



Roll Call Number

Agenda Item Number

37

Date January 22, 2024

ABATEMENT OF PUBLIC NUISANCE AT 400 E JACKSON AVENUE

WHEREAS, the property located at 400 E Jackson 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 Titleholders, R&E Home Solutions, LLC and Connie S. Marshall, 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 26 and West ½ of Lot 25 in Block 12 in SECOND PLAT OF CLIFTON HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 400 E Jackson 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:



Molly E. Tracy, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
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





12-21-2023 11:33 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	400 E JACKSON AVE				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	020/00567-001-000	Geoparcels	7824-10-331-008	Status	<u>Active</u>
School	Des Moines	Nbhd/Pocket	DM23/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	South 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 2014-03-25 a

Historical Photos

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	R&E HOME SOLUTIONS LLC	2023-07-26	19550/450
Title Holder	2	MARSHALL, CONNIE S	2023-07-26	19550/450

Legal Description and Mailing Address

W 1/2 LT 25 & ALL LT 26 BLK 12 SECOND PLAT OF CLIFTON HEIGHTS	CONNIE S MARSHALL 400 E JACKSON AVE DES MOINES, IA 50315-1324
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Current Values

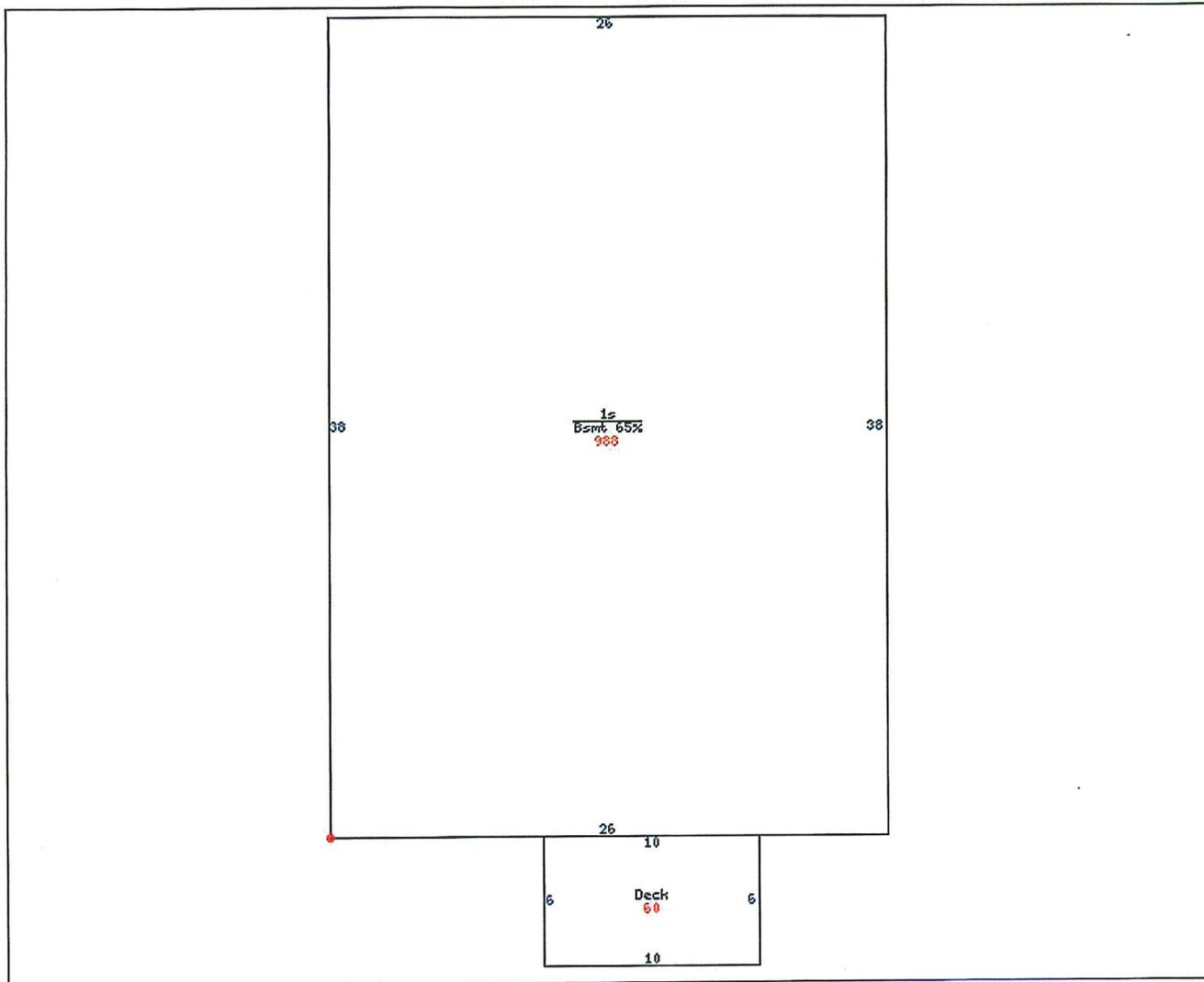
Type	Class	Kind	Land	Bldg	Total
2023 Value	Residential	Full	\$18,900	\$64,000	\$82,900

