



Roll Call Number

Agenda Item Number

35 D

Date November 6, 2023

ABATEMENT OF PUBLIC NUISANCE AT 101 JOHNSON COURT

WHEREAS, the property located at 101 Johnson Court, 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 Titleholders, Richard Hernandez and Linda K. Hernandez, and mortgage holder, U.S. Bank Trust Co., N.A. as Trustee of the LB-Dwelling Series V Trust, 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 7 of CORRECTED OFFICIAL PLAT of the North 272 feet of Lot 31 in BROOKS & CO'S ADDITION TO DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 101 Johnson Court, 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:

/s/ Molly E. Tracy
Molly E. Tracy, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
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.

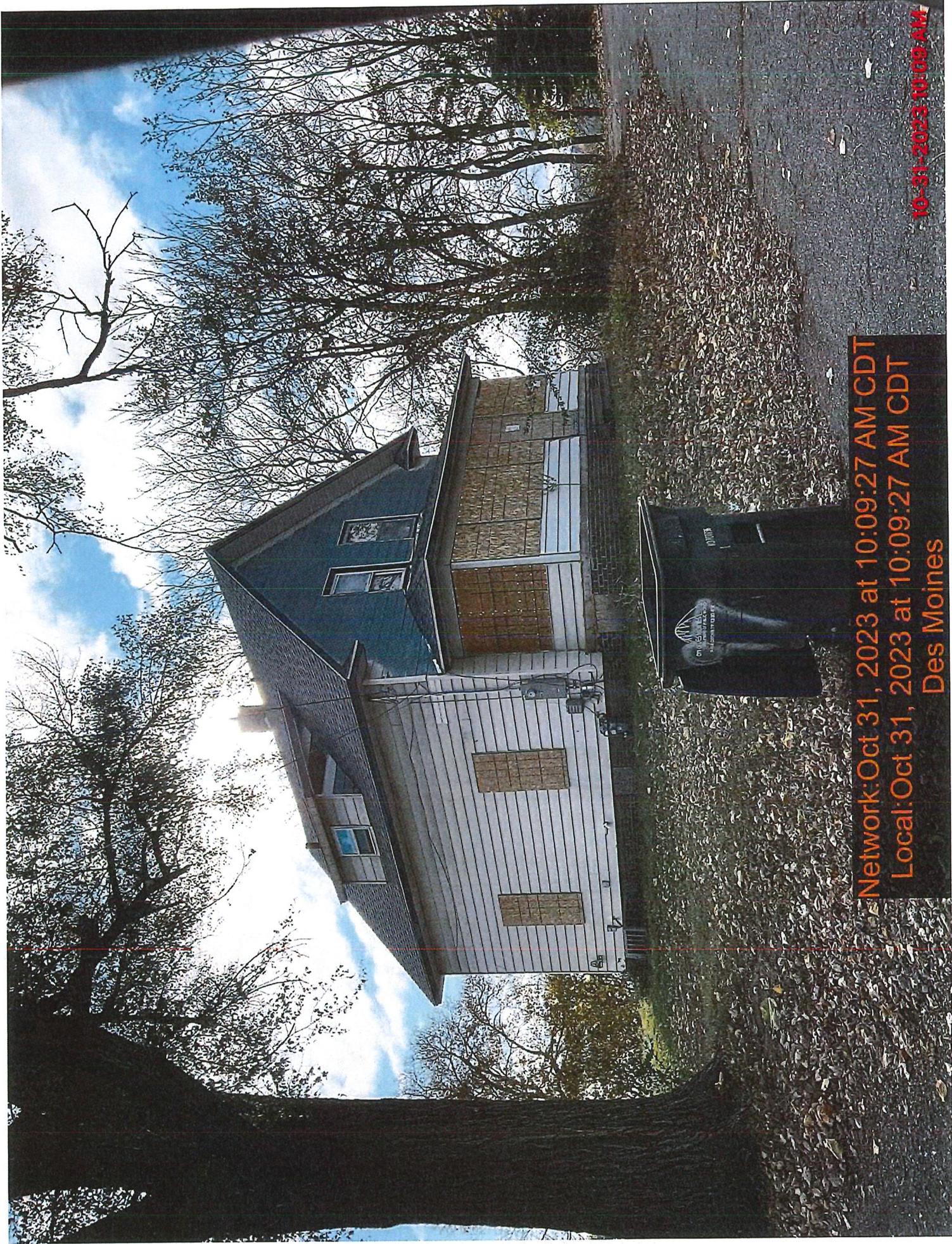
_____ City Clerk



Network: Oct 31, 2023 at 10:10:01 AM CDT
Local: Oct 31, 2023 at 10:10:01 AM CDT
Des Moines

