



Roll Call Number

Agenda Item Number

37B

Date June 17, 2024

ABATEMENT OF PUBLIC NUISANCE AT 1001 OAK PARK AVE.

WHEREAS, the property located at 1001 Oak Park 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, Omer Okic, 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 19 in Block 10 in OAK PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1001 Oak Park 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.

Second by _____

FORM APPROVED:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
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

3TB





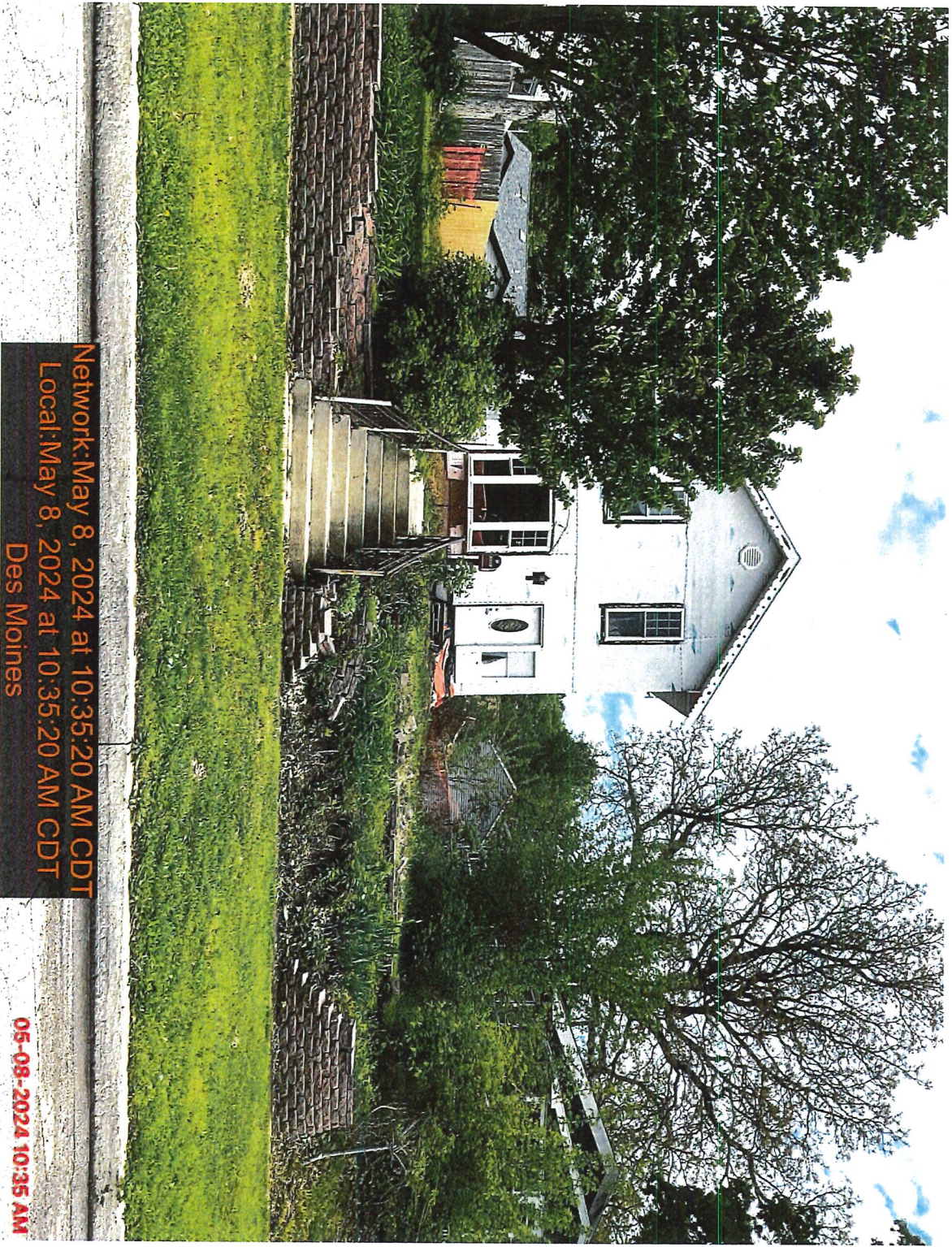
Network: May 8, 2024 at 10:35:09 AM CDT
Local: May 8, 2024 at 10:35:09 AM CDT
Des Moines

