



Roll Call Number

Agenda Item Number

39 H

Date October 24, 2022

ABATEMENT OF PUBLIC NUISANCES AT 104 EAST PAYTON AVENUE

WHEREAS, the property located at 104 East Payton Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure and garage structure in their present condition constitutes not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholder, Adair Holdings, LLC, was notified more than thirty days ago to repair or demolish the main structure and garage structure and as of this date has 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 96 CUMMINSFORD, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 104 East Payton Avenue, have previously been declared public nuisances;

The City Legal Department 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:



Judy K. Parks-Kruse, Assistant City Attorney

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

City Clerk

Mavor

39H



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

Case Number: NUIS-2022-000184	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 08/22/2022
	Date of Notice: 08/25/2022
	Date of Inspection: 08/22/2022

ADAIR HOLDINGS LLC
JOHN E WUNDER, REG. AGENT
610 CEDAR ST
MUSCATINE IA 52761

Address of Property: 104 E PAYTON AVE, DES MOINES IA 50315
Parcel Number: 782427304019
Legal Description: LOT 96 CUMMINSFORD

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	Remove the outbuilding and/or detached garage should the primary structure be removed.	10/04/2022
60-191 - Vacation and Abatement	Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	10/04/2022

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.

10/04/2022

main structure:

REPAIR AND REPLACE ANY AND ALL DAMAGED EXTERIOR DOORS AND DOOR JAMS AND MUST BE IN GOOD WORKING ORDER.

garage:

REPAIR AND REPLACE ANY AND ALL DAMAGED EXTERIOR DOORS AND DOOR JAMS AND MUST BE IN GOOD WORKING ORDER.

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

Vacate and secure the structure or premises, OR, demolish the structure after obtaining 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.

10/04/2022

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. OBTAIN FINAL ON ELECTRICAL PERMIT.

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

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.

10/04/2022

Main Structure:

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

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

Garage:

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

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

10/04/2022

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

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.

Main structure:

REPAIR AND REPLACE ANY AND ALL DAMAGED SOFFITT AND FASCIA

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.

Garage:

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.

REPAIR/REPLACE ANY BROKEN, MISSING, DAMAGED OR ROTTED SIDING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.

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

60-192(9) - Dangerous Structure or Premise
- Unsanitary, Unfit for Habitation

Vacate and secure the structure or premises, OR, repair, replace, and/or sanitize any building or structure determined to be unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease.

10/04/2022

Main structure:

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. OBTAIN FINAL ON MECHANICAL PERMIT.

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. OBTAIN FINAL ON PLUMBING PERMIT.

60-194 - Defacing and Removing Placard

Replace or restore defaced or removed placard.

10/04/2022

60-195 - Emergency Measures to Vacate

Immediately vacate the building or structure.

10/04/2022

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

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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	104 E PAYTON AVE				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	120/00650-000-000	Geoparcels	7824-27-304-019	Status	Active
School	Des Moines	Nbhd/Pocket	DM41/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

E PAYTON AVE

SE 2ND ST

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

Photo Processed on 2017-10-23 a

[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	ADAIR HOLDINGS LLC	2022-06-20	19160/534

Legal Description and Mailing Address

LOT 96 CUMMINSFORD	ADAIR HOLDINGS LLC 405 N 115TH ST STE 100 OMAHA, NE 68154-2507
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Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$24,600	\$55,000	\$79,600

[Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N3B	N3b Neighborhood District		Residential

