



Roll Call Number

Agenda Item Number

37A

Date October 7, 2024

ABATEMENT OF PUBLIC NUISANCE AT 3039 MAHASKA AVE.

WHEREAS, the property located at 3039 Mahaska Ave., Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the garage structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, Peggy L. Curtis, and Lienholder, UMB Bank, National Association as legal title trustee for PRL Title Trust II, were notified more than thirty days ago to repair or demolish the garage 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 garage structure on the real estate legally described as Lots 7 and 8 in Block 9, in HYDE PARK PLAT 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3039 Mahaska 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.

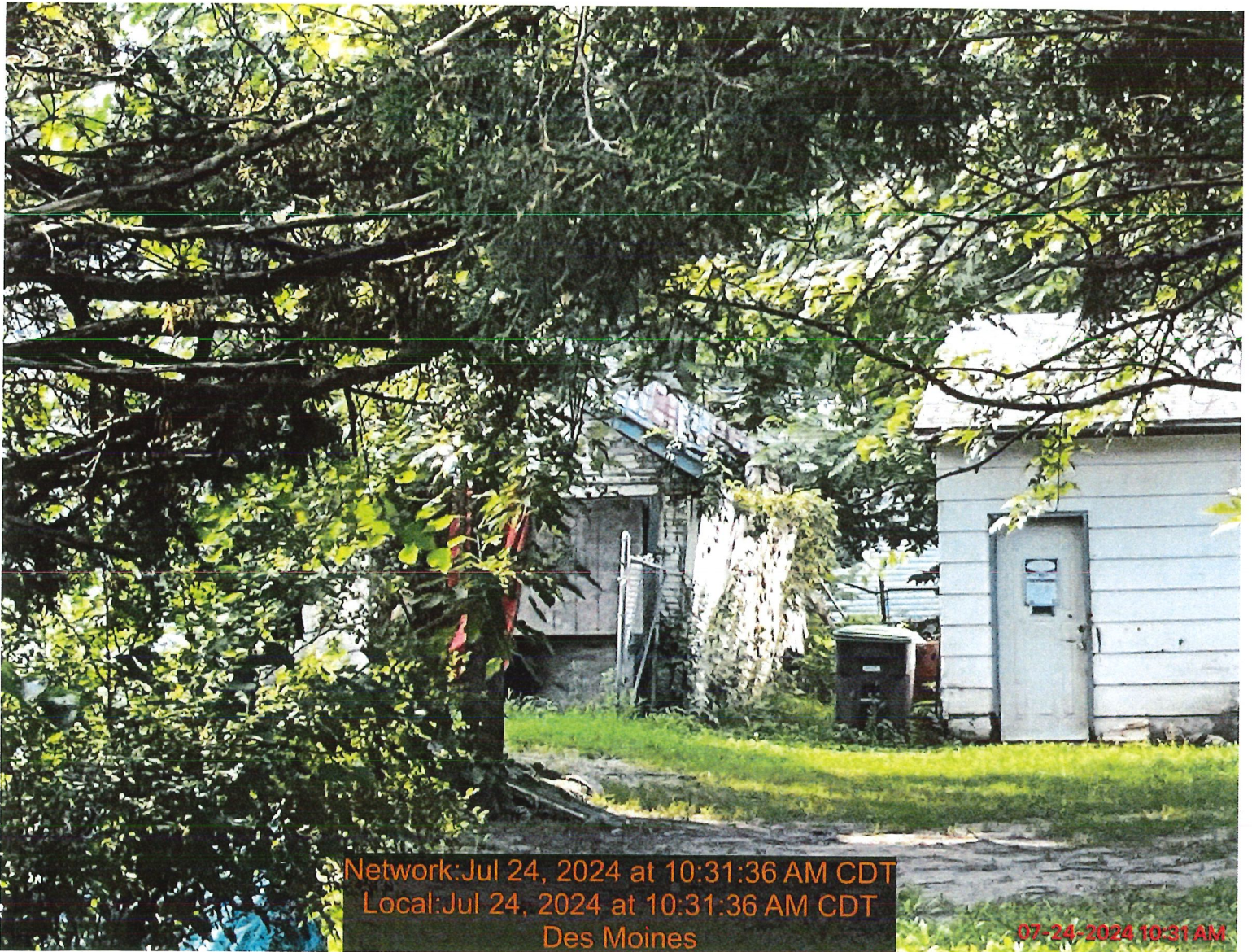
Mayor

City Clerk



Network: Jul 24, 2024 at 10:31:17 AM CDT
Local: Jul 24, 2024 at 10:31:16 AM CDT
Des Moines

