

★ **Roll Call Number**

Agenda Item Number

35 C

Date November 6, 2023

ABATEMENT OF PUBLIC NUISANCE AT 108 E. PHILIP ST.

WHEREAS, the property located at 108 E. Philip St., 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, Idaho Housing & Finance Association, 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 7 in SCANDIA MAGNOLIA PARK PLAT NO. 1, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 108 E. Philip St., has previously been declared a public nuisance;

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 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:

Kristine Stone, Special Counsel
Ahlers & Cooney, P.C.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
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

35C

The Board of Health
DANGER
 PUBLIC NUISANCE
 Unsafe or Unfit for Human Occupancy
 NOTICE: ANY TENANT WHO RENTALS TO OR OTHERS OCCUPY THIS PREMISES SHALL BE RESPONSIBLE FOR THE COSTS OF THE INSPECTION AND REPAIRS REQUIRED TO BRING THE PREMISES UP TO THE MINIMUM STANDARDS FOR HUMAN OCCUPANCY AS SET FORTH IN THE CITY OF HOUSTON HEALTH DEPARTMENT ORDINANCES. THE CITY OF HOUSTON HEALTH DEPARTMENT WILL NOT BE RESPONSIBLE FOR THE COSTS OF THE INSPECTION AND REPAIRS REQUIRED TO BRING THE PREMISES UP TO THE MINIMUM STANDARDS FOR HUMAN OCCUPANCY AS SET FORTH IN THE CITY OF HOUSTON HEALTH DEPARTMENT ORDINANCES.

