



Roll Call Number

Agenda Item Number

45A

Date November 21, 2022

ABATEMENT OF PUBLIC NUISANCE AT 3724 INDIANAPOLIS AVENUE

WHEREAS, the property located at 3724 Indianapolis Avenue, 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, Robert Fitzpatrick, was notified more than thirty days ago to repair or demolish the main structure and as of this date has 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 122, in GRAY'S WOODS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3724 Indianapolis Avenue, 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. Darks-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.

Mayor

City Clerk

45A



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

Notice of Violation	Case Number: NUIS-2022-000050
	Case Type: Public Nuisance
	Case Opened: 02/16/2022
	Date of Notice: 07/28/2022
	Date of Inspection: 07/25/2022

ROBERT FITZPATRICK
3724 INDIANAPOLIS AVE
DES MOINES IA 50317

Address of Property: 3724 INDIANAPOLIS AVE, DES MOINES IA 50317
Parcel Number: 792332429014
Legal Description: LOT 122 GRAYS WOODS

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 THROUGHOUT Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	08/30/2022
60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction	MAIN STRUCTURE THROUGHOUT 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.	08/30/2022

60-192(13) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT	08/30/2022
	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.	
60-192(14) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT	08/30/2022
	Repair or replace the unsafe equipment OR demolish the structure.	
60-192(15) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT	08/30/2022
	Repair or replace the unsafe or unlawful structure OR demolish the structure.	

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

MAIN STRUCTURE THROUGHOUT

08/30/2022

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.

*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.

*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.

*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.

*REPAIR AND REPLACE ANY AND ALL DAMAGED EXTERIOR DOORS AND WINDOWS.

*REPAIR AND REPLACE ANY AND ALL DAMAGED FLOORING THROUGHOUT THE STRUCTURE.

*OBTAIN FINAL ON PERMIT AND HAVE LICENSED CONTRACTOR REPAIR OR

REPLACE DAMAGE DECKING, RAILING, JOIST, BEAMS, HANDRAIL, AND STAIRS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

*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.

*SEVERE SMOKE AND FIRE DAMAGE. REPLACE ALL THAT IS DAMAGED. BUILDING PERMIT REQUIRED.

*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.

*CLEAN SMOKE DAMAGE FROM WALLS AND THEN PAINT TO MATCH.

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

MAIN STRUCTURE THROUGHOUT

08/30/2022

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.

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

MAIN STRUCTURE THROUGHOUT

08/30/2022

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.

60-194 - Defacing and Removing Placard

Replace or restore defaced or removed placard.

08/30/2022

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,



Kevin Pyles
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4122
KEPyles@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	3724 INDIANAPOLIS AVE				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	060/05673-000-000	Geoparcels	7923-32-429-014	Status	Active
School	Des Moines	Nbhd/Pocket	DM13/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northeast Des Moines	Appraiser	Paul OConnell 515-286-2240		

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 2013-09-27 a

[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	FITZPATRICK, ROBERT	2022-06-16	19157/66

Legal Description and Mailing Address

LOT 122 GRAYS WOODS	ROBERT FITZPATRICK 3724 INDIANAPOLIS AVE DES MOINES, IA 50317-6746
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Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$24,400	\$53,000	\$77,400

[Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N3B	N3b Neighborhood District		Residential

