

Date June 12, 2023

ABATEMENT OF PUBLIC NUISANCE AT 1401 STEWART ST.

WHEREAS, the property located at 1401 Stewart 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 Titleholders, Tiffany L. Oakley-McCreary, Anita Oakley Freeman, Marsha Love, All Known and Unknown Heirs of Pamela J. Oakley, the Estate of Monica Dickens, and Rebecca Oakley Shumpert 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 South 68 feet of Lot D Block 1 in STALFORDS ADDITION; AND South 68 feet of Lot 5 in RIGHT OF WAY PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1401 Stewart 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,
Seconded 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

CERTIFICATE

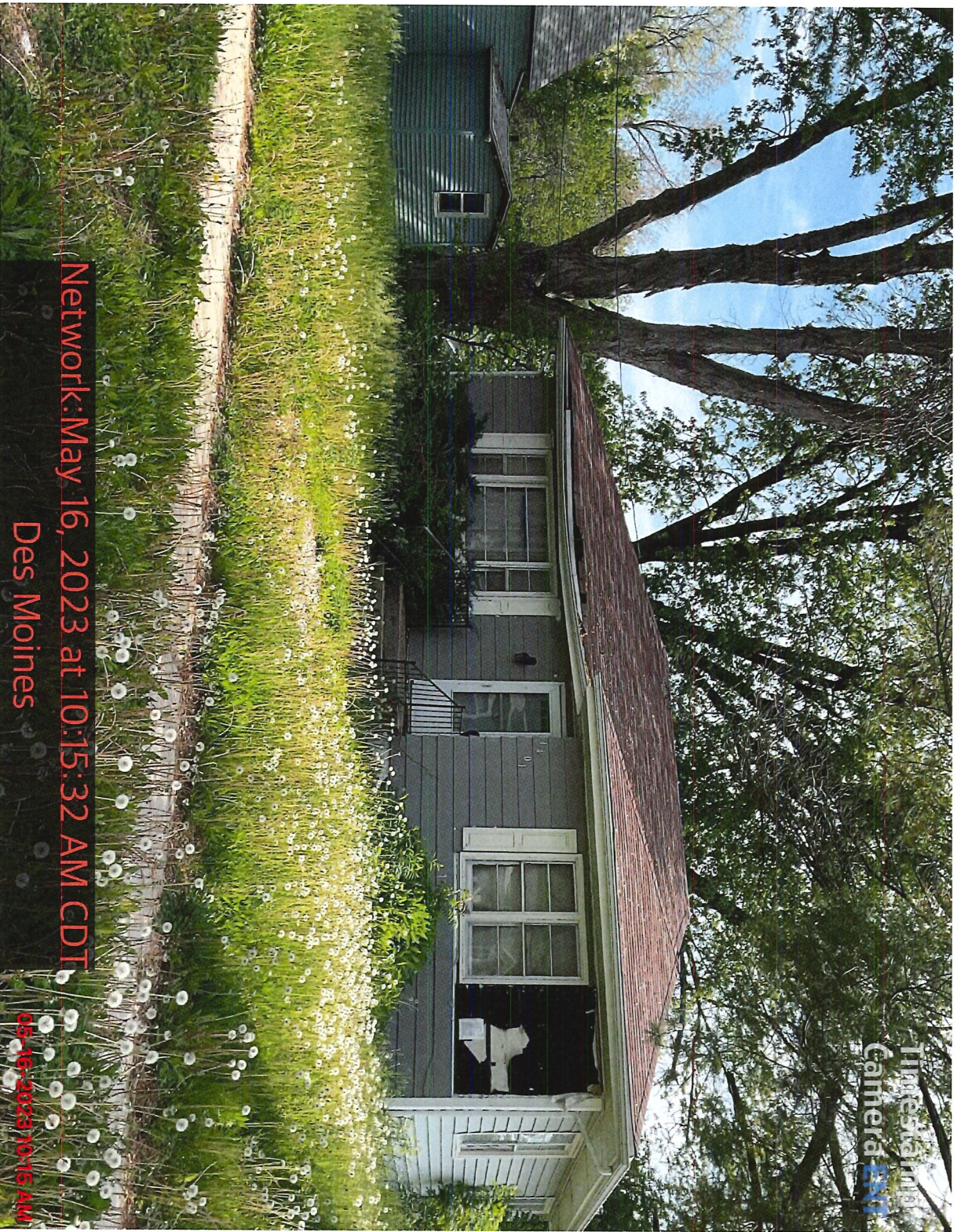
I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