108 F. 0111/14 54
 Inspected: 7/20/23
 by: [Signature]
 No. [Number]



06-07-2023 09:40 AM

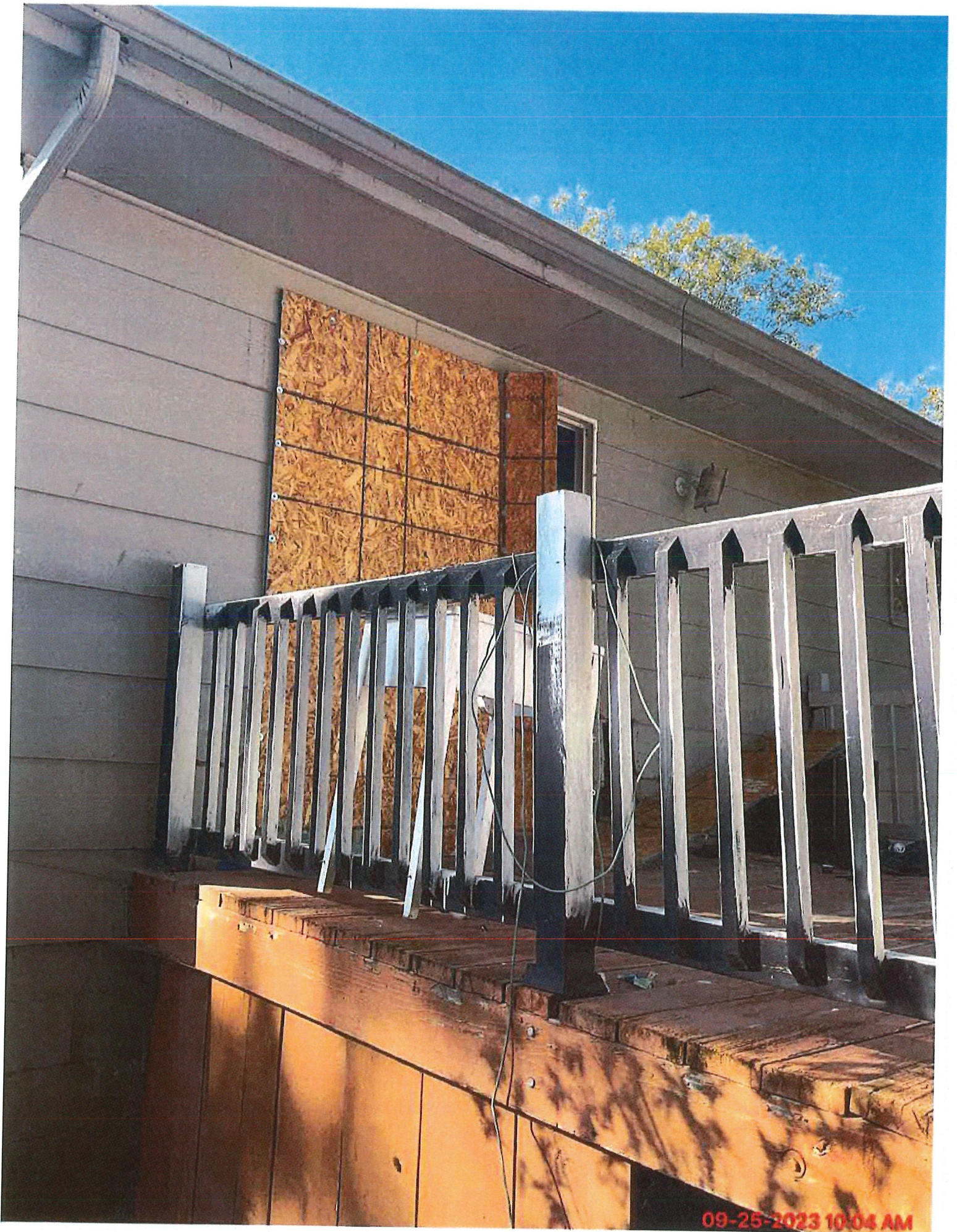


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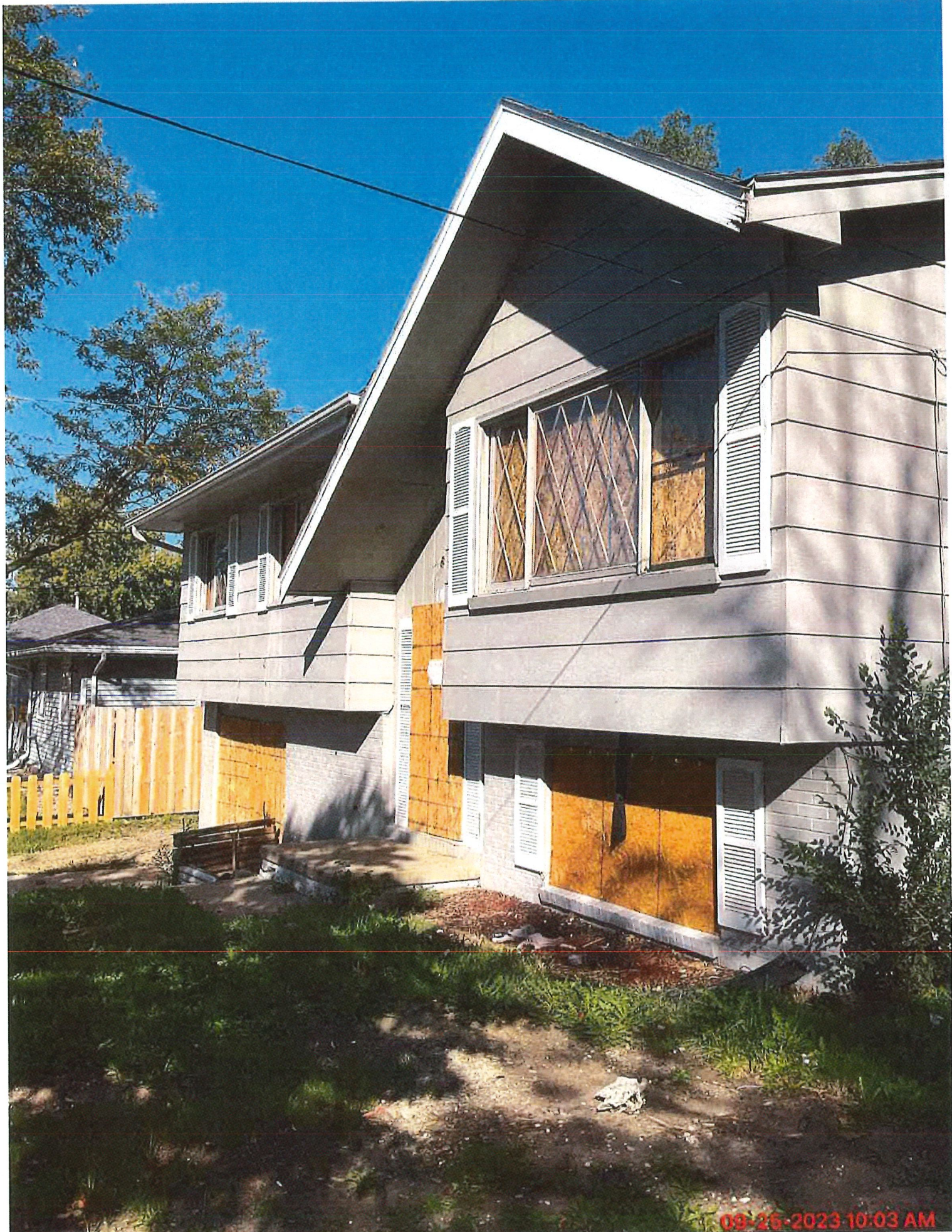