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

Auditor Adjustments to Value

Category	Name	Information
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Category		Name		Information	
2023 Homestead Credit		MARSHALL, CONNIE S		Application #53440	
2023 Homestead Tax Exemption		MARSHALL, CONNIE S			
Zoning - 1 Record					
Zoning	Description			SF	Assessor Zoning
NX1	NX1 Neighborhood Mix District				Residential
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	7,200	Acres	0.165	Frontage	60.0
Depth	120.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Conventional
Year Built	1900	Number Families	1	Grade	4-10
Condition	Poor	Total Square Foot Living Area	988	Main Living Area	988
Basement Area	642	Deck Area	60	Foundation	Concrete Block
Exterior Wall Type	Metal Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	1
Bedrooms	3	Rooms	5		



Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
LESTER, WANDA M	MARSHALL, CONNIE S	1994-12-08	\$30,000	Contract	8294/587

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
MARSHALL, CONNIE S	R&E HOME SOLUTIONS LLC MARSHALL, CONNIE S	2023-07-14	2023-07-26	Quit Claim Deed	19550/450

Permits - 1 Record

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	Complete	2023-08-16	Remove	GARAGE

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
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Yr	Type	Class	Kind	Land	Bldg	Total
2023	Assessment Roll	Residential	Full	\$18,900	\$64,000	\$82,900
2021	Assessment Roll	Residential	Full	\$16,800	\$54,100	\$70,900
2019	Assessment Roll	Residential	Full	\$14,700	\$47,100	\$61,800
2017	Assessment Roll	Residential	Full	\$13,300	\$42,500	\$55,800
2015	Assessment Roll	Residential	Full	\$12,500	\$40,600	\$53,100
2013	Assessment Roll	Residential	Full	\$12,700	\$41,400	\$54,100
2011	Assessment Roll	Residential	Full	\$12,700	\$41,100	\$53,800
2009	Assessment Roll	Residential	Full	\$13,300	\$41,800	\$55,100
2007	Assessment Roll	Residential	Full	\$13,300	\$41,800	\$55,100
2005	Assessment Roll	Residential	Full	\$11,100	\$42,000	\$53,100
2003	Assessment Roll	Residential	Full	\$10,170	\$38,200	\$48,370
2001	Assessment Roll	Residential	Full	\$9,460	\$31,040	\$40,500
1999	Assessment Roll	Residential	Full	\$5,870	\$38,080	\$43,950
1997	Assessment Roll	Residential	Full	\$5,240	\$33,970	\$39,210
1997	Was Prior Year	Residential	Full	\$4,920	\$31,880	\$36,800

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-2023-000151	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 05/31/2023
	Date of Notice: 06/08/2023
	Date of Inspection: 05/31/2023

CONNIE S MARSHALL
400 E JACKSON AVE
DES MOINES IA 50315

Address of Property: 400 E JACKSON AVE
Parcel Number: 782410331008

Legal Description: W 1/2 LT 25 & ALL LT 26 BLK 12 SECOND PLAT OF CLIFTON HEIGHTS

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>07/14/2023</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>Throughout main structure. Unable to gain access, more violations may exist.</p>	<p>07/17/2023</p>

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> <p>Throughout main structure. Unable to gain access, more violations may exist.</p>	07/17/2023
<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>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> <p>Throughout main structure. Unable to gain access, more violations may exist.</p>	07/17/2023
<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 access, more violations may exist.</p>	07/17/2023
<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 access, more violations may exist.</p>	07/17/2023

Violation	Corrective Action	Compliance Due Date
<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 access, more violations may exist.</p>	07/17/2023
<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 access, more violations may exist.</p>	07/17/2023
<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>	07/14/2023
<p>135-2 C - Outbuilding and Detached Garage A fully enclosed building on a lot the is detached from the principal structure on the same lot. A principal structure is required, unless otherwise stated.</p>	<p>Remove the outbuilding and/or detached garage should the primary structure be removed.</p>	07/17/2023

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 that reads "Scott Clauson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott Clauson
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 669-8231
SAClauson@dmgov.org



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

Case Number: NUIS-2023-000151	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 05/31/2023
	Date of Notice: 08/03/2023
Date of Inspection: 07/10/2023	

R&E HOME SOLUTIONS LLC
EMANUEL AGAPITO VANDYKE, REG. AGENT
1415 E 19TH ST
DES MOINES IA 50316

Address of Property: **400 E JACKSON AVE**
Parcel Number: **782410331008**

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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