



Roll Call Number

Agenda Item Number

45 A

Date December 18, 2023

ABATEMENT OF PUBLIC NUISANCE AT 1540 CAPITOL AVENUE

WHEREAS, the property located at 1540 Capitol 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, CAM CAPITOL REDEVELOPMENT, LLC and Mortgage Holder, FIDELITY BANK, 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 11 in Block 45 in STEWART'S ADDITION to the City of Des Moines, Polk County, Iowa, and locally known as 1540 Capitol 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:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
COLEMAN				
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.

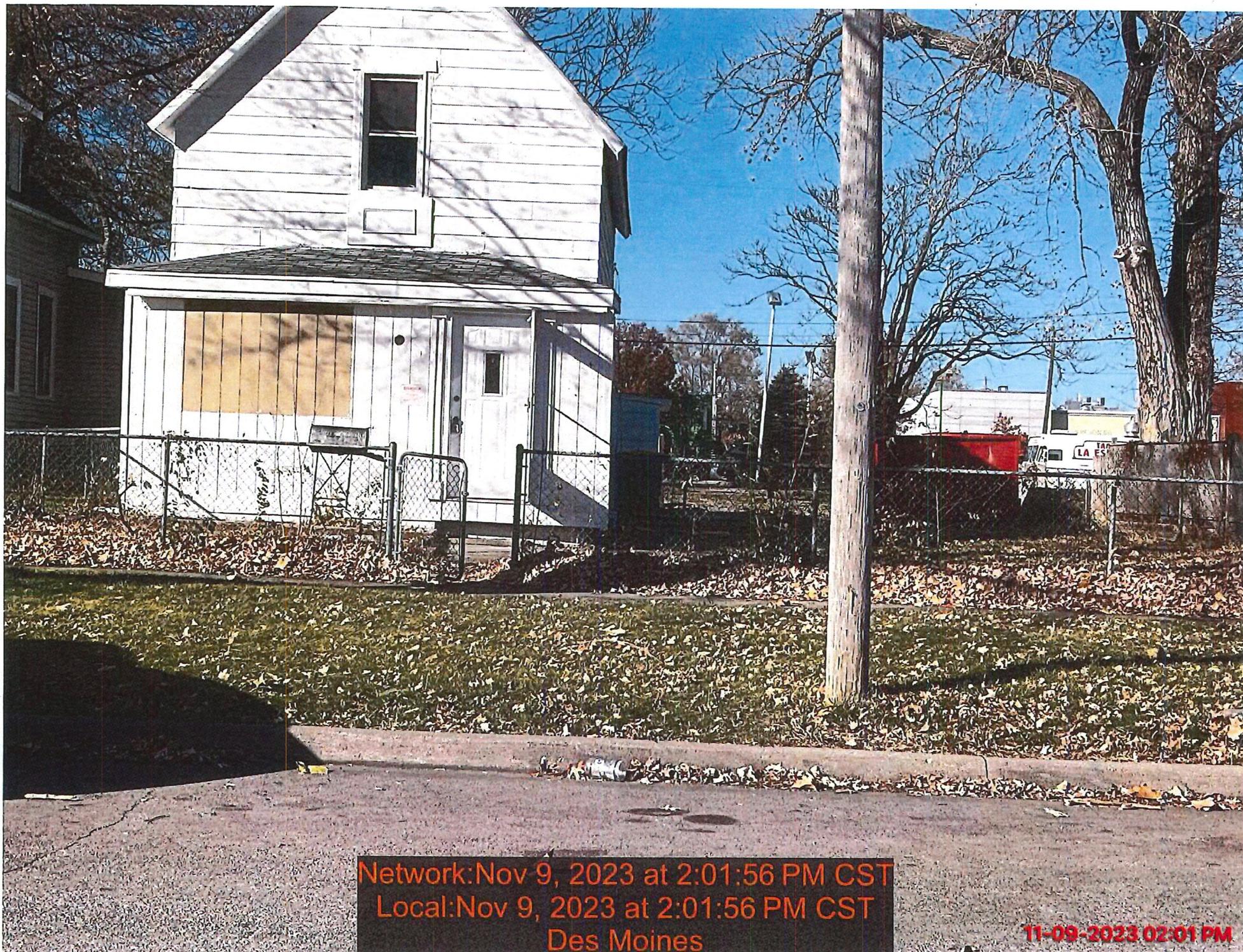
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk



Network: Nov 9, 2023 at 2:02:45 PM CST
Local: Nov 9, 2023 at 2:02:45 PM CST
Des Moines

11-09-2023 02:02 PM



Network: Nov 9, 2023 at 2:01:56 PM CST
Local: Nov 9, 2023 at 2:01:56 PM CST
Des Moines

11-09-2023 02:01 PM

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	1540 CAPITOL AVE				
City	DES MOINES	Zip	50316	Jurisdiction	Des Moines
District/Parcel	040/05148-000-000	Geoparcels	7824-02-154-017	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](#)

Photo Processed on 2012-06-10 a

Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	CAM CAPITOL REDEVELOPMENT LLC	2022-03-31	19047/139

Legal Description and Mailing Address

LOT 11 BLK 45 STEWARTS ADDITION	CAM CAPITOL REDEVELOPMENT LLC 4407 SW 9TH ST DES MOINES, IA 50315-3909
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Current Values

Type	Class	Kind	Land	Bldg	Total
2023 Value	Residential	Full	\$11,000	\$43,700	\$54,700

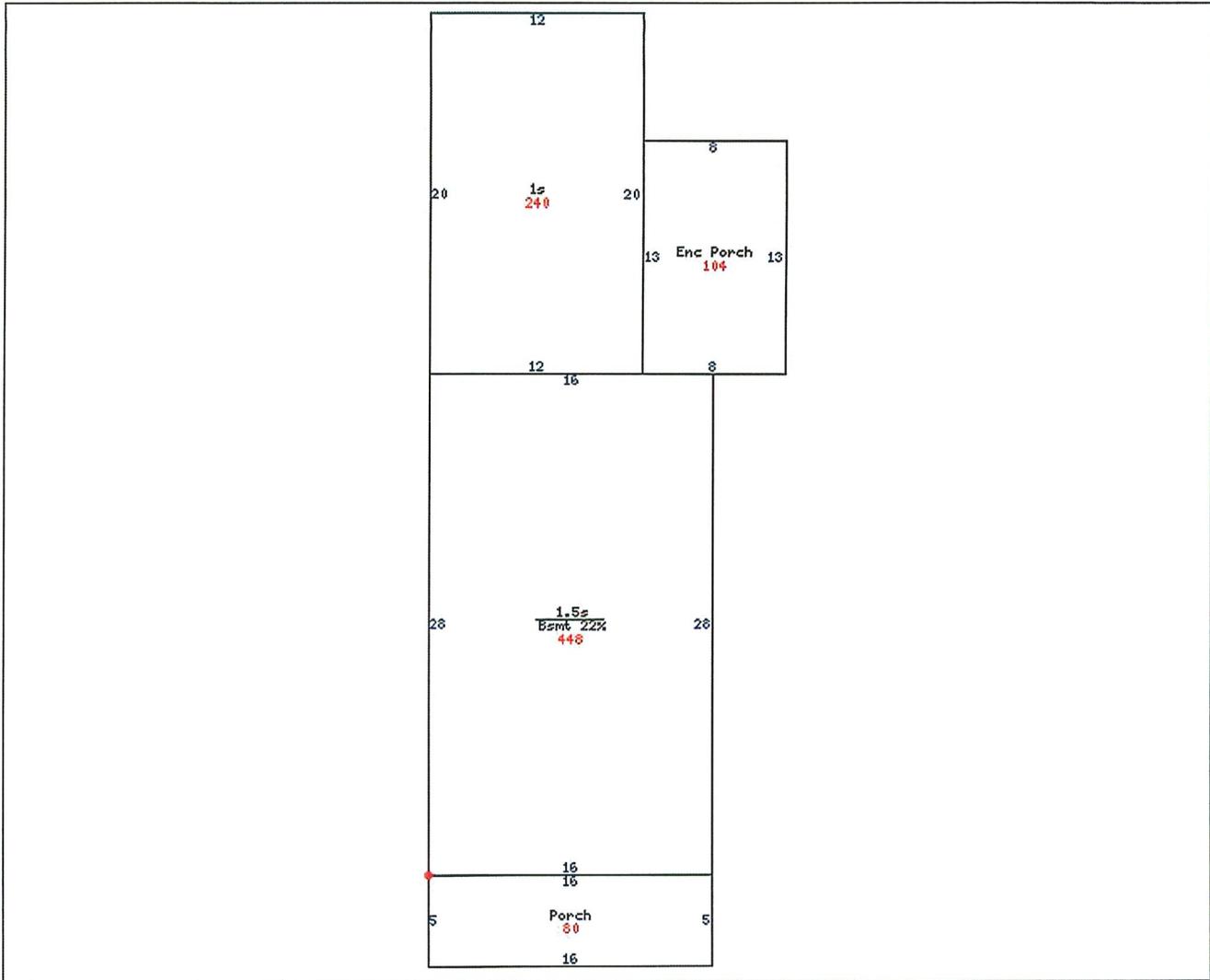
[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N3C	N3c Neighborhood District		Residential