08-07-2023 09:41 AM



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09-26-2023 10:03 AM

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	108 E PHILIP ST				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	120/04472-007-000	Geoparcels	7824-22-306-008	Status	Active
School	Des Moines	Nbhd/Pocket	DM36/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](#)



Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	IDAHO HOUSING & FINANCE ASSOCIATION	2023-02-21	19399/485

Legal Description and Mailing Address

LOT 7 SCANDIA MAGNOLIA PARK PLAT 1	IDAHO HOUSING AND FINANCE ASSOCIATION POB 7899 BOISE, ID 83707-1899
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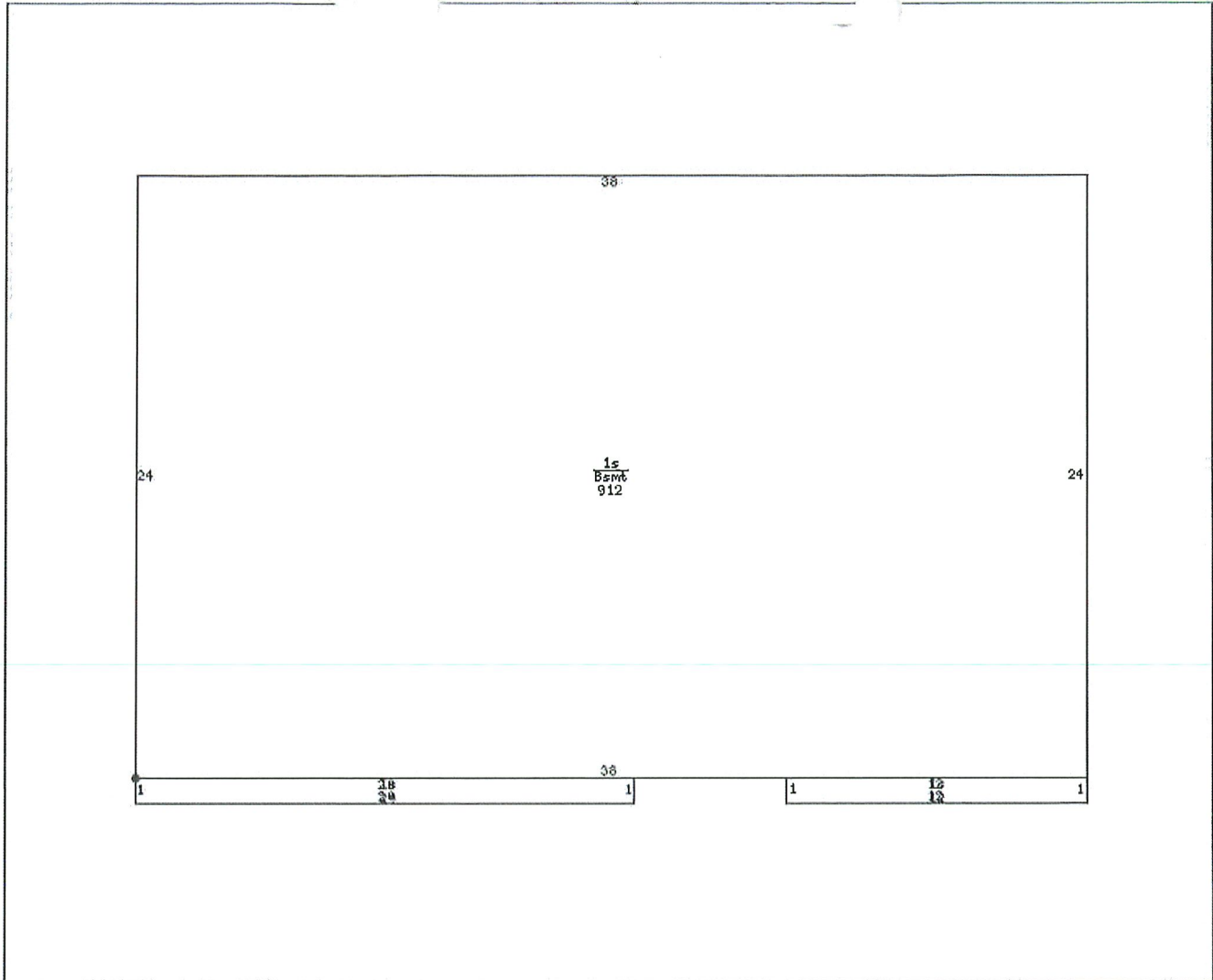
Current Values