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

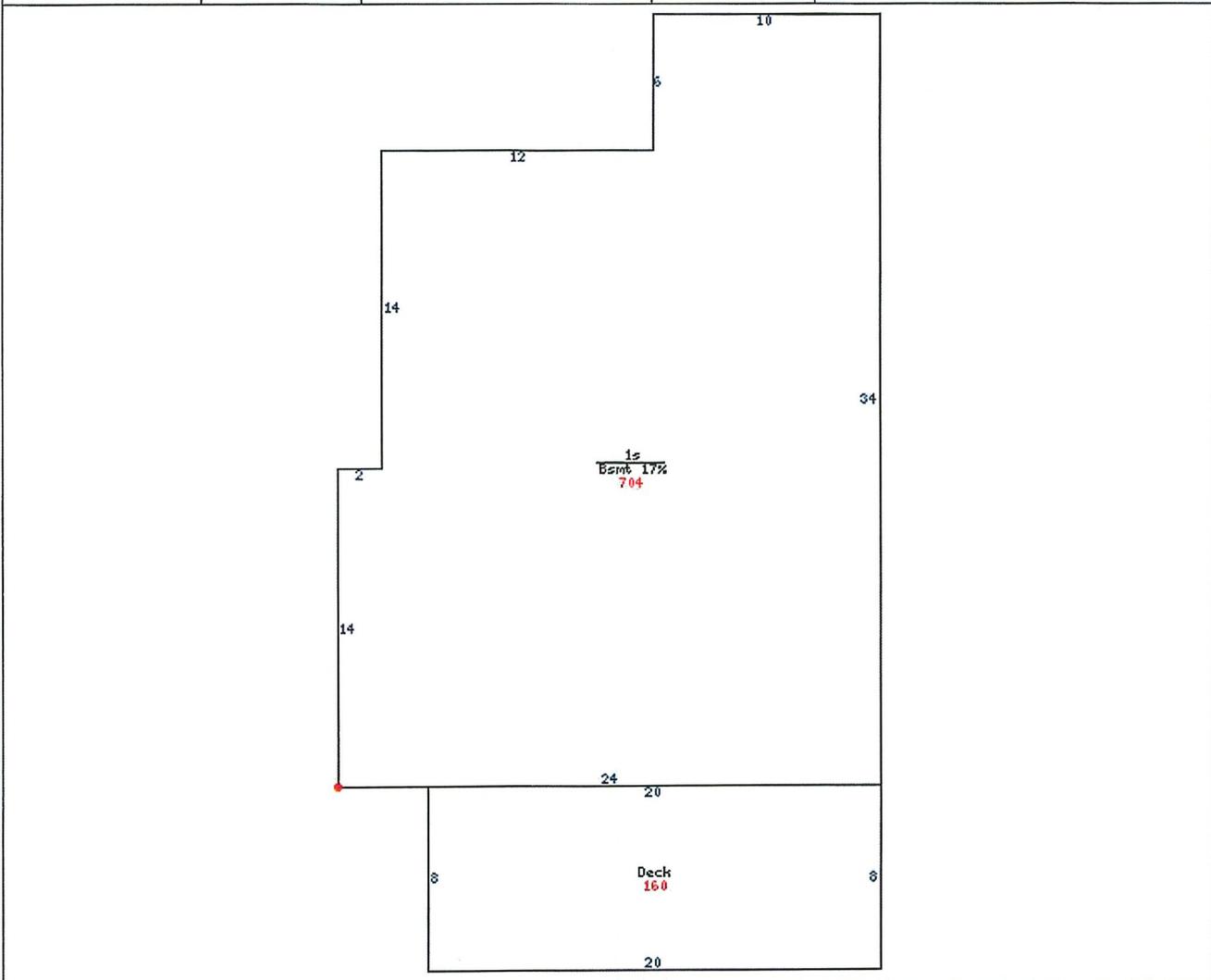
Land

Square Feet	7,150	Acres	0.164	Frontage	50.0
Depth	143.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	1 Story	Building Style	Ranch
Year Built	1935	Number Families	1	Grade	4-05
Condition	Normal	Total Square Foot Living Area	704	Main Living Area	704
Basement Area	120	Deck Area	160	Foundation	Poured Concrete
Exterior Wall Type	Metal Siding	Roof Material	Asphalt Shingle	Basement Floor Earth	100
Heating	Gas Forced Air	Air Conditioning	0	Number Bathrooms	1
Bedrooms	2	Rooms	5		



Detached Structures - 1 Record

39H

Detached Structure #101					
Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	16	Measure 2	22	Story Height	1
Grade	4	Year Built	1955	Condition	Below Normal

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
WELLS, MARY L	ADAIR HOLDINGS LLC	2022-06-17	2022-06-20	Tax Sale Deed	19160/534