07-24-2024 10:31 AM



Network: Jul 24, 2024 at 10:31:36 AM CDT
Local: Jul 24, 2024 at 10:31:36 AM CDT
Des Moines

07-24-2024 10:31 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	3039 MAHASKA AVE				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	060/06575-001-000	Geoparcels	7923-32-357-008	Status	Active
School	Des Moines	Nbhd/Pocket	DM14/Z	Tax Authority Group	DEM-C-DEM-770131
Submarket	Northeast Des Moines	Appraiser	Paul OConnell 515-286-2240		

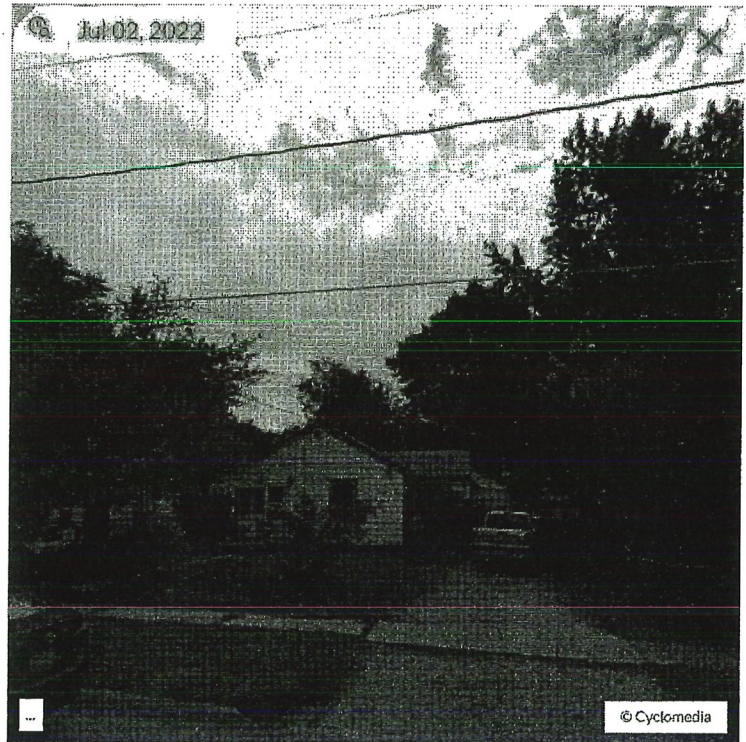
Map and Current Photos - 1 Record

Use Cyclomedia Panorama -

Click on parcel to get a new listing

008	3012	3016	3024	3028	3104	3108	3112	3116	3120
MAHASKA AVE									
3017	3021	3025	3029	3039	3043	3047	3119	3121	
3019	3020	3024	3028	3102	3104	3108	3112	3116	3122

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



Historical Photos

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	CURTIS, DONALD A	1981-09-10	5124/305
Title Holder	2	CURTIS, PEGGY L		

Legal Links For Subdivisions, Condominiums, and Plats of Survey

[HYDEPARK PLAT 2](#)

Legal Description and Mailing Address

LOTS 7 & 8 BLK 9 HYDE PARK PLAT NO 2	DONALD A CURTIS 3039 MAHASKA AVE DES MOINES, IA 50317-6651
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Current Values

Type	Class	Kind	Land	Bldg	Total
2023 Value	Residential	Full	\$31,000	\$132,300	\$163,300

Market Adjusted Cost Report

Auditor Adjustments to Value

Category	Name	Information
2023 Homestead Credit	CURTIS, DONALD A	Application #18570

Category	Name	Information
2023 Homestead Tax Exemption	CURTIS, DONALD A	
2023 Military Exemption	CURTIS, DONALD A	Vietnam Application #18570

Zoning - 1 Record			
Zoning	Description	SF	Assessor Zoning
N5	N5 Neighborhood District		Residential