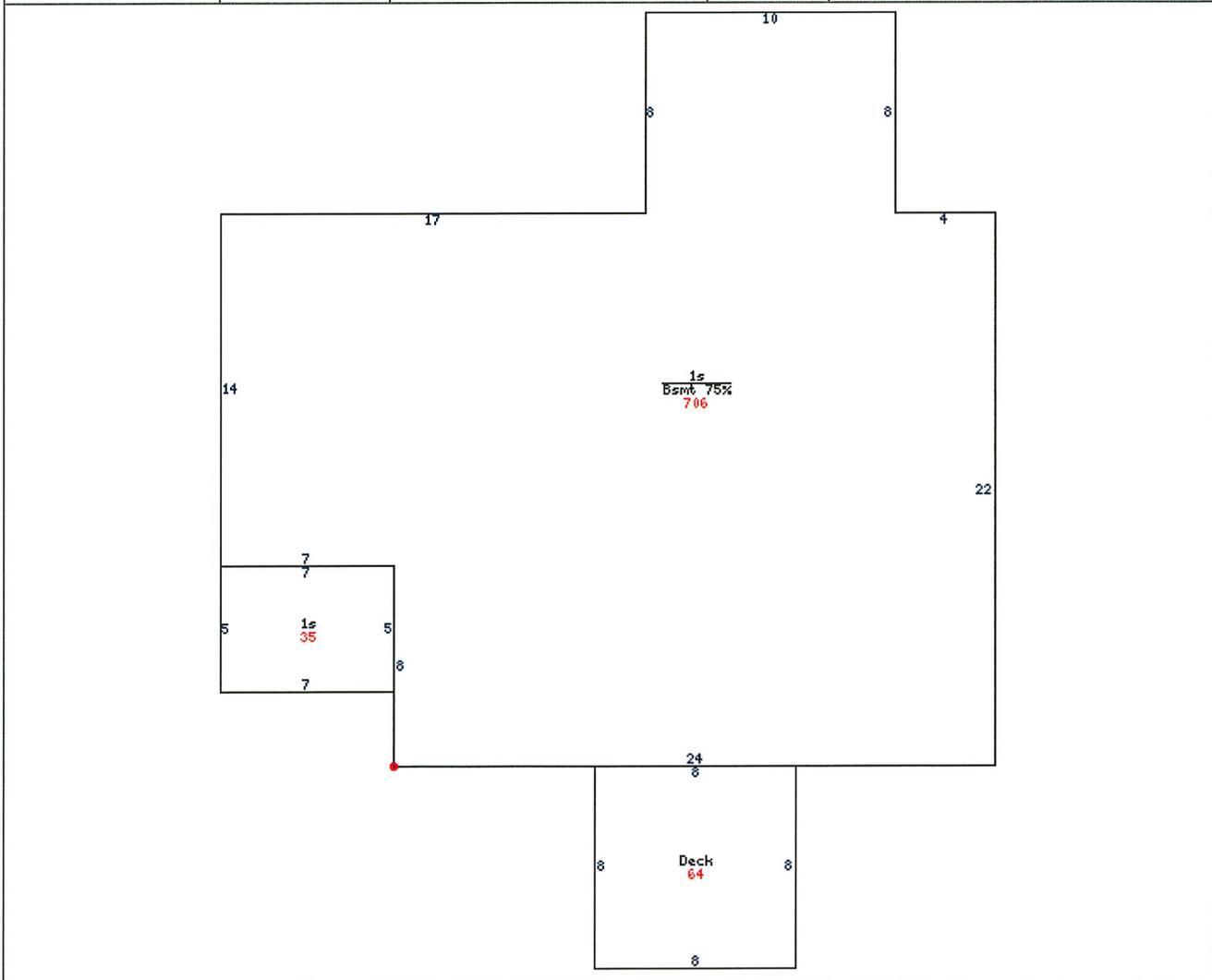
City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)

Land					
Square Feet	22,050	Acres	0.506	Frontage	50.0
Depth	441.0	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	1948	Number Families	1	Grade	4-10
Condition	Below Normal	Total Square Foot Living Area	741	Main Living Area	741
Basement Area	530	Deck Area	64	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	2	Rooms	4		



Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
HURLEY, BECKY	FITZPATRICK, ROBERT	2021-11-15	\$5,000	Deed	19157/66

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
HURLEY, BECKY	FITZPATRICK, ROBERT	2021-11-15	2022-06-16	Warranty Deed	19157/66
HURLEY, BECKY _____ Also Known As MCGRIFF, BECKY _____ HOWELL, GARY L _____ HOWELL, BETTY L	Also Known As MCGRIFF, BECKY _____ HURLEY, BECKY	2021-11-15	2022-06-16	Affidavit of Surviving Tenant	19157/64
HOWELL, GARY L	MCGRIFF, BECKY	2020-04-22	2020-04-27	Quit Claim Deed	17797/828
HOWELL, BETTY L _____ Formerly Known As HURLEY, BETTY L _____ HOWELL, GARY L	HOWELL, BETTY L _____ HOWELL, GARY L _____ MCGRIFF, BECKY	2016-06-10	2016-06-21	Corrected Quit Claim Deed	16054/535
HOWELL, BETTY L _____ Formerly Known As HURLEY, BETTY L _____ HOWELL, GARY L	HOWELL, BETTY L _____ HOWELL, GARY L _____ MCGRIFF, BECKY	2016-03-18	2016-03-24	Quit Claim Deed	15934/197

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$24,400	\$53,000	\$77,400
2019	Assessment Roll	Residential	Full	\$21,400	\$47,100	\$68,500
2017	Assessment Roll	Residential	Full	\$18,600	\$41,900	\$60,500
2015	Assessment Roll	Residential	Full	\$17,500	\$40,700	\$58,200
2013	Assessment Roll	Residential	Full	\$16,400	\$39,100	\$55,500
2011	Assessment Roll	Residential	Full	\$16,400	\$39,400	\$55,800

