



**Roll Call Number**

**Agenda Item Number**

38B

Date February 19, 2024

**ABATEMENT OF PUBLIC NUISANCE AT 1427 5<sup>th</sup> AVE.**

WHEREAS, the property located at 1427 5<sup>th</sup> Ave., 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, GT Portfolio IA, LLC, and the Mortgage Holder, Bank Midwest, 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 5 in BATES ADDITION TO NORTH 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 1427 5<sup>th</sup> Ave., 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.

Seconded by \_\_\_\_\_

FORM APPROVED:

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

**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.

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

MOTION CARRIED

APPROVED

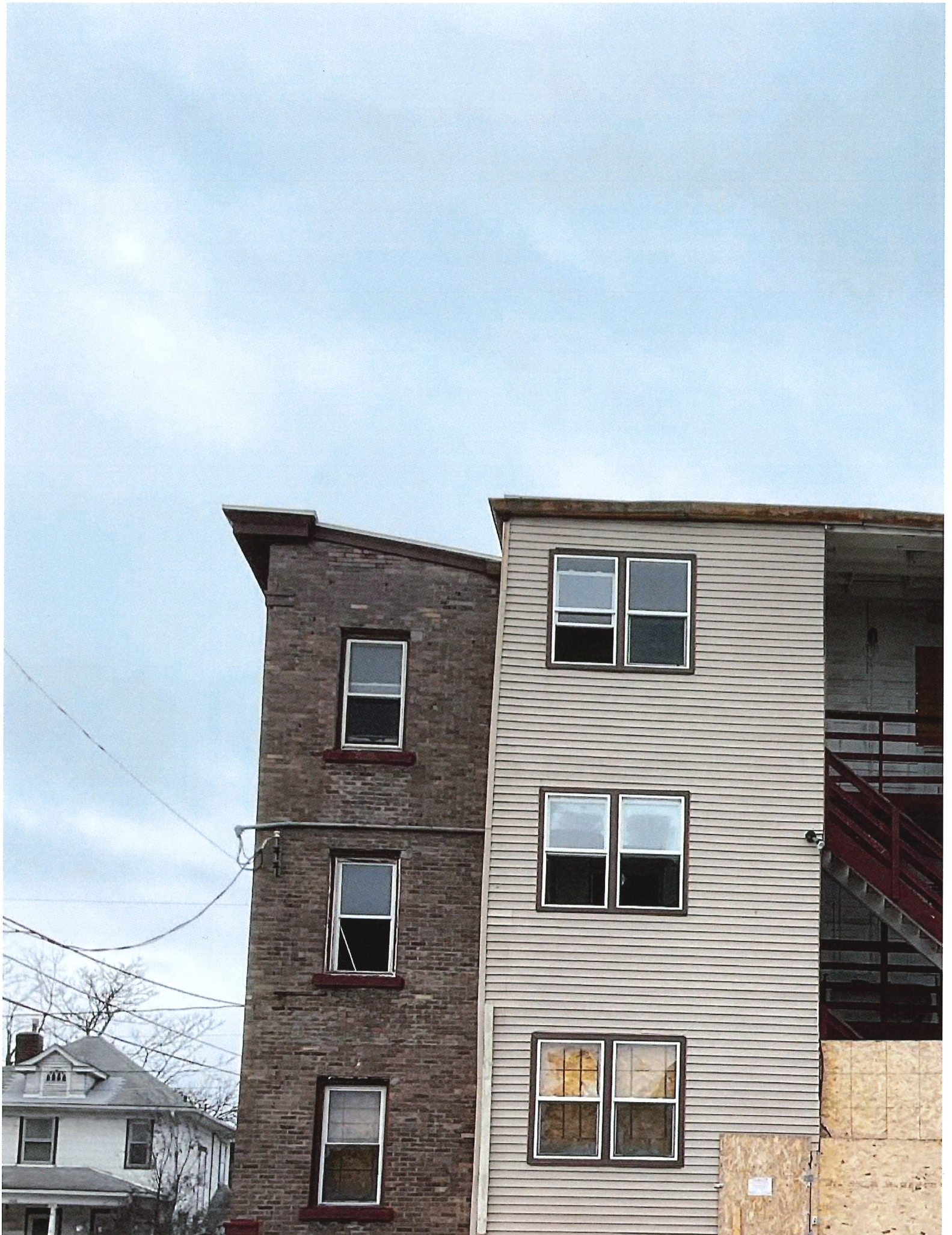
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