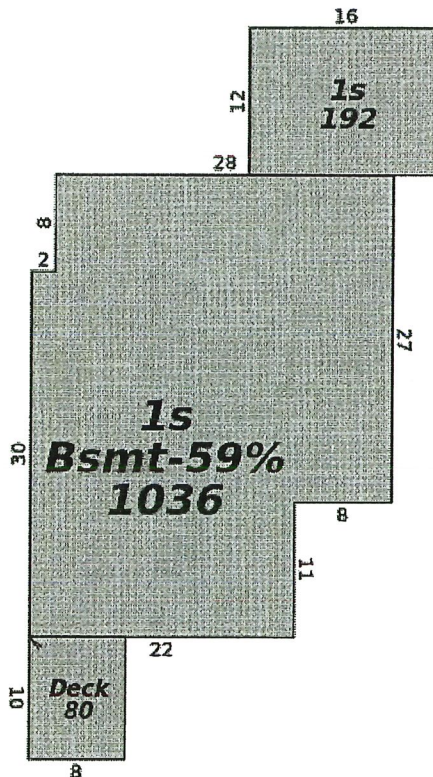
City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)

Land					
Square Feet	13,900	Acres	0.319	Frontage	100
Depth	139	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #id=1

Occupancy	Single Family	Residence Type	1 Story	Building Style	Bungalow
Year Built	1917	Number Families	1	Grade	4-05
Condition	Above Normal	Total Square Foot Living Area	1228	Main Living Area	1228
Basement Area	611	Finished Basement Area 1	150	Finished Basement Quality 1	Average
Total Basement Finish	150	Deck Area	80	Foundation	Masonry
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	6		



Detached Structures - 2 Records

Detached Structure #id=101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	20	Measure 2	20	Story Height	1

Grade	4	Year Built	1939	Condition	Below Normal
Detached Structure #id=201					
Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	30	Measure 2	24	Story Height	1
Grade	4	Year Built	1991	Condition	Normal
Permits - 2 Records					
Year	Type	Permit Status	Application	Reason	Reason1
1992	Permit	Complete	1991-06-17		Addition
1992	Permit	Complete	1991-06-17		New Garage

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2023	<u>Assessment Roll</u>	Residential	Full	\$31,000	\$132,300	\$163,300
2021	<u>Assessment Roll</u>	Residential	Full	\$25,800	\$101,500	\$127,300
2019	<u>Assessment Roll</u>	Residential	Full	\$23,600	\$92,400	\$116,000
2017	<u>Assessment Roll</u>	Residential	Full	\$20,800	\$82,600	\$103,400
2015	<u>Assessment Roll</u>	Residential	Full	\$19,600	\$80,000	\$99,600
2013	<u>Assessment Roll</u>	Residential	Full	\$19,500	\$81,600	\$101,100
2011	<u>Assessment Roll</u>	Residential	Full	\$19,500	\$82,200	\$101,700
2009	<u>Assessment Roll</u>	Residential	Full	\$19,900	\$82,100	\$102,000
2007	<u>Assessment Roll</u>	Residential	Full	\$19,900	\$82,100	\$102,000
2005	<u>Assessment Roll</u>	Residential	Full	\$17,900	\$60,300	\$78,200
2003	<u>Assessment Roll</u>	Residential	Full	\$16,020	\$57,550	\$73,570
2002	<u>Assessment Roll</u>	Residential	Full	\$15,080	\$51,100	\$66,180
2001	<u>Assessment Roll</u>	Residential	Full	\$15,080	\$51,100	\$66,180
			Adj	\$15,080	\$38,090	\$53,170
1999	Assessment Roll	Residential	Full	\$8,900	\$46,550	\$55,450
			Adj	\$8,900	\$33,540	\$42,440
1997	Assessment Roll	Residential	Full	\$8,060	\$44,890	\$52,950
			Adj	\$8,060	\$31,880	\$39,940
1995	Assessment Roll	Residential	Full	\$7,330	\$40,850	\$48,180
			Adj	\$7,330	\$27,840	\$35,170
1993	Assessment Roll	Residential	Full	\$6,330	\$35,260	\$41,590
			Adj	\$6,330	\$22,660	\$28,990
1992	Assessment Roll	Residential	Full	\$6,330	\$35,670	\$42,000
			Adj	\$6,330	\$22,660	\$28,990
1992	Was Prior Year	Residential	Full	\$6,330	\$24,360	\$30,690