45D

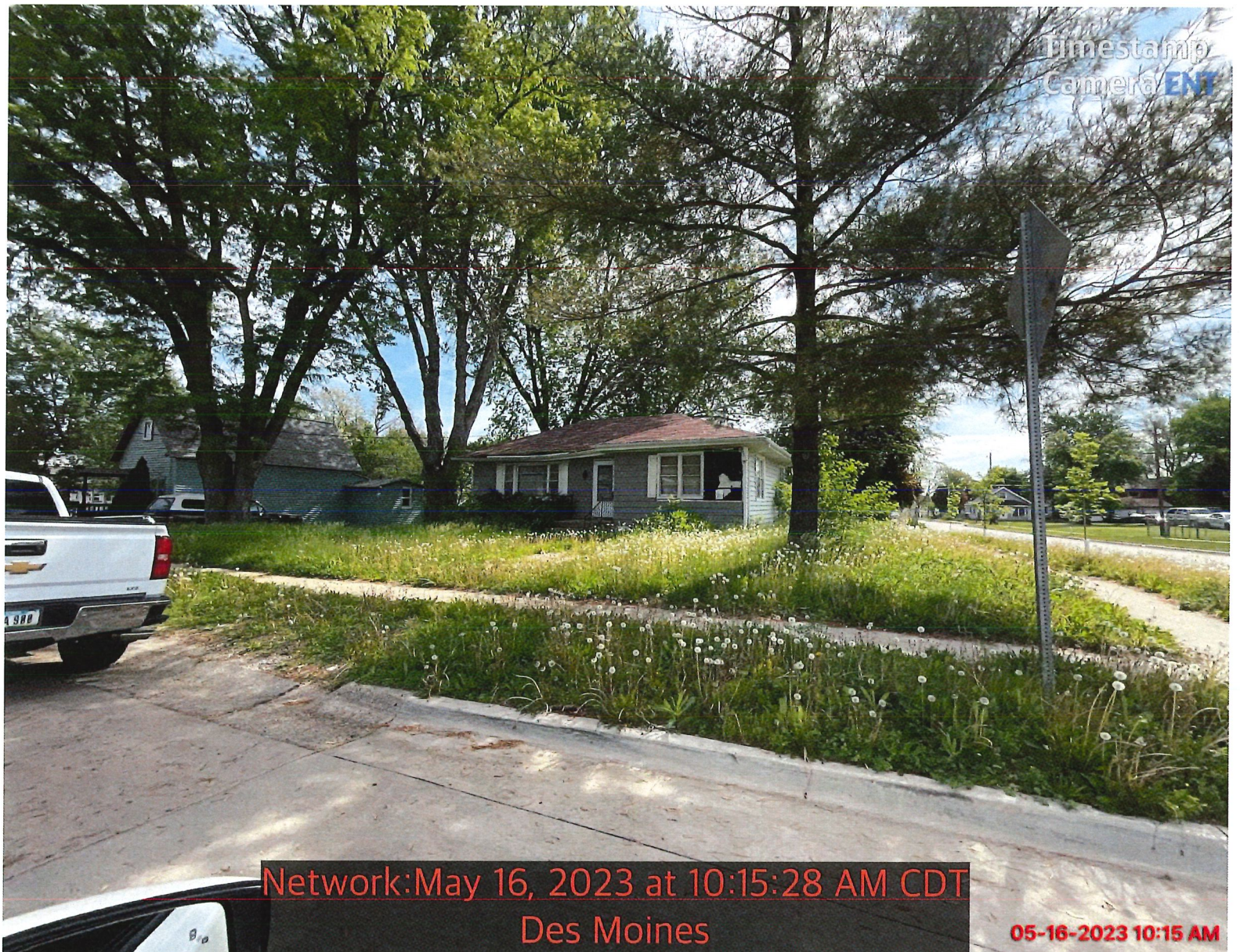


TimeStamp
Camera EXT

Network: May 16, 2023 at 10:15:32 AM CDT
Des Moines

05-16-2023 10:15 AM

Timestamp
Camera ENT



Network: May 16, 2023 at 10:15:28 AM CDT
Des Moines

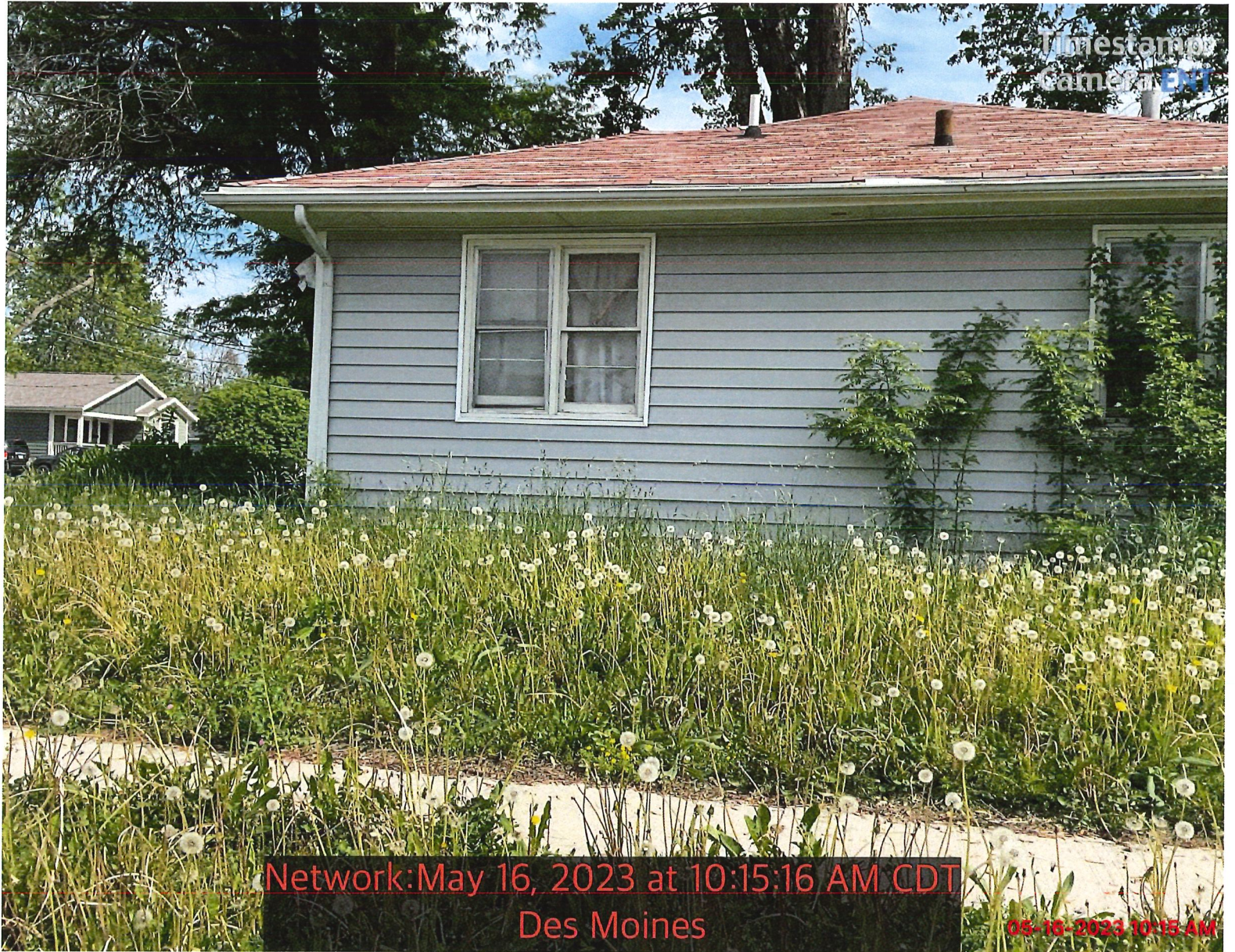
05-16-2023 10:15 AM

Timestamp
Camera ENT

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Des Moines

05-16-2023 10:15 AM

TimeStamp
Camera



Network: May 16, 2023 at 10:15:16 AM CDT
Des Moines

05-16-2023 10:15 AM

Timestamp
Camera ENT

Network: May 16, 2023 at 10:14:58 AM CDT
Des Moines

05-16-2023 10:14 AM

Timestamp
Camera EN1