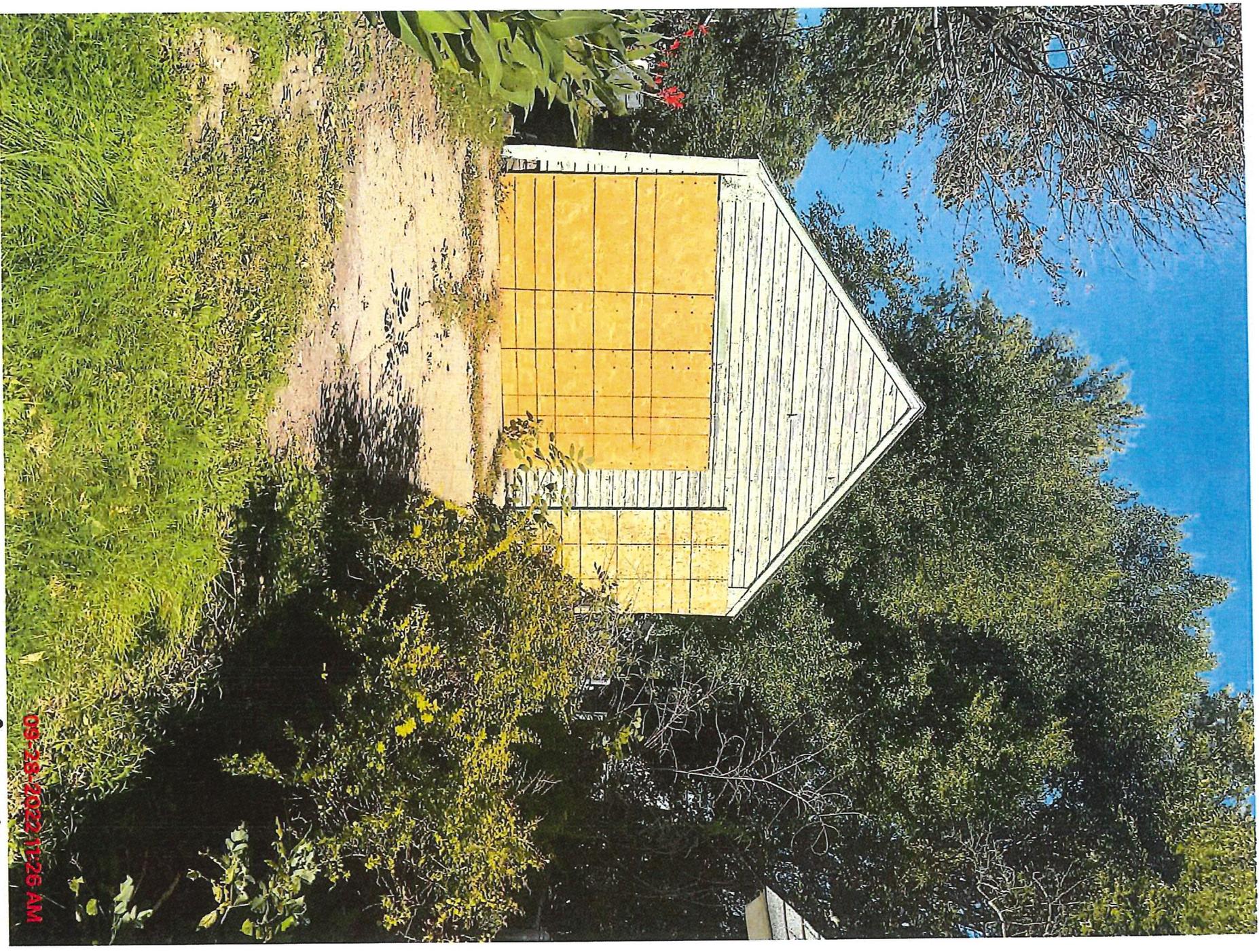
Permits - 1 Record

Year	Type	Permit Status	Application	Reason	Reason1
2000	Permit	Complete	1999-04-01	Addition	DECK (192 sf) (Cost \$1,630)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$24,600	\$55,000	\$79,600
2019	Assessment Roll	Residential	Full	\$21,600	\$49,600	\$71,200
2017	Assessment Roll	Residential	Full	\$19,000	\$44,700	\$63,700
2015	Assessment Roll	Residential	Full	\$17,300	\$41,700	\$59,000
2013	Assessment Roll	Residential	Full	\$16,900	\$41,700	\$58,600
2011	Assessment Roll	Residential	Full	\$17,800	\$44,100	\$61,900
2009	Assessment Roll	Residential	Full	\$17,600	\$43,100	\$60,700
2007	Assessment Roll	Residential	Full	\$18,800	\$45,000	\$63,800
2005	Assessment Roll	Residential	Full	\$14,000	\$42,400	\$56,400
2003	Assessment Roll	Residential	Full	\$12,340	\$38,100	\$50,440
2001	Assessment Roll	Residential	Full	\$10,310	\$31,170	\$41,480
2000	Assessment Roll	Residential	Full	\$8,270	\$28,380	\$36,650
1999	Assessment Roll	Residential	Full	\$8,270	\$26,980	\$35,250
1997	Assessment Roll	Residential	Full	\$7,690	\$25,070	\$32,760
1995	Assessment Roll	Residential	Full	\$6,770	\$22,060	\$28,830
1993	Assessment Roll	Residential	Full	\$5,890	\$19,180	\$25,070
1991	Assessment Roll	Residential	Full	\$5,890	\$18,220	\$24,110
1991	Was Prior Year	Residential	Full	\$5,890	\$11,110	\$17,000