05-08-2024 10:35 AM



Network: May 8, 2024 at 10:33:47 AM CDT
Local: May 8, 2024 at 10:33:47 AM CDT
Des Moines

05-08-2024 10:33 AM



Network: May 8, 2024 at 10:35:20 AM CDT
Local: May 8, 2024 at 10:35:20 AM CDT
Des Moines

05-08-2024 10:35 AM



Network: May 8, 2024 at 10:33:22 AM CDT
Local: May 8, 2024 at 10:33:22 AM CDT
Des Moines

05-08-2024 10:33 AM

Type	Class	Kind	Land	Bldg	Total
<u>Urban Revitalization Plan 1</u>	Residential	2016-2025	-\$0	-\$10,000	-\$10,000

Assessment Roll Notice Market Adjusted Cost Report

Auditor Adjustments to Value

Category	Name	Information
<u>2023 Homestead Credit</u>	OKIC, OMER	Application #258349

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
N5	N5 Neighborhood District		Residential

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

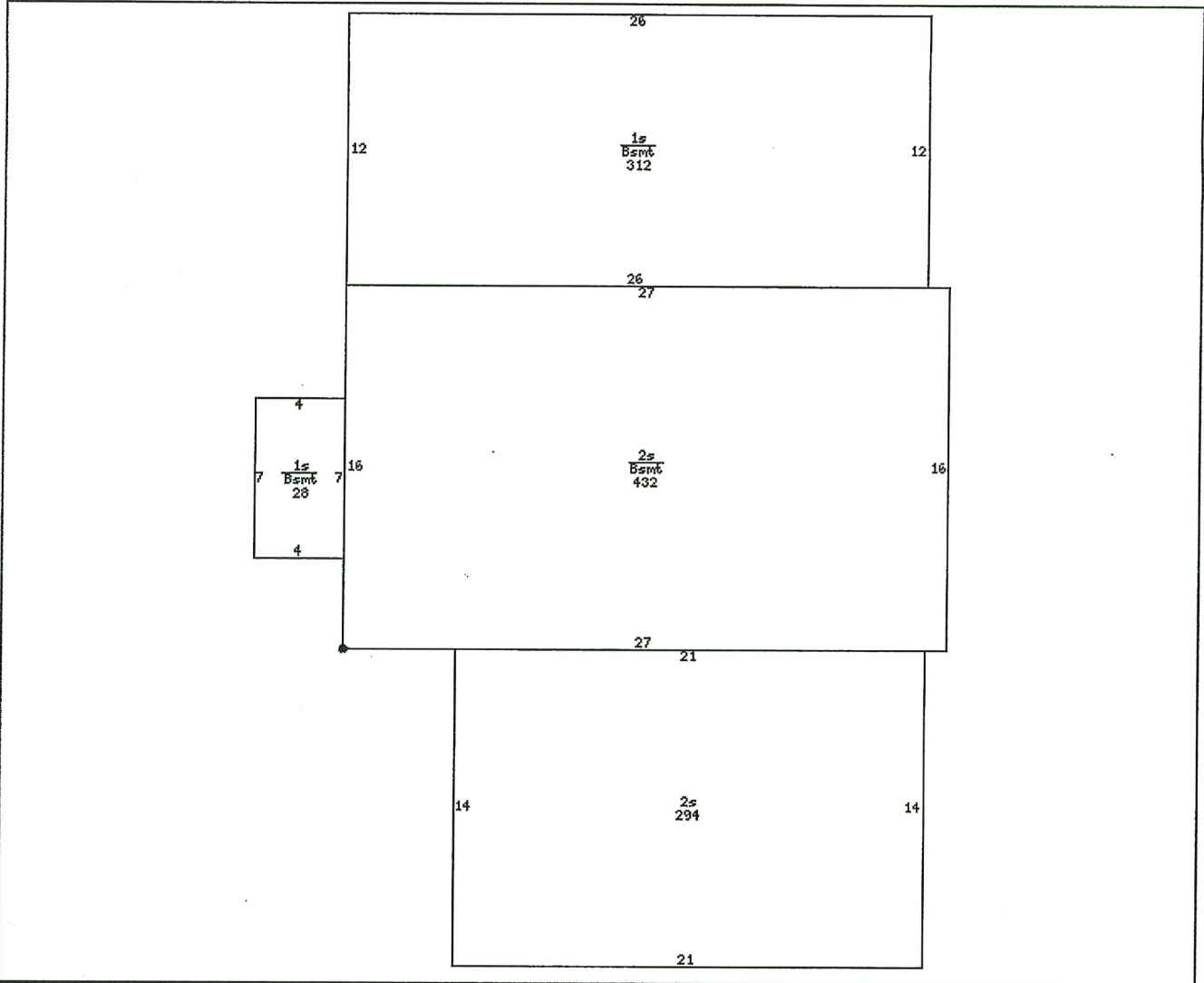
Land

Square Feet	7,000	Acres	0.161	Frontage	50.0
Depth	140.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	2 Stories	Building Style	Early 20s
Year Built	1907	Number Families	1	Grade	4+00
Condition	Very Poor	% Complete Improvement	40	Total Square Foot Living Area	1792
Main Living Area	1066	Upper Living Area	726	Basement Area	772
Foundation	Brick	Exterior Wall Type	Wood Siding	Roof Type	Gable
Roof Material	Asphalt Shingle	Heating	Gas Forced Air	Air Conditioning	100
Number Bathrooms	2	Number Extra Fixtures	1	Bedrooms	2
Rooms	6				



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	28	Measure 2	20	Grade	4
Year Built	2013	Condition	Normal		

Sales - 4 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
FARRELL ENTERPRISES, LLC	OKIC, OMER	<u>2009-09-30</u>	\$80,000	Contract	<u>13227/374</u>
SRS, INC	FARRELL ENTERPRISES, LLC	<u>2007-09-11</u>	\$73,900	Deed	<u>12374/862</u>
NICHOLS, TERRY	SRS, INC.	<u>2006-12-06</u>	\$60,000	Deed	<u>11983/897</u>
ROBBINS, HARRY E	NICHOLS, TERRY	<u>1990-01-08</u>	\$37,000	Contract	<u>6192/345</u>

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
FARRELL ENTERPRISES LLC	OKIC, OMER	2015-01-15	2015-01-22	Warranty Deed Corporate	<u>15447/499</u>