Network: May 16, 2023 at 10:14:55 AM CDT
Des Moines

05-16-2023 10:14 AM

45D

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 | 1401 STEWART ST | | | | |
| City | DES MOINES | Zip | 50316 | Jurisdiction | Des Moines |
| District/Parcel | 110/04562-001-000 | Geoparcels | 7924-36-404-019 | Status | Active |
| School | Des Moines | Nbhd/Pocket | DM08/Z | Tax Authority Group | DEM-C-DEM-77131 |
| Submarket | Northeast Des Moines | Appraiser | Joseph Peterson 515-286-3011 | | |

Map and Current Photos - 1 Record

Click on parcel to get a new listing

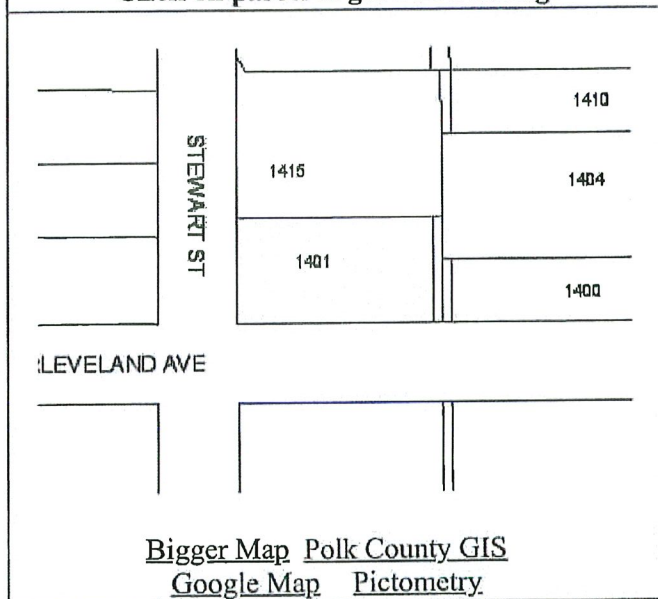


Photo Processed on 2015-09-17 a



Historical Photos

Ownership - 6 Records

| Ownership | Num | Name | Recorded | Book/Page |
|--------------|-----|----------------------------|------------|---------------------------|
| Title Holder | 1 | DICKENS, MONICA J | 2013-06-14 | 14830/636 |
| Title Holder | 2 | OAKLEY, PAMELA J | 2013-06-14 | 14830/636 |
| Title Holder | 3 | LOVE, MARSHA | 2013-06-14 | 14830/636 |
| Title Holder | 4 | OAKLEY SHUMPERT, REBECCA | 2013-06-14 | 14830/636 |
| Title Holder | 5 | OAKLEY-MCCREARY, TIFFANY L | 2013-06-14 | 14830/636 |
| Title Holder | 6 | OAKLEY FREEMAN, ANITA | 2013-06-14 | 14830/636 |