388B







# 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](mailto:polkweb@assess.co.polk.ia.us)

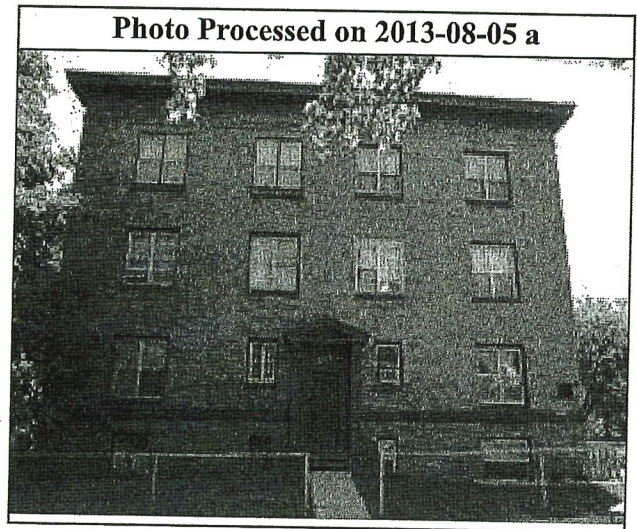
38B

Location					
Address	1427 5TH AVE				
City	DES MOINES	Zip	50314	Jurisdiction	Des Moines
District/Parcel	080/00312-000-000	Geoparcels	7924-34-430-009	Status	Active
School	Des Moines	Nbhd/Pocket	DM79/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Austin Viggers 515-286-3958		

## 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	GT PORTFOLIO IA LLC	2021-11-16	18863/116

## Legal Description and Mailing Address

LOT 5 BATES ADDITION	GT PORTFOLIO IA LLC 1179 ZUMSTEIN CT RIPON, CA 95366-3117
----------------------	---

## Current Values

Type	Class	Kind	Land	Bldg	Total
2023 Assessment Roll	Residential 3+	Full	\$8,700	\$353,300	\$362,000
2022 Value	Residential 3+	Full	\$7,300	\$317,700	\$325,000

[Assessment Roll Notice](#) [Unadjusted Cost Report](#)

## Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning

Zoning	Description			SF	Assessor Zoning	
N5	N5 Neighborhood District				Residential	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>						
<b>Land</b>						
<b>Square Feet</b>	8,200	<b>Acres</b>	0.188	<b>Frontage</b>	65.0	
<b>Depth</b>	125.0	<b>Topography</b>	Blank	<b>Shape</b>	Rectangle	
<b>Vacancy</b>	Blank	<b>Unbuildable</b>	Blank			
<b>Commercial Summary</b>						
<b>Occupancy</b>	Apartment	<b>Age, Weighted</b>	1906	<b>Total Story Height</b>	3	
<b>Land Area</b>	8,200	<b>Gross Area</b>	6,360	<b>Finished Area</b>	6,360	
<b>Unfinished Bsmt Area</b>	1,994	<b>Finished Bsmt Area</b>	750	<b>Number of Units</b>	8	
<b>Primary Group</b>	Apartment	<b>Percent Primary Group</b>	76.13	<b>Percent Secondary Group</b>	0.00	
<b>Grade, Weighted</b>	4/Grade 4	<b>Bldg Class, Weighted</b>	2/Brick or Masonry	<b>Condition, Weighted</b>	BN/Below Normal	
<b>Ground Floor Area</b>	2,120	<b>Perimeter</b>	212			
<b>Commercial Sections - 1 Record</b>						
<b>Commercial Section #101'</b>						
<b>Section Multiplier</b>	1	<b>Occupancy</b>	Apartment	<b>Foundation</b>	Concrete	
<b>Submerged</b>	No	<b>Exterior Wall</b>	Brick Block Tile	<b>Insulation</b>	Yes	
<b>Roof</b>	Flat	<b>Roof Material</b>	Built-up	<b>Covered Area</b>	240	
<b>Covered Quality</b>	Normal	<b>Wiring</b>	Adequate	<b>Plumbing</b>	Adequate	
<b>Total Story Height</b>	3	<b>Frame Type</b>	Frame	<b>Fireproof Construction</b>	No	
<b>Bldg Class</b>	Brick or Masonry	<b>Total Section Area</b>	8,354	<b>Ground Floor Area</b>	2,120	
<b>Perimeter</b>	212	<b>Grade</b>	4+00	<b>Year Built</b>	1906	
<b>Condition</b>	Below Normal					
<b>Comment</b>	P=3ST OP, B & C=3ST, 1 BSMT APT					