10-31-2023 10:10 AM

35D



Network: Oct 31, 2023 at 10:09:27 AM CDT
Local: Oct 31, 2023 at 10:09:27 AM CDT
Des Moines

10-31-2023 10:09 AM

Polk County Assessor

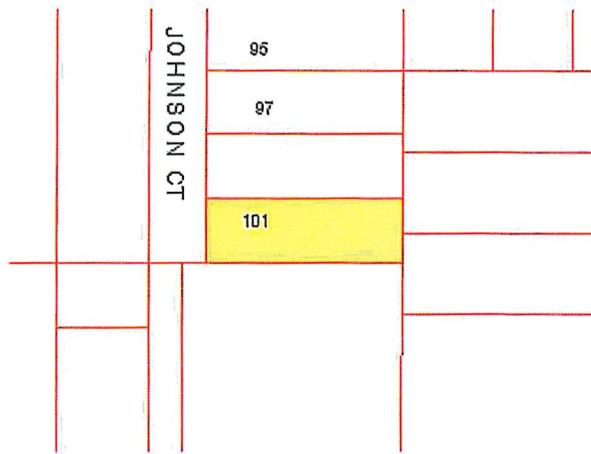
111 Court Avenue #195
Des Moines, IA 50309-0904

(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

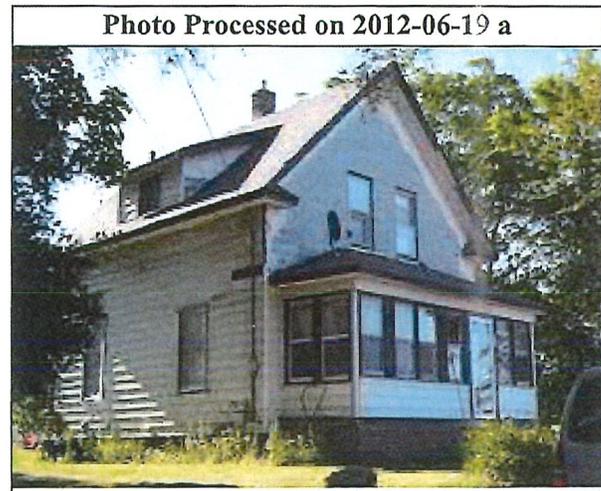
Location					
Address	101 JOHNSON CT				
City	DES MOINES	Zip	50316	Jurisdiction	Des Moines
District/Parcel	040/00416-000-000	Geoparcels	7824-02-311-010	Status	<u>Active</u>
School	Des Moines	Nbhd/Pocket	DM15/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northeast Des Moines	Appraiser	Joseph Peterson 515-286-3011		

Map and Current Photos - 1 Record

Click on parcel to get a new listing



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



Historical Photos

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	HERNANDEZ, RICHARD	1997-10-14	<u>7745/435</u>
Title Holder	2	HERNANDEZ, LINDA K		

Legal Description and Mailing Address

LT 7 CORR OP N 272 F LT 31 BROOKS & COS ADD	RICHARD HERNANDEZ 950 9TH AVE NW ALTOONA, IA 50009-2256
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Current Values

Type	Class	Kind	Land	Bldg	Total
2023 Value	Residential	Full	\$8,000	\$91,600	\$99,600