Legal Description and Mailing Address

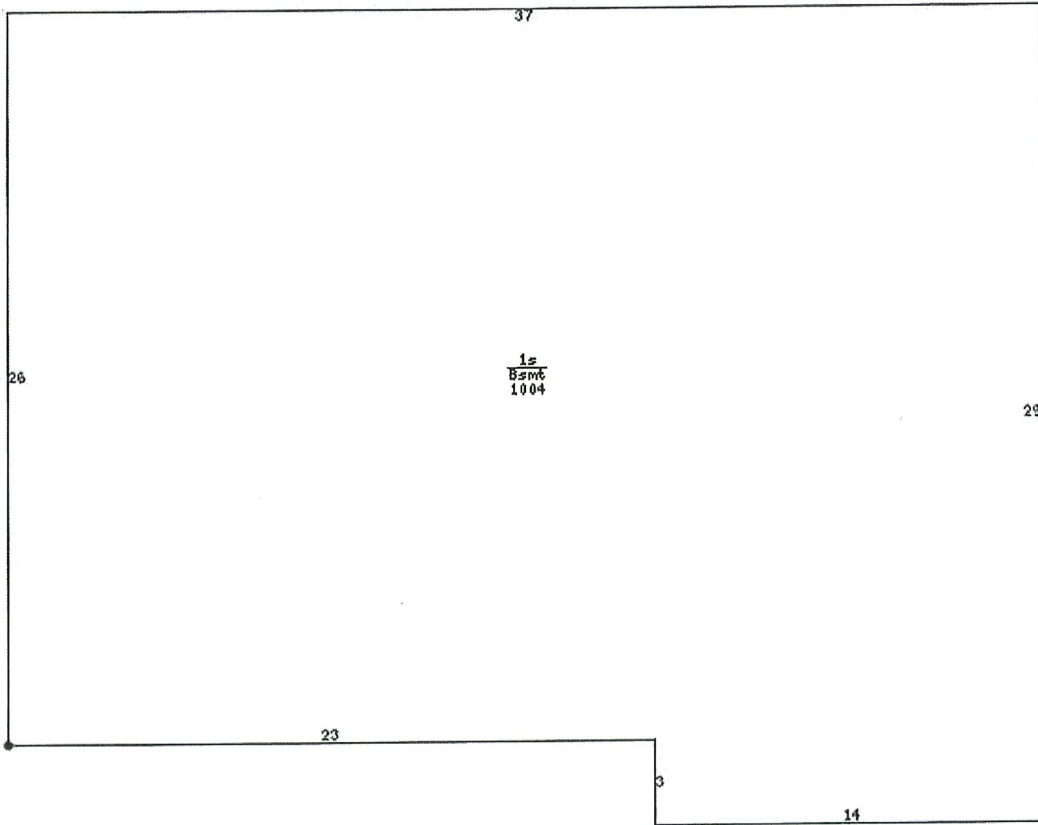
S 68F LOT D BLK 1 STALFORDS ADDITION; AND S 68 F LOT 5 RIGHT OF WAY PLACE

TIFFANY OAKLEY-MCCREARY
112 KILDRUMMY CT
JACKSONVILLE, FL 32259-6947

Current Values

| Type | Class | Kind | Land | Bldg | Total |
|------|-------|------|------|------|-------|
|------|-------|------|------|------|-------|