**Commercial Groups - 3 Records****Commercial Group #101 1**

<b>Use Code</b>	Apartment	<b>Base Story</b>	1	<b>Number Stories</b>	3
<b>Total Group Area</b>	6,360	<b>Base Floor Area</b>	2,120	<b>Number Units</b>	7
<b>Heating</b>	Central	<b>Air Conditioning</b>	None	<b>Exhaust System</b>	No

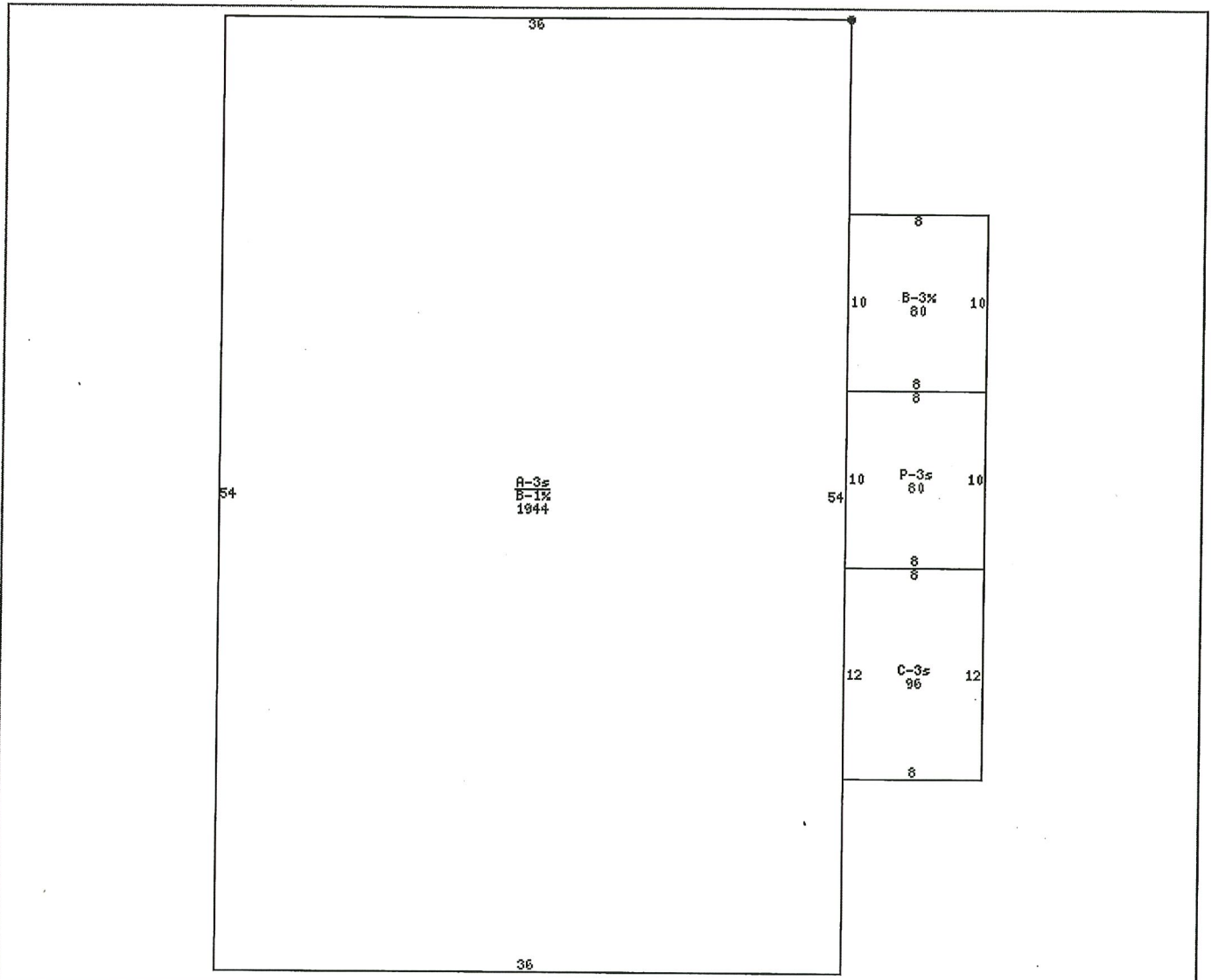
**Commercial Group #101 2**

<b>Use Code</b>	Basement Finished	<b>Number Stories</b>	1	<b>Total Group Area</b>	750
<b>Base Floor Area</b>	750	<b>Number Units</b>	1	<b>Heating</b>	Central
<b>Air Conditioning</b>	None	<b>Exhaust System</b>	No		
<b>Comment</b>	BSMT APT				

**Commercial Group #101 3**

<b>Use Code</b>	Basement Entire	<b>Number Stories</b>	1	<b>Total Group Area</b>	1,994
<b>Base Floor Area</b>	1,994	<b>Heating</b>	None	<b>Air Conditioning</b>	None
<b>Exhaust System</b>	No				





**Detached Structures - 3 Records**

**Detached Structure #101**

<b>Occupancy</b>	Concrete Paving	<b>Measurement Code</b>	Square Feet	<b>Measure 1</b>	1,731
<b>Grade</b>	5	<b>Year Built</b>	1980	<b>Year Remodel</b>	2018
<b>Condition</b>	Normal				
<b>Comment</b>	YR BUILT ESTIMATED. Paving patched and new paving added for trash enclosure in 2018.				