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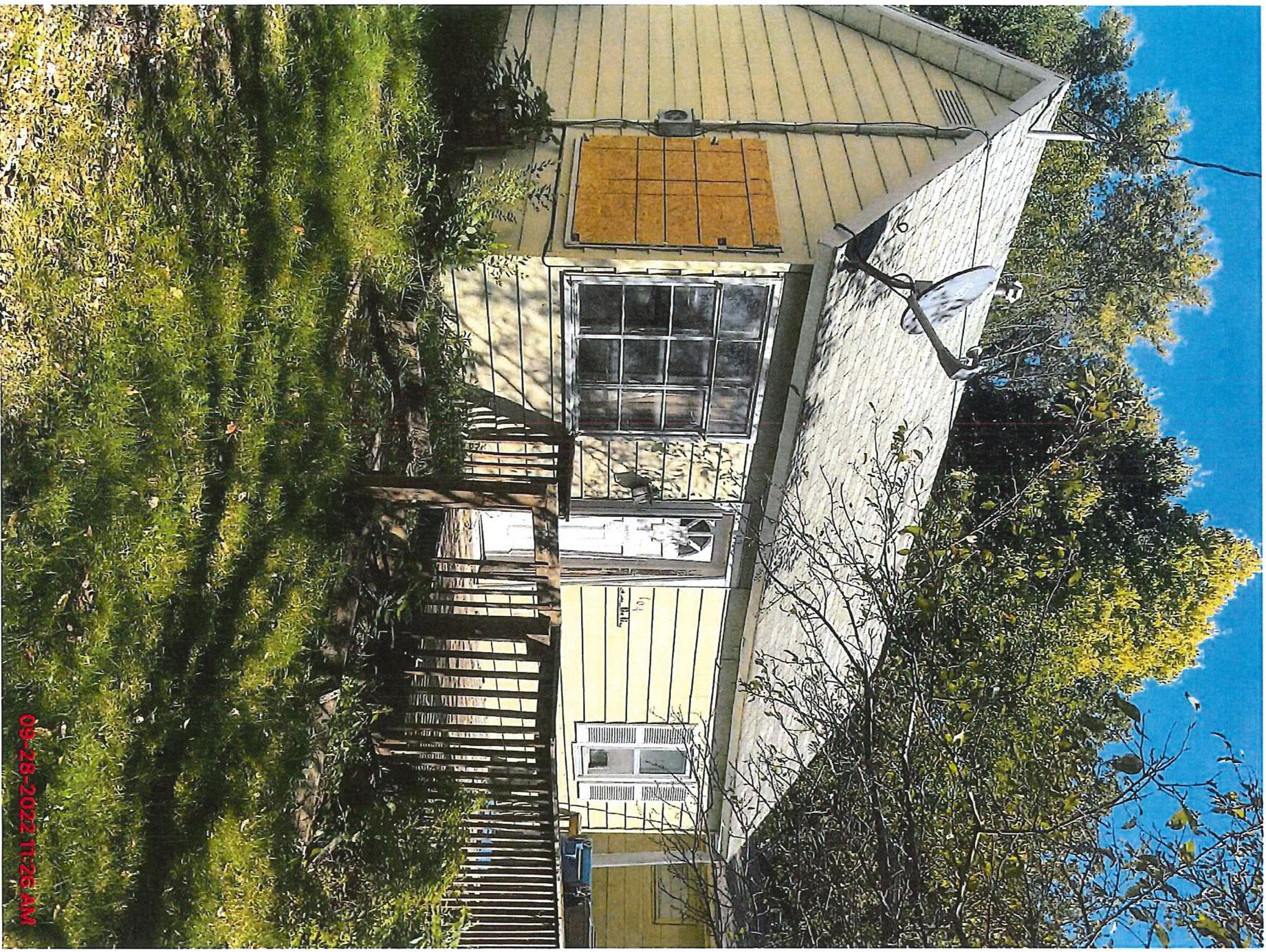


104 E Payton Ave



09-28-2022 11:26 AM

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