| Type | Class | Kind | Land | Bldg | Total |
|---|---------------------------|-------------------------------|---------------------|--------------------|----------------|
| 2022 Value | Residential | Full | \$13,100 | \$79,400 | \$92,500 |
| Market Adjusted Cost Report | | | | | |
| Auditor Adjustments to Value | | | | | |
| Category | Name | | Information | | |
| 2022 Homestead Credit | OAKLEY, PAMELA J | | Application #342564 | | |
| Zoning - 1 Record | | | | | |
| Zoning | Description | | SF | Assessor Zoning | |
| N3A | N3a Neighborhood District | | | Residential | |
| <i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i> | | | | | |
| Land | | | | | |
| Square Feet | 8,500 | Acres | 0.195 | Frontage | 68.0 |
| Depth | 125.0 | 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 | 1955 | Number Families | 1 | Grade | 4+00 |
| Condition | Normal | Total Square Foot Living Area | 1004 | Main Living Area | 1004 |
| Basement Area | 1004 | Foundation | Concrete Block | Exterior Wall Type | Metal Siding |
| Roof Type | Hip | Roof Material | Asphalt Shingle | Heating | Gas Forced Air |
| Air Conditioning | 0 | Number Bathrooms | 1 | Bedrooms | 2 |
| Rooms | 5 | | | | |



Detached Structures - 1 Record

Detached Structure #101

| Occupancy | Shop | Construction Type | Frame | Measurement Code | Dimensions |
|-----------|------|-------------------|-------|------------------|--------------|
| Measure 1 | 27 | Measure 2 | 27 | Story Height | 1 |
| Grade | 4 | Year Built | 1955 | Condition | Below Normal |

Recent Ownership Transfers

| Grantor | Grantee | Instrument Date | Recording Date | Instrument Type | Book/Pg |
|---------|---------|-----------------|----------------|-----------------|---------|
|---------|---------|-----------------|----------------|-----------------|---------|

| Grantor | Grantee | Instrument Date | Recording Date | Instrument Type | Book/Pg |
|--|-------------------------------------|-----------------|----------------|--------------------|------------------|
| OAKLEY, NORMAN OSBORN, RANDY (Clerk of Court) | DICKENS, MONICA JOAN | 2013-06-04 | 2013-06-14 | Change of Title | <u>14830/636</u> |
| | OAKLEY, PAMELA JOYCE | | | | |
| | LOVE, MARSHA | | | | |
| | OAKLEY SHUMPERT, REBECCA | | | | |
| | OAKLEY- MCCREARY, TIFFANY LEE | | | | |
| OAKLEY FREEMAN, ANITA | | | | | |

Historical Values

| Yr | Type | Class | Kind | Land | Bldg | Total |
|------|------------------------|-------------|------|----------|----------|----------|
| 2021 | <u>Assessment Roll</u> | Residential | Full | \$13,100 | \$79,400 | \$92,500 |
| 2019 | <u>Assessment Roll</u> | Residential | Full | \$12,000 | \$72,800 | \$84,800 |
| 2017 | <u>Assessment Roll</u> | Residential | Full | \$11,000 | \$68,400 | \$79,400 |
| 2015 | <u>Assessment Roll</u> | Residential | Full | \$10,000 | \$63,400 | \$73,400 |
| 2013 | <u>Assessment Roll</u> | Residential | Full | \$9,100 | \$59,500 | \$68,600 |
| 2011 | <u>Assessment Roll</u> | Residential | Full | \$10,300 | \$67,800 | \$78,100 |
| 2009 | <u>Assessment Roll</u> | Residential | Full | \$10,700 | \$69,300 | \$80,000 |
| 2007 | <u>Assessment Roll</u> | Residential | Full | \$10,700 | \$69,300 | \$80,000 |
| 2005 | <u>Assessment Roll</u> | Residential | Full | \$9,700 | \$60,200 | \$69,900 |
| 2003 | <u>Board Action</u> | Residential | Full | \$8,270 | \$51,620 | \$59,890 |
| 2003 | <u>Assessment Roll</u> | Residential | Full | \$8,270 | \$51,620 | \$59,890 |
| 2001 | <u>Assessment Roll</u> | Residential | Full | \$8,110 | \$42,130 | \$50,240 |
| 1999 | Assessment Roll | Residential | Full | \$3,400 | \$30,420 | \$33,820 |
| 1997 | Assessment Roll | Residential | Full | \$3,080 | \$27,550 | \$30,630 |

