<a href="#">Assessment Roll</a>	Residential	Full	\$11,640	\$46,240	\$57,880
2001	<a href="#">Assessment Roll</a>	Residential	Full	\$11,160	\$38,960	\$50,120
1999	Assessment Roll	Residential	Full	\$8,480	\$26,910	\$35,390
1997	Assessment Roll	Residential	Full	\$7,700	\$24,440	\$32,140
1995	Assessment Roll	Residential	Full	\$7,040	\$22,340	\$29,380
1991	Assessment Roll	Residential	Full	\$6,400	\$20,310	\$26,710
1991	Was Prior Year	Residential	Full	\$6,400	\$18,190	\$24,590

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



4108 SE 8th St



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