37A



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

Case Number: NUIS-2023-000272	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 11/13/2023
	Date of Notice: 06/05/2024
Date of Inspection: 11/13/2023	

UMB BANK, NA , TRUSTEE
PRL TITLE TRUST II
1010 GRAND BLVD
KANSAS CITY MO 64106

Address of Property: 3039 MAHASKA AVE, DES MOINES IA 50317
Parcel Number: 792332357008

Legal Description: LOTS 7 & 8 BLK 9 HYDE PARK PLAT NO 2

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>07/10/2024</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>07/10/2024</p>
<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>07/10/2024</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>	07/10/2024
<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>	07/10/2024
<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>	07/10/2024
<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>	07/10/2024
<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>	07/10/2024

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>07/10/2024</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>07/10/2024</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,

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



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

English

If you are not able to read this, translation services are available at 515-283-4207.

Arabic

إذا لم تكن قادرا على قراءة هذا، تتوفر خدمات الترجمة على الرقم 515-283-4207.

Bosnian

Ukoliko niste u mogućnosti da ovo pročitate, usluge prenoćenja su dostupne na 515-283-4207

Cantonese

英文

如果您無法閱讀此內容，請致電515-283-4207供翻譯服務。

French

Si vous n'êtes pas en mesure de le lire, des services de traduction sont disponibles au 515-283-4207.

Lao

ຖ້າທ່ານບໍ່ສາມາດອ່ານນີ້ໄດ້, ບໍລິການແປແລ່ນມີຊື່ທີ 515-283-4207

Nepali

तपाईंले यो पढ्न सक्नुभएन भने अनुवाद सेवाहरू 515-283-4207 मा उपलब्ध छन्।

Pashto

که تاسو د دې لوستلو توان نه لرئ، نو د ژباړې خدمتونه په 515-283-4207 کې شتون لري.

Somali

Haddii aadan awoodin inaad tan akhriso, adeegyada turjumaadda waxaa laga heli karaa 515-283-4207.

Spanish

Si no puede leer esto, los servicios de traducción están disponibles al 515-283-4207.

Swahili

Kiingereza

Ikiwa huwezi kusoma hii, huduma za kutafsiri zinapatikana kwa 515-283-4207.

Tigrinya

ነዚ ኸተንብቦ እንተ ዘይክኢልካ ኣብ 515-283-4207 ኣገልግሎት ትርጉም ክትረክብ ትክእል ኢኻ።

Vietnamese

Tiếng Anh

Nếu bạn không thể đọc được điều này, các dịch vụ dịch thuật có sẵn theo số 515-283-4207.



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

Case Number: NUIS-2023-000272	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 11/13/2023
	Date of Notice: 04/24/2024
	Date of Inspection: 11/13/2023

PEGGY L CURTIS
 3039 MAHASKA AVE
 DES MOINES IA 50317

Address of Property: **3039 MAHASKA AVE, DES MOINES IA 50317**
 Parcel Number: **792332357008**

Legal Description: **LOTS 7 & 8 BLK 9 HYDE PARK PLAT NO 2**

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Thank you for your help,

Respectfully,

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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



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Bosnian

Ukoliko niste u mogućnosti da ovo pročitate, usluge prevođenja su dostupne na 515-283-4207

Cantonese

英文

如果您無法閱讀此內容，請致電515-283-4207供翻譯服務。

French

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Lao

ຖ້າທ່ານບໍ່ສາມາດອ່ານນີ້ໄດ້, ບໍລິການແປແລ່ນມີຢູ່ທີ່ 515-283-4207

Nepali

तपाईंले यो पढ्न सक्नुभएन भने अनुवाद सेवाहरू 515-283-4207 मा उपलब्ध छन्।

Pashto

که تاسو د دې لوستلو توان نه لرئ، نو د ژباړې خدمتونه په 515-283-4207 کې شتون لري.

Somali

Haddii aadan awoodin inaad tan akhriso, adeegyada turjumaadda waxaa laga heli karaa 515-283-4207.

Spanish

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Swahili

Kiingereza

Ikiwa huwezi kusoma hii, huduma za kutafsiri zinapatikana kwa 515-283-4207.

Tigrinya

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Vietnamese

Tiếng Anh

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