45D



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

| | |
|--------------------------------------|---------------------------------------|
| Case Number: NUIS-2023-000004 | |
| Notice of Violation | Case Type: Public Nuisance |
| | Case Opened: 01/09/2023 |
| | Date of Notice: 03/08/2023 |
| | Date of Inspection: 09/21/2022 |

TIFFANY L OAKLEY-MCCREARY
112 KILDRUMMY CT
SAINT JOHNS FL 32259

Address of Property: **1401 STEWART ST, DES MOINES IA 50316**
Parcel Number: **792436404019**

Legal Description: **S 68F LOT D BLK 1 STALFORDS ADDITION; AND S 68 F LOT 5 RIGHT OF WAY 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 |
|------------------|--------------------------|----------------------------|
|------------------|--------------------------|----------------------------|

| Violation | Corrective Action | Compliance Due Date |
|--|---|---------------------|
| <p>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 by repair, rehabilitation, demolition, or any other City-approved corrective action. 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.</p> | <p>Vacate the structure.</p> | <p>03/03/2023</p> |
| <p>60-192(2) - Unsafe and Dangerous Structure or Premise 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.</p> | <p>Repair or replace all building components deteriorated to the point to effectively create a nuisance or a violation. All work must be done in a workmanlike manner with all required permits.</p> <p>*MAIN STRUCTURE: 1-STORY SINGLE FAMILY DWELLING</p> <p>*GARAGE IN POOR REPAIR</p> | |
| <p>60-192(4) - Unsafe and Dangerous Structure or Premise The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, 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.</p> | <p>Properly secure structure and keep the structure secured against entry.</p> | |

| Violation | Corrective Action | Compliance Due Date |
|--|--|---------------------|
| <p>60-192(13) - Unsafe and Dangerous Structure or Premise Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load affects.</p> | <p>Repair or replace all structural members, floors, walls, partitions, projections, and appurtenances to be properly anchored, plumb, and of sound construction. All work must be done in a workmanlike manner with all required permits.</p> | |
| <p>60-194 - Defacing and Removing Placard No person shall deface or remove the placard, except as authorized by the administrator.</p> | <p>Replace or restore defaced or removed placard.</p> | 03/03/2023 |
| <p>60-192(17) - Unsafe and Dangerous Structure or Premise Roof or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is fatigued or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.</p> | <p>*GARAGE ONLY Repair or replace all deficient roof components to provide a sound, weathertight condition that provides positive drainage. All work must be done in a workmanlike manner with all required permits.</p> | |

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,

A handwritten signature in black ink, appearing to read 'Kevin Pyles', written in a cursive style.

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



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

| | |
|---------------------------------------|-----------------------------------|
| Case Number: NUIS-2023-000004 | |
| Notice of Violation | Case Type: Public Nuisance |
| | Case Opened: 01/09/2023 |
| | Date of Notice: 03/06/2023 |
| Date of Inspection: 09/21/2022 | |

ANITA OAKLEY FREEMAN
 1401 STEWART ST
 DES MOINES IA 50316

Address of Property: **1401 STEWART ST, DES MOINES IA 50316**
 Parcel Number: **792436404019**

Legal Description: **S 68F LOT D BLK 1 STALFORDS ADDITION; AND S 68 F LOT 5 RIGHT OF WAY PLACE**

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MARSHA LOVE
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 DES MOINES IA 50316

Address of Property: **1401 STEWART ST, DES MOINES IA 50316**
 Parcel Number: **792436404019**