Type	Class	Kind	Land	Bldg	Total
2023 Assessment Roll	Residential	Full	\$33,900	\$139,000	\$172,900
2022 Value	Residential	Full	\$29,600	\$118,500	\$148,100

[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

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	7,560	Acres	0.174	Frontage	63.0
Depth	120.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	Split Foyer	Building Style	Split Foyer
Year Built	1969	Number Families	1	Grade	4+05
Condition	Normal	Total Square Foot Living Area	944	Main Living Area	944
Basement Area	912	Finished Basement Area 1	336	Finished Basement Quality 1	Average Plus
Total Basement Finish	336	Veneer Area	152	Foundation	Concrete Block
Exterior Wall Type	Hardboard	Roof Type	Gable	Roof Material	Asphalt Shingle
Number Fireplaces	1	Basement Garage Capacity	1	Heating	Gas Forced Air
Air Conditioning	100	Number Bathrooms	1	Number Toilet Rooms	1
Bedrooms	3	Rooms	5		



Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
HERNANDEZ, ANGELA M	BORDENARO, NOAH S	<u>2019-07-06</u>	\$148,000	Deed	<u>17399/406</u>
COSIMO, ALBERT P	HERNANDEZ, DANNY	<u>1997-04-17</u>	\$69,900	Deed	<u>7614/805</u>
FELTON, KEITH O	COSIMO, ALBERT P	<u>1991-06-26</u>	\$52,000	Deed	<u>6395/939</u>

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
BORDENARO, CRYSTAL M ----- BORDENARO, NOAH S ----- SCHNEIDER, KEVIN J	IDAHO HOUSING & FINANCE ASSOCIATION	2023-02-07	2023-02-21	Sheriffs Deed	<u>19399/485</u>

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
HERNANDEZ, ANGELA M	BORDENARO, NOAH S BORDENARO, CRYSTAL M	2019-07-06	2019-07-09	Warranty Deed	17399/406