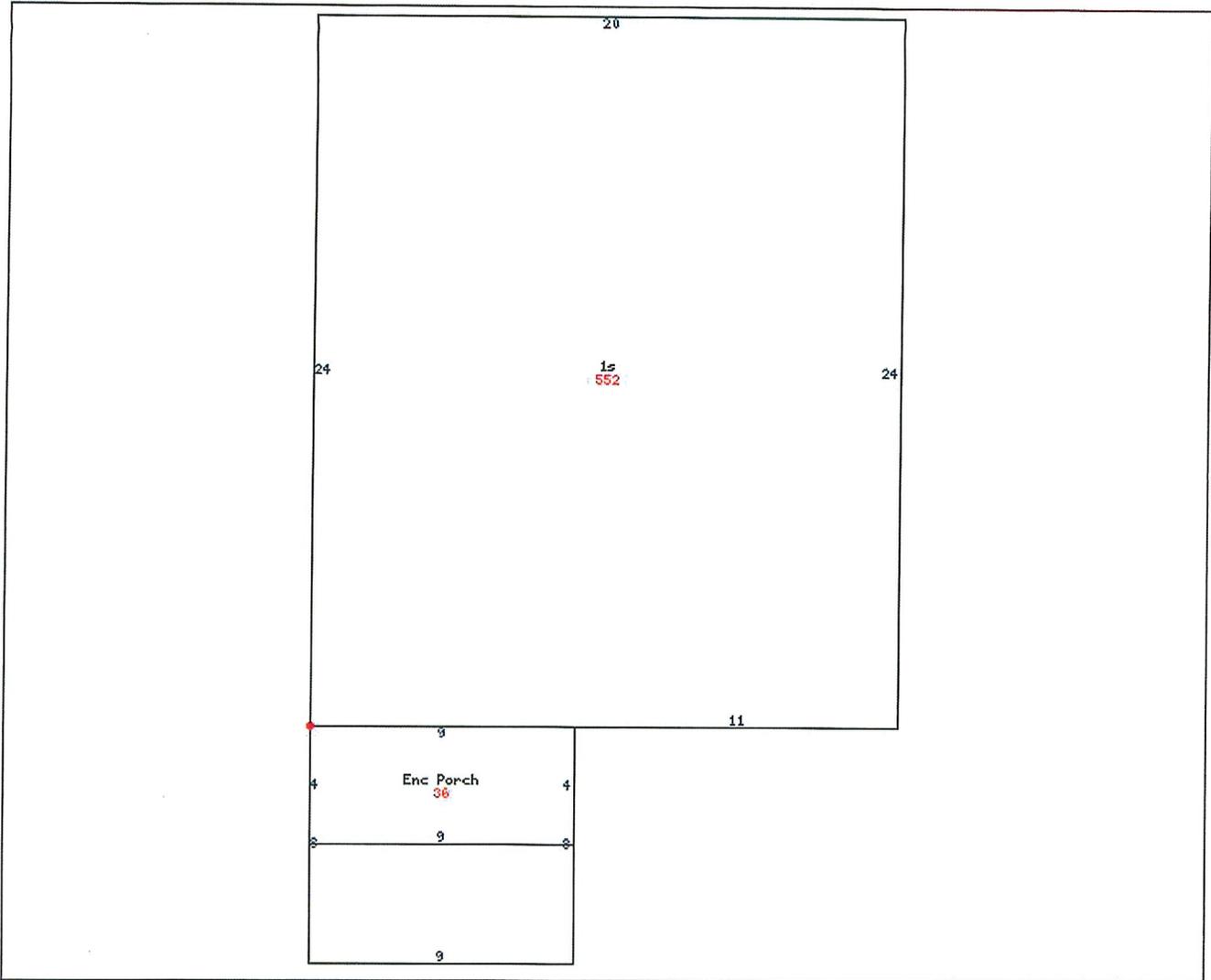
City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)