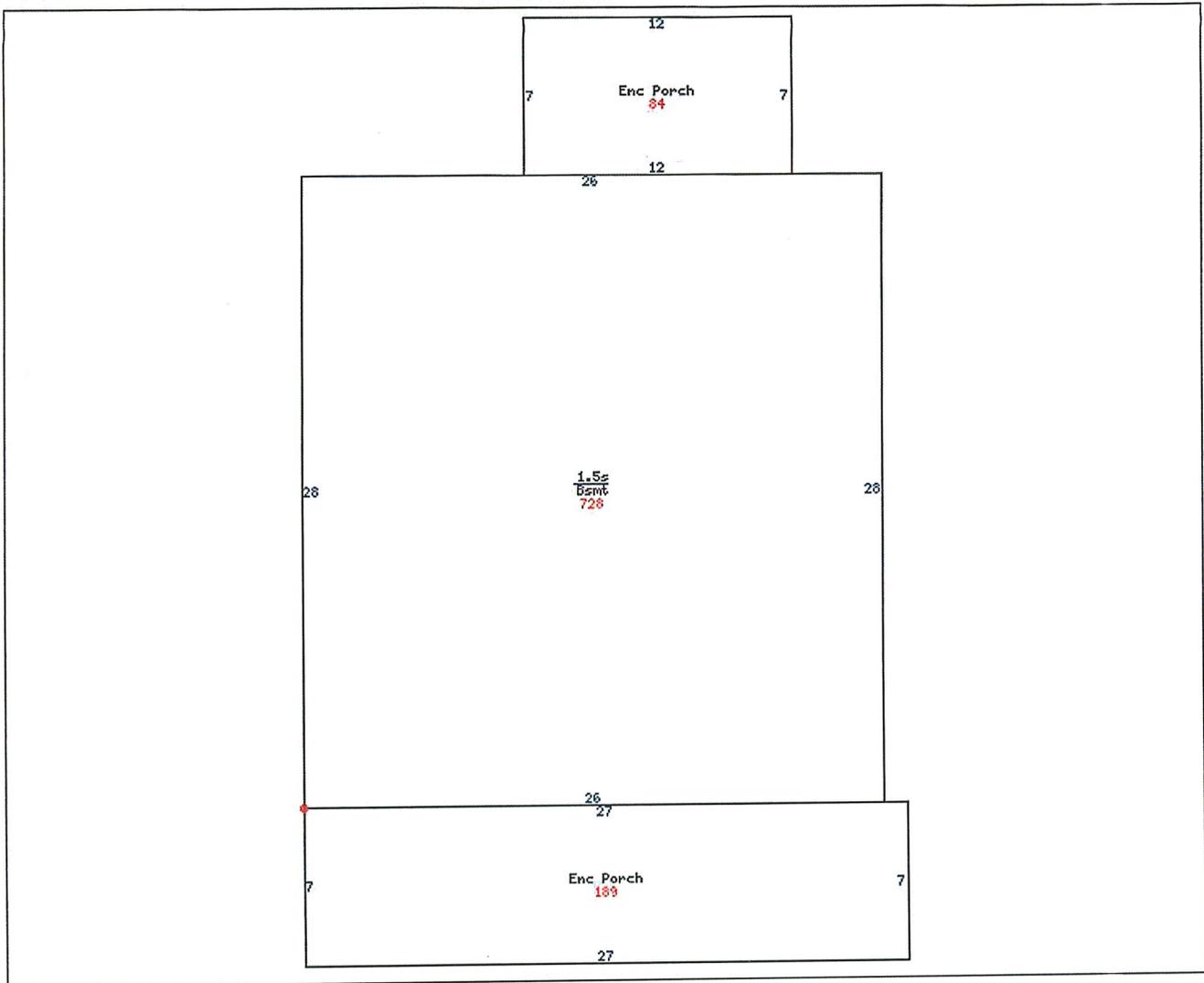
[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning

Zoning	Description		SF	Assessor Zoning	
N3C	N3c Neighborhood District			Residential	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	4,800	Acres	0.110	Frontage	40.0
Depth	120.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1.5 Stories	Building Style	Early 20s
Year Built	1910	Year Remodel	1981	Number Families	1
Grade	4+00	Condition	Normal	Total Square Foot Living Area	1216
Main Living Area	728	Upper Living Area	488	Basement Area	728
Enclosed Porch Area	273	Foundation	Brick	Exterior Wall Type	Metal Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning	0	Number Bathrooms	1	Number Extra Fixtures	1
Bedrooms	3	Rooms	6		

3SD



Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
HILL, RONNIE D	HERNANDEZ, RICHARD	1997-10-13	\$35,000	Deed	7745/435 Multiple Parcels

Permits - 2 Records

Year	Type	Permit Status	Application	Reason	Reason1
2022	Permit	No Add	2021-03-22	Fix Damage	FOUNDATION
1995	Pickup	Complete	1994-08-05		Remove Garage

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2023	Assessment Roll	Residential	Full	\$8,000	\$91,600	\$99,600
2021	Assessment Roll	Residential	Full	\$6,500	\$71,900	\$78,400
2019	Assessment Roll	Residential	Full	\$5,700	\$62,700	\$68,400
2017	Assessment Roll	Residential	Full	\$4,700	\$52,800	\$57,500
2015	Assessment Roll	Residential	Full	\$4,300	\$49,000	\$53,300
2013	Assessment Roll	Residential	Full	\$4,400	\$47,400	\$51,800
2011	Assessment Roll	Residential	Full	\$4,900	\$55,800	\$60,700