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Thank you for your help,

Respectfully,

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



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

| | |
|--------------------------------------|---------------------------------------|
| Case Number: NUIS-2023-000004 | |
| Notice of Violation | Case Type: Public Nuisance |
| | Case Opened: 01/09/2023 |
| | Date of Notice: 03/08/2023 |
| | Date of Inspection: 09/21/2022 |

ALL KNOWN & UNKNOWN HEIRS OF
 PAMELA J OAKLEY
 1401 STEWART ST
 DES MOINES IA 50316

Address of Property: **1401 STEWART ST, DES MOINES IA 50316**
 Parcel Number: **792436404019**

Legal Description: **S 68F LOT D BLK 1 STALFORDS ADDITION; AND S 68 F LOT 5 RIGHT OF WAY 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 |
|------------------|--------------------------|----------------------------|
|------------------|--------------------------|----------------------------|

| Violation | Corrective Action | Compliance Due Date |
|--|---|---------------------|
| <p>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 by repair, rehabilitation, demolition, or any other City-approved corrective action. 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.</p> | <p>Vacate the structure.</p> | <p>03/03/2023</p> |
| <p>60-192(2) - Unsafe and Dangerous Structure or Premise 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.</p> | <p>Repair or replace all building components deteriorated to the point to effectively create a nuisance or a violation. All work must be done in a workmanlike manner with all required permits.</p> <p>*MAIN STRUCTURE: 1-STORY SINGLE FAMILY DWELLING</p> <p>*GARAGE IN POOR REPAIR</p> | |
| <p>60-192(4) - Unsafe and Dangerous Structure or Premise The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, 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.</p> | <p>Properly secure structure and keep the structure secured against entry.</p> | |

| Violation | Corrective Action | Compliance Due Date |
|--|--|---------------------|
| <p>60-192(13) - Unsafe and Dangerous Structure or Premise Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load affects.</p> | <p>Repair or replace all structural members, floors, walls, partitions, projections, and appurtenances to be properly anchored, plumb, and of sound construction. All work must be done in a workmanlike manner with all required permits.</p> | |
| <p>60-194 - Defacing and Removing Placard No person shall deface or remove the placard, except as authorized by the administrator.</p> | <p>Replace or restore defaced or removed placard.</p> | 03/03/2023 |
| <p>60-192(17) - Unsafe and Dangerous Structure or Premise Roof or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is fatigued or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.</p> | <p>*GARAGE ONLY Repair or replace all deficient roof components to provide a sound, weathertight condition that provides positive drainage. All work must be done in a workmanlike manner with all required permits.</p> | |

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Neighborhood Inspector
Neighborhood Services
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(515) 283-4122
KEPyles@dmgov.org



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

| | |
|--------------------------------------|---------------------------------------|
| Case Number: NUIS-2023-000004 | |
| Notice of Violation | Case Type: Public Nuisance |
| | Case Opened: 01/09/2023 |
| | Date of Notice: 03/08/2023 |
| | Date of Inspection: 09/21/2022 |

THE ESTATE OF MONICA DICKENS
 EBONY MARKS
 17630 3/4 VIRGINIA AVE
 BELLFLOWER CA 90706

Address of Property: **1401 STEWART ST, DES MOINES IA 50316**
 Parcel Number: **792436404019**

Legal Description: **S 68F LOT D BLK 1 STALFORDS ADDITION; AND S 68 F LOT 5 RIGHT OF WAY PLACE**

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VIOLATION(S)

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| Violation | Corrective Action | Compliance Due Date |
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City of Des Moines
 400 Robert D. Ray Drive
 Des Moines, IA 50309

| | |
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| Case Number: NUIS-2023-000004 | |
| Notice of Violation | Case Type: Public Nuisance |
| | Case Opened: 01/09/2023 |
| | Date of Notice: 03/08/2023 |
| | Date of Inspection: 09/21/2022 |

REBECCA OAKLEY SHUMPERT
 508 DES MOINES ST
 DES MOINES IA 50309

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