Land					
Square Feet	6,600	Acres	0.152	Frontage	50.0
Depth	132.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 2 Records					
Residence #1					
Occupancy	Single Family	Residence Type	1.5 Stories	Building Style	Early 20s
Year Built	1886	Number Families	1	Grade	4-10
Condition	Below Normal	Total Square Foot Living Area	988	Main Living Area	688
Upper Living Area	300	Basement Area	99	Open Porch Area	80
Enclosed Porch Area	104	Foundation	Poured Concrete	Exterior Wall Type	Wood Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning	0	Number Bathrooms	1	Bedrooms	2
Rooms	5				



Residence #2

Occupancy	Single Family	Residence Type	1 Story	Building Style	Berm/Earth
Year Built	1940	Number Families	1	Grade	5-10
Condition	Poor	Total Square Foot Living Area	552	Main Living Area	552
Enclosed Porch Area	36	Foundation	Poured Concrete	Exterior Wall Type	Wood Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Floor Wall
Air Conditioning	0	Number Bathrooms	1	Bedrooms	2
Rooms	4				



Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
ORANGE DOOR LLC	CAM CAPITOL REDEVELOPMENT LLC	2022-03-09	\$205,000	Deed	19047/139 Multiple Parcels
SCHOOLEY, LAWONA JEAN ESTATE	ORANGE DOOR LLC	2022-03-09	\$195,000	Deed	19047/135 Multiple Parcels
TONSI, RENO B., ESTATE	SCHOOLEY, LAWONA J.	2013-06-25	\$22,770	Deed	14868/761

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
ORANGE DOOR LLC	CAM CAPITOL REDEVELOPMENT LLC	2022-03-09	2022-03-31	Warranty Deed	19047/139

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
SCHOOLEY, LAWONA JEAN PHILLIPS, ELIZABETH ANN	ORANGE DOOR LLC	2022-03-09	2022-03-31	Court Officer Deed	19047/135
TONSI, RENO BERTOLO TONSI, JAMES L (Executor) TONSI, ANGELINA ROSE (Executor)	SCHOOLEY, LAWONA J	2013-06-25	2013-07-09	Court Officer Deed	14868/761

Permits - 3 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	To Work	2023-10-17	Alterations	INTERIOR
Current	Permit	To Work	2023-10-06	Remove	HOUSE
1989	Pickup	Complete	1988-10-07		2 of 2 Boarded Up SV