**Detached Structure #201**

<b>Occupancy</b>	Fence	<b>Construction Type</b>	Chain Link	<b>Measurement Code</b>	Lineal Feet
<b>Lineal Feet</b>	151	<b>Height</b>	4	<b>Grade</b>	5
<b>Year Built</b>	1980	<b>Condition</b>	Normal		
<b>Comment</b>	YR BUILT ESTIMATED.				

**Detached Structure #301**

<b>Occupancy</b>	Trash Enclosure	<b>Construction Type</b>	Steel	<b>Measurement Code</b>	Lineal Feet
<b>Lineal Feet</b>	56	<b>Height</b>	6	<b>Grade</b>	4

<b>Year Built</b>	2018	<b>Condition</b>	Normal
-------------------	------	------------------	--------

**Sales - 6 Records**

<b>Seller</b>	<b>Buyer</b>	<b>Sale Date</b>	<b>Sale Price</b>	<b>Instrument</b>	<b>Book/Page</b>
BJB COMPANY INC	GT PORTFOLIO IA LLC	<u>2021-11-10</u>	\$265,000	Deed	<u>18863/116</u>
ELLINGSON, DON E	BJB COMPANY INC	<u>2013-08-08</u>	\$175,000	Contract	<u>14913/789</u>
ELLINGSON, DON E	DSM PROPERTY SOLUTIONS, LLC	<u>2009-07-17</u>	\$196,000	Contract	<u>13136/76</u>
SW ENTERPRISES INC	ELLINGSON, DON E	<u>2006-08-14</u>	\$190,000	Deed	<u>11805/113</u>
PHAM, BRYAN	SW ENTERPRISES INC	<u>2005-06-28</u>	\$137,000	Deed	<u>11146/624</u>
YANG, TOUA C & CHOUA H	PHAM, BRYAN & AMY NGUYEN	<u>2002-05-01</u>	\$115,000	Contract	<u>9128/602</u>

**Recent Ownership Transfers**

<b>Grantor</b>	<b>Grantee</b>	<b>Instrument Date</b>	<b>Recording Date</b>	<b>Instrument Type</b>	<b>Book/Pg</b>
BJB COMPANY INC	GT PORTFOLIO IA LLC	2021-11-10	2021-11-16	Warranty Deed Corporate	<u>18863/116</u>
ELLINGSON, SHIRLEY A ----- ELLINGSON, DON E ----- Also Known As ELLINGSON, SHIRLEY ----- Also Known As ELLINGSON, DON	BJB COMPANY INC	2021-11-08	2021-11-16	Warranty Deed	<u>18863/114</u>
ELLINGSON, DON E ----- ELLINGSON, SHIRLEY A	BJB COMPANY INC	2013-08-08	2013-08-09	Contract	<u>14913/789</u>
DSM PROPERTY SOLUTIONS, LLC	ELLINGSON, DON E ----- ELLINGSON, SHIRLEY A	2012-08-09	2012-08-09	Forfeiture of Contract	<u>14388/328</u>

**Permits - 2 Records**

Year	Type	Permit Status	Application	Reason	Reason1
2019	Permit	No Add	2018-10-19	Addition	MISC
2019	Permit	No Add	2018-10-16	Addition	MISC

#### Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<u>Assessment Roll</u>	Multi-Residential	Full	\$7,300	\$317,700	\$325,000
2019	<u>Assessment Roll</u>	Multi-Residential	Full	\$6,600	\$259,400	\$266,000
2017	<u>Assessment Roll</u>	Multi-Residential	Full	\$6,600	\$214,400	\$221,000
2015	<u>Board Action</u>	Multi-Residential	Full	\$5,500	\$194,500	\$200,000
2015	<u>Assessment Roll</u>	Multi-Residential	Full	\$5,500	\$160,500	\$166,000
2013	<u>Assessment Roll</u>	Multi-Residential	Full	\$5,500	\$142,000	\$147,500
2011	<u>Assessment Roll</u>	Multi-Residential	Full	\$5,500	\$142,000	\$147,500
2009	<u>Assessment Roll</u>	Multi-Residential	Full	\$5,500	\$142,000	\$147,500
2007	<u>Assessment Roll</u>	Multi-Residential	Full	\$5,500	\$142,000	\$147,500
2006	<u>Assessment Roll</u>	Multi-Residential	Full	\$5,000	\$142,500	\$147,500
2005	<u>Board Action</u>	Multi-Residential	Full	\$5,000	\$132,000	\$137,000
2005	<u>Assessment Roll</u>	Multi-Residential	Full	\$5,000	\$149,000	\$154,000
2003	<u>Assessment Roll</u>	Multi-Residential	Full	\$4,350	\$110,650	\$115,000
2001	<u>Assessment Roll</u>	Multi-Residential	Full	\$4,100	\$59,800	\$63,900
1999	Assessment Roll	Multi-Residential	Full	\$7,800	\$59,800	\$67,600
1993	Assessment Roll	Multi-Residential	Full	\$7,600	\$58,100	\$65,700
1993	Was Prior Year	Multi-Residential	Full	\$7,270	\$55,820	\$63,090

38B



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

Case Number: NUIS-2023-000169	
<b>Notice of Violation</b>	Case Type: Public Nuisance
	Case Opened: 06/15/2023
	Date of Notice: 06/22/2023
Date of Inspection: 06/16/2023	

GT PORTFOLIO IA LLC  
MATTHEW J ADAM, REG. AGENT  
1150 5TH ST SUITE 170  
CORALVILLE IA 52241

Address of Property: **1427 5TH AVE, DES MOINES IA 50314**  
Parcel Number: **792434430009**

Legal Description: **LOT 5 BATES 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
-----------	-------------------	---------------------

Violation	Corrective Action	Compliance Due Date
<p><b>60-191 - Vacation and Abatement</b>            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>07/24/2023</p>
<p><b>60-192(2) - Unsafe and Dangerous Structure or Premise</b>            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>07/24/2023</p>

Violation	Corrective Action	Compliance Due Date
<p><b>60-192(7) - Unsafe and Dangerous Structure or Premise</b>            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>	07/24/2023
<p><b>60-192(21) - Unsafe and Dangerous Structure or Premise</b>            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>	07/24/2023
<p><b>60-192(24) - Unsafe and Dangerous Structure or Premise</b>            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>	07/24/2023
<p><b>60-192(25) - Unsafe and Dangerous Structure or Premise</b>            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>	07/24/2023

Violation	Corrective Action	Compliance Due Date
<p><b>60-192(26) - Unsafe and Dangerous Structure or Premise</b>            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>	07/24/2023
<p><b>60-194 - Defacing and Removing Placard</b>            No person shall deface or remove the placard, except as authorized by the administrator.</p>	<p>Replace or restore defaced or removed placard.</p>	07/24/2023

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 "C McClaran". The signature is written in a cursive style with a large, stylized "C" at the beginning.

Charles McClaran  
Neighborhood Inspector  
Neighborhood Services  
602 Robert D. Ray Drive, Des Moines, IA 50309  
(515) 283-4143  
CWMcClaran@dmgov.org



38B



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

Case Number: NUIS-2023-000169	
<b>Notice of Violation</b>	Case Type: Public Nuisance
	Case Opened: 06/15/2023
	Date of Notice: 07/25/2023
	Date of Inspection: 07/25/2023

BANK MIDWEST  
1525 18TH ST SUITE 100  
SPIRIT LAKE IA 51360

Address of Property: **1427 5TH AVE, DES MOINES IA 50314**  
Parcel Number: **792434430009**  
  
Legal Description: **LOT 5 BATES 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
-----------	-------------------	---------------------

Violation	Corrective Action	Compliance Due Date
<p><b>60-192(7) - Unsafe and Dangerous Structure or Premise</b>  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>07/24/2023</p>
<p><b>60-192(21) - Unsafe and Dangerous Structure or Premise</b>  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>07/24/2023</p>
<p><b>60-192(24) - Unsafe and Dangerous Structure or Premise</b>  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>07/24/2023</p>
<p><b>60-192(25) - Unsafe and Dangerous Structure or Premise</b>  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>07/24/2023</p>

Respectfully,

A handwritten signature in black ink that reads "C McClaran". The signature is written in a cursive style with a large initial "C".

Charles McClaran  
Neighborhood Inspector  
Neighborhood Services  
602 Robert D. Ray Drive, Des Moines, IA 50309  
(515) 283-4143  
CWMcClaran@dmgov.org