Yr	Type	Class	Kind	Land	Bldg	Total
2009	Assessment Roll	Residential	Full	\$5,000	\$54,300	\$59,300
2007	Assessment Roll	Residential	Full	\$5,100	\$54,900	\$60,000
2005	Assessment Roll	Residential	Full	\$4,500	\$47,400	\$51,900
2003	Assessment Roll	Residential	Full	\$3,720	\$38,690	\$42,410
2001	Assessment Roll	Residential	Full	\$3,950	\$32,740	\$36,690
1999	Assessment Roll	Residential	Full	\$2,180	\$34,860	\$37,040
1997	Assessment Roll	Residential	Full	\$1,880	\$30,050	\$31,930
1995	Assessment Roll	Residential	Full	\$1,710	\$27,290	\$29,000
1993	Assessment Roll	Residential	Full	\$1,510	\$15,840	\$17,350
1989	Assessment Roll	Residential	Full	\$1,510	\$13,790	\$15,300

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

35D



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

Case Number: NUIS-2023-000226	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 08/29/2023
	Date of Notice: 09/12/2023
Date of Inspection: 08/29/2023	

US BANK TRUST CO, NA AS TRUSTEE OF THE LB - DWELLING SERIES V TRUST
DWELLING SERIES V TRUST CT CORPORATION SYSTEM, REG. AGENT
400 E COURT AVE
DES MOINES IA 50309

Address of Property: 101 JOHNSON CT, DES MOINES IA 50316
Parcel Number: 782402311010

Legal Description: LT 7 CORR OP N 272 F LT 31 BROOKS & COS ADD

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>	<p>Vacate the structure.</p>	<p>10/24/2023</p>
<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 effects.</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>10/24/2023</p>
<p>60-192(14) - Unsafe and Dangerous Structure or Premise Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.</p>	<p>Repair or replace sections of building foundation to eliminate conditions that create a violation. All work must be done in a workmanlike manner with all required permits.</p>	<p>10/24/2023</p>
<p>60-192(16) - Unsafe and Dangerous Structure or Premise The anchorage of the floor or roof to walls or columns, and of walls and columns to foundation is not capable of resisting all nominal loads or load effect.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	<p>10/24/2023</p>

Violation	Corrective Action	Compliance Due Date
<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>	10/24/2023
<p>60-192(22) - Unsafe and Dangerous Structure or Premise Surfaces, including windows and doors, shall be maintained in good clean and sanitary conditions. Peeling chipping flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood or other defective surface conditions shall be corrected.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	10/24/2023
<p>60-192(23) - Unsafe and Dangerous Structure or Premise Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or incapable of supports all nominal loads and resisting all load effects.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	10/24/2023
<p>60-192(3) - Unsafe and Dangerous Structure or Premise The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	10/24/2023

Violation	Corrective Action	Compliance Due Date
<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>	<p>10/24/2023</p>
<p>60-192(6) - Unsafe and Dangerous Structure or Premise Whenever the condition or maintenance of the premise creates a nuisance that endangers the health and safety of the residents or public.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	<p>10/24/2023</p>
<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>10/24/2023</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>	<p>10/24/2023</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,



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

3SD



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

Case Number: NUIS-2023-000226	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 08/29/2023
	Date of Notice: 09/12/2023
Date of Inspection: 08/29/2023	

LINDA K HERNANDEZ
950 9TH AVE NW
ALTOONA IA 50009

Address of Property: 101 JOHNSON CT, DES MOINES IA 50316
Parcel Number: 782402311010

Legal Description: LT 7 CORR OP N 272 F LT 31 BROOKS & COS ADD

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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

35D



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

Case Number: NUIS-2023-000226	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 08/29/2023
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RICHARD HERNANDEZ
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ALTOONA IA 50009

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Violation	Corrective Action	Compliance Due Date
<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>	10/24/2023
<p>60-192(22) - Unsafe and Dangerous Structure or Premise Surfaces, including windows and doors, shall be maintained in good clean and sanitary conditions. Peeling chipping flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood or other defective surface conditions shall be corrected.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	10/24/2023
<p>60-192(23) - Unsafe and Dangerous Structure or Premise Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or incapable of supports all nominal loads and resisting all load effects.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	10/24/2023
<p>60-192(3) - Unsafe and Dangerous Structure or Premise The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	10/24/2023

Violation	Corrective Action	Compliance Due Date
<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>	<p>10/24/2023</p>
<p>60-192(6) - Unsafe and Dangerous Structure or Premise Whenever the condition or maintenance of the premise creates a nuisance that endangers the health and safety of the residents or public.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	<p>10/24/2023</p>
<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>10/24/2023</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>	<p>10/24/2023</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.

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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