Yr	Type	Class	Kind	Land	Bldg	Total
2009	Assessment Roll	Residential	Full	\$18,300	\$44,300	\$62,600
2007	Assessment Roll	Residential	Full	\$17,700	\$42,800	\$60,500
2005	Assessment Roll	Residential	Full	\$18,000	\$41,700	\$59,700
2003	Assessment Roll	Residential	Full	\$15,430	\$35,920	\$51,350
2001	Assessment Roll	Residential	Full	\$16,550	\$33,420	\$49,970
1999	Assessment Roll	Residential	Full	\$8,340	\$20,490	\$28,830
1997	Assessment Roll	Residential	Full	\$7,550	\$18,560	\$26,110
1995	Assessment Roll	Residential	Full	\$6,540	\$16,090	\$22,630
1993	Assessment Roll	Residential	Full	\$6,170	\$15,170	\$21,340
1990	Board Action	Residential	Full	\$6,170	\$13,230	\$19,400
1990	Assessment Roll	Residential	Full	\$6,170	\$15,430	\$21,600

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

Timestamp
Camera 301

Network: Oct 19, 2022 at 9:36:20 AM CDT
Des Moines

10-19-2022 09:36 AM

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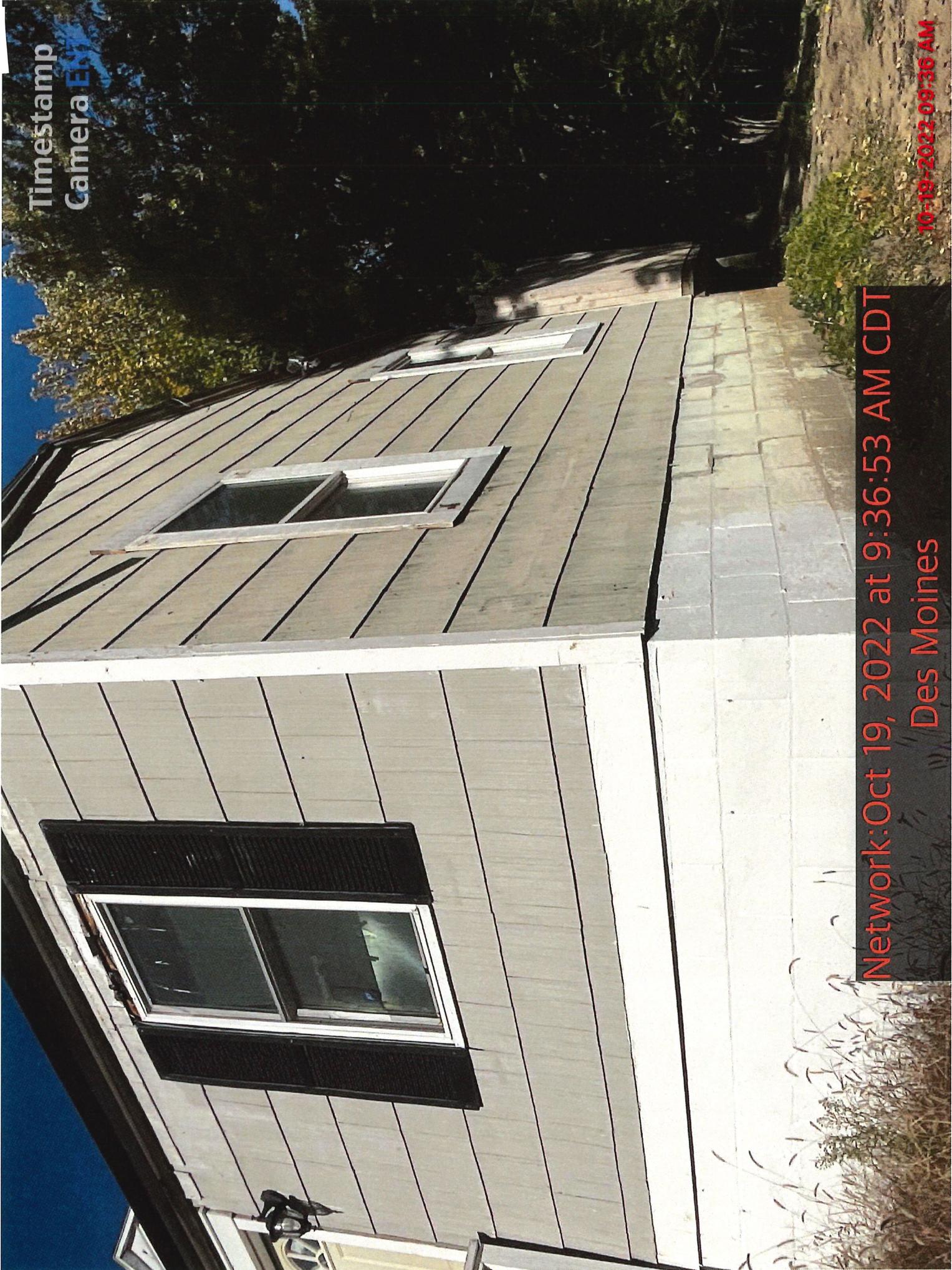
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Des Moines

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Des Moines

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Des Moines

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