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<u>Assessment Roll</u>	Residential	Full	\$29,600	\$118,500	\$148,100
2019	<u>Assessment Roll</u>	Residential	Full	\$26,700	\$107,000	\$133,700
2017	<u>Assessment Roll</u>	Residential	Full	\$23,000	\$94,800	\$117,800
2015	<u>Assessment Roll</u>	Residential	Full	\$21,400	\$89,100	\$110,500
2013	<u>Assessment Roll</u>	Residential	Full	\$20,700	\$88,500	\$109,200
2011	<u>Assessment Roll</u>	Residential	Full	\$20,700	\$88,900	\$109,600
2009	<u>Assessment Roll</u>	Residential	Full	\$21,500	\$92,000	\$113,500
2007	<u>Assessment Roll</u>	Residential	Full	\$21,700	\$93,100	\$114,800
2005	<u>Assessment Roll</u>	Residential	Full	\$18,700	\$80,900	\$99,600
2003	<u>Assessment Roll</u>	Residential	Full	\$16,970	\$73,910	\$90,880
2001	<u>Assessment Roll</u>	Residential	Full	\$16,400	\$63,150	\$79,550
1999	Assessment Roll	Residential	Full	\$10,330	\$63,690	\$74,020
1997	Assessment Roll	Residential	Full	\$9,700	\$59,800	\$69,500
1995	Assessment Roll	Residential	Full	\$8,750	\$53,970	\$62,720
1993	Assessment Roll	Residential	Full	\$8,050	\$49,670	\$57,720
1991	Assessment Roll	Residential	Full	\$8,050	\$46,920	\$54,970
1991	Was Prior Year	Residential	Full	\$8,050	\$42,570	\$50,620

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

Case Number: NUIS-2023-000163	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 06/07/2023
	Date of Notice: 06/09/2023
	Date of Inspection: 06/07/2023

IDAHO HOUSING & FINANCE ASSOCIATION
565 W MYRTLE ST
BOISE ID 83702

Address of Property: **108 E PHILIP ST. DES MOINES IA 50315**
Parcel Number: **782422306008**

Legal Description: **LOT 7 SCANDIA MAGNOLIA PARK PLAT 1**

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
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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>	Vacate the structure.	07/21/2023
<p>60-192(7) - Unsafe and Dangerous Structure or Premise Any structure that the administrator determines is unfit for human occupancy meaning that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.</p>	<p>Repair structure to a safe, sanitary condition. Provide all required elements of light, ventilation and essential equipment. All work must be done in a workmanlike manner with all required permits.</p> <p>Throughout main structure. Unable to gain entry, may be more violations.</p>	07/21/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(21) - Unsafe and Dangerous Structure or Premise Stairs, decks, porches, balconies, walking systems, landings, and all similar appurtenances attached thereto, including guards and handrails are not structurally sound, not properly anchored or that anchored with connections not capable of supporting all nominal loads and resisting all load effects.</p>	<p>Repair or replace all stairs, decks, porches, landings and similar elements of building egress, including guards and handrails to a sound and properly anchored condition. All work must be done in a workmanlike manner with all required permits.</p> <p>Throughout main structure. Unable to gain entry, may be more violations.</p>	07/21/2023
<p>60-192(24) - Unsafe and Dangerous Structure or Premise Mechanical equipment, appliances, fireplaces, boilers, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.</p>	<p>Provide an inspection report from a licensed mechanical contractor for all mechanical systems and appliances. Repair or replace all deficient elements and equipment. All work must be done in a workmanlike manner with all required permits.</p> <p>Throughout main structure. Unable to gain entry, may be more violations.</p>	07/21/2023
<p>60-192(25) - Unsafe and Dangerous Structure or Premise Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.</p>	<p>Provide an inspection report from a licensed plumbing contractor for the entire plumbing system. Repair or replace all deficient elements and equipment. All work must be done in a workmanlike manner with all required permits.</p> <p>Throughout main structure. Unable to gain entry, may be more violations.</p>	07/21/2023
<p>60-192(26) - Unsafe and Dangerous Structure or Premise Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration, or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.</p>	<p>Provide an inspection report from a licensed electrical contractor for all electrical systems and devices. Repair or replace all deficient elements and equipment. All work must be done in a workmanlike manner with all required permits.</p> <p>Throughout main structure. Unable to gain entry, may be more violations.</p>	07/21/2023

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Violation	Corrective Action	Compliance Due Date
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.	07/21/2023

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
(515) 669-8231
SAClauson@dmgov.org