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2023	Assessment Roll	Residential	Full	\$11,000	\$43,700	\$54,700
2021	Assessment Roll	Residential	Full	\$8,900	\$34,900	\$43,800
2019	Assessment Roll	Residential	Full	\$7,800	\$30,700	\$38,500
2017	Assessment Roll	Residential	Full	\$6,500	\$20,500	\$27,000
2015	Assessment Roll	Residential	Full	\$6,000	\$19,400	\$25,400
2013	Board Action	Residential	Full	\$6,000	\$19,000	\$25,000
2013	Assessment Roll	Residential	Full	\$6,000	\$42,400	\$48,400
2011	Assessment Roll	Residential	Full	\$6,800	\$48,500	\$55,300
2009	Assessment Roll	Residential	Full	\$7,000	\$47,500	\$54,500
2007	Board Action	Residential	Full	\$7,100	\$48,000	\$55,100
2007	Assessment Roll	Residential	Full	\$7,100	\$63,200	\$70,300
2005	Assessment Roll	Residential	Full	\$7,200	\$38,700	\$45,900
2003	Assessment Roll	Residential	Full	\$6,550	\$35,000	\$41,550
2001	Board Action	Residential	Full	\$6,510	\$27,590	\$34,100
2001	Assessment Roll	Residential	Full	\$6,510	\$32,080	\$38,590
1999	Assessment Roll	Residential	Full	\$7,350	\$19,980	\$27,330
1997	Assessment Roll	Residential	Full	\$6,340	\$17,220	\$23,560
1995	Assessment Roll	Residential	Full	\$5,760	\$15,640	\$21,400
1993	Assessment Roll	Residential	Full	\$5,080	\$13,790	\$18,870

Yr	Type	Class	Kind	Land	Bldg	Total
1989	Assessment Roll	Residential	Full	\$5,080	\$11,560	\$16,640

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



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

Case Number: NUIS-2023-000218	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 08/16/2023
	Date of Notice: 08/24/2023
	Date of Inspection: 08/16/2023

CAM CAPITOL REDEVELOPMENT LLC
 CRARY, HUFF, RINGGENBERG, HARTNETT & STORM, P.C., REG. AGENT
 329 PIERCE ST #200
 SIOUX CITY IA 51101

Address of Property: **1540 CAPITOL AVE, DES MOINES IA 50316**
 Parcel Number: **782402154017**

Legal Description: **LOT 11 BLK 45 STEWARTS ADDITION**

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 A fully enclosed building on a lot that is detached from the principal structure on the same lot. A principal structure is required, unless otherwise stated.	Remove the outbuilding and/or detached garage should the primary structure be removed.	10/06/2023

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.	10/06/2023
<p>60-192(1) - Unsafe and Dangerous Structure or Premise 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.</p>	Repair or replace all building components damaged to the point to effectively create a nuisance or a violation. All work must be done in a workmanlike manner with all required permits.	10/06/2023
<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>	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.	10/06/2023

Violation	Corrective Action	Compliance Due Date
<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>	10/06/2023
<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>	10/06/2023
<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>	10/06/2023
<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>	10/06/2023

Violation	Corrective Action	Compliance Due Date
<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>	10/06/2023
<p>60-192(8) - Unsafe and Dangerous Structure or Premise A building, structure or any portion thereof, because of inadequate maintenance, dilapidation, decay, damage, mold, faulty construction or arrangement, inadequate light, ventilation, or otherwise is determined by the administrator to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	10/06/2023
<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>	10/06/2023

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,

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-2023-000218	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 08/16/2023
	Date of Notice: 09/28/2023
	Date of Inspection: 08/16/2023

FIDELITY BANK
 BRIAN DEBUHR, PRESIDENT
 177 S JORDAN CREEK PKWY
 WEST DES MOINES IA 50266

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 Parcel Number: **782402154017**

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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