Permits - 25 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	Cancel	2021-08-10	Fix Damage	FOUNDATION
Current	Pickup	Partial	2017-07-24	Review Value	BOARD OF REVIEW
2023	Permit	Pass	2021-08-10	Fix Damage	FOUNDATION
2023	Pickup	Pass	2017-07-24	Review Value	BOARD OF REVIEW
2022	Permit	Pass	2021-08-10	Fix Damage	FOUNDATION
2022	Pickup	Pass	2017-07-24	Review Value	BOARD OF REVIEW
2021	Pickup	Pass	2017-07-24	Review Value	BOARD OF REVIEW
2020	Pickup	Pass/Partial	2017-07-24	Review Value	BOARD OF REVIEW
2019	Pickup	Pass	2017-07-24	Review Value	BOARD OF REVIEW
2019	Pickup	Complete	2012-07-16	Review Value	BOARD OF REVIEW
2018	Pickup	Pass	2017-07-24	Review Value	BOARD OF REVIEW
2018	Pickup	Pass	2012-07-16	Review Value	BOARD OF REVIEW
2017	Pickup	Partial	2012-07-16	Review Value	BOARD OF REVIEW
2016	Pickup	Partial	2012-07-16	Review Value	BOARD OF REVIEW
2015	Pickup	Pass/Partial	2012-07-16	Review Value	BOARD OF REVIEW
2014	Permit	Complete	2012-10-22	Construction	GARAGE (574 sf)
2014	Pickup	Pass/Partial	2012-07-16	Review Value	BOARD OF REVIEW
2013	Permit	Pass	2012-10-22	Construction	GARAGE (574 sf)
2013	Pickup	Pass	2012-07-16	Review Value	BOARD OF REVIEW
2013	Permit	No Add	2011-06-07	Alterations	MISC
2013	Permit	No Add	2009-01-26	Alterations	CONVERSION (1760 sf)
2012	Permit	Pass/Partial	2011-06-07	Alterations	MISC
2012	Permit	Pass/Partial	2009-01-26	Alterations	CONVERSION (1760 sf)
2011	Permit	Pass/Partial	2009-01-26	Alterations	CONVERSION (1760 sf)
2010	Permit	Pass	2009-01-26	Alterations	CONVERSION (1760 sf)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2023	<u>Assessment Roll</u>	Residential	Full	\$25,800	\$71,000	\$96,800
			Adj	\$25,800	\$48,000	\$73,800
2021	<u>Assessment Roll</u>	Residential	Full	\$21,800	\$54,400	\$76,200
			Adj	\$21,800	\$31,400	\$53,200
2019	<u>Assessment Roll</u>	Residential	Full	\$19,500	\$48,400	\$67,900
			Adj	\$19,500	\$27,900	\$47,400
2017	<u>Board Action</u>	Residential	Full	\$17,700	\$44,800	\$62,500

Yr	Type	Class	Kind	Land	Bldg	Total
			Adj	\$17,700	\$27,900	\$45,600
2017	<u>Assessment Roll</u>	Residential	Full	\$17,700	\$79,800	\$97,500
			Adj	\$17,700	\$56,800	\$74,500
2016	<u>Assessment Roll</u>	Residential	Full	\$15,900	\$72,400	\$88,300
			Adj	\$15,900	\$49,400	\$65,300
2015	<u>Assessment Roll</u>	Residential	Full	\$15,900	\$43,900	\$59,800
			Adj	\$15,900	\$30,900	\$46,800
2014	<u>Assessment Roll</u>	Residential	Full	\$15,000	\$41,400	\$56,400
			Adj	\$15,000	\$28,400	\$43,400
2013	<u>Assessment Roll</u>	Residential	Full	\$15,000	\$30,100	\$45,100
2012	<u>Board Action</u>	Residential	Full	\$15,000	\$35,300	\$50,300
2011	<u>Assessment Roll</u>	Residential	Full	\$15,000	\$71,800	\$86,800
2009	<u>Assessment Roll</u>	Residential	Full	\$16,600	\$77,100	\$93,700
2007	<u>Assessment Roll</u>	Residential	Full	\$16,400	\$76,200	\$92,600
2005	<u>Assessment Roll</u>	Residential	Full	\$17,100	\$57,100	\$74,200
2003	<u>Assessment Roll</u>	Residential	Full	\$15,150	\$50,160	\$65,310
2001	<u>Assessment Roll</u>	Residential	Full	\$13,320	\$42,570	\$55,890
1999	Assessment Roll	Residential	Full	\$10,730	\$32,920	\$43,650
1997	Assessment Roll	Residential	Full	\$10,050	\$32,920	\$42,970
1995	Assessment Roll	Residential	Full	\$8,880	\$29,170	\$38,050
1990	Assessment Roll	Residential	Full	\$7,680	\$26,520	\$34,200

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37B



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

Case Number: NUIS-2023-000155	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 06/02/2023
	Date of Notice: 03/21/2024
Date of Inspection: 06/02/2023	

OMER OKIC
1001 OAK PARK AVE
DES MOINES IA 50313

Address of Property: **1001 OAK PARK AVE, DES MOINES IA 50313**
Parcel Number: **792427132018**

Legal Description: **LOT 19 BLK 10 OAK PARK**

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>05/02/2024</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>05/02/2024</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>05/02/2024</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>05/02/2024</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>	05/02/2024
<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>	05/02/2024
<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>	05/02/2024
<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>	05/02/2024
<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>	05/02/2024

Violation	Corrective Action	Compliance Due Date
<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>	05/02/2024
<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>	05/02/2024
<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>	05/02/2024

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
Desk 515-283-4122 / Mobile 515-681-3129
KEPyles@dmgov.org