



Roll Call Number

Agenda Item Number

37C

Date October 7, 2024

ABATEMENT OF PUBLIC NUISANCE AT 302 E. LIVINGSTON AVE.

WHEREAS, the property located at 302 E. Livingston 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, Harlan M. Emery was notified more than thirty days ago to repair or demolish the garage 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 garage structure on the real estate legally described as Lots 2 and 3 in Block 10, 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 302 E. Livingston 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

37C



05-24-2024 08:17 AM



03-06-2024 10:50 AM



03-06-2024 10:51 AM

03-06-2024 10:51 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	302 E LIVINGSTON AVE				
City	DES MOINES	Zip	50315	Jurisdiction	Des Moines
District/Parcel	020/00526-000-000	Geoparcel	7824-10-326-010	Status	Active
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 [County GIS](#) [Auditor](#)
[Google Map](#) [Pictometry](#)

Photo Processed on 2014-03-25 a

Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	EMERY, HARLAN M	2011-09-14	13970/92

Legal Description and Mailing Address

LOT 3 BLK 10 SECOND PLAT OF CLIFTON HEIGHTS	HARLAN M EMERY 302 E LIVINGSTON AVE DES MOINES, IA 50315-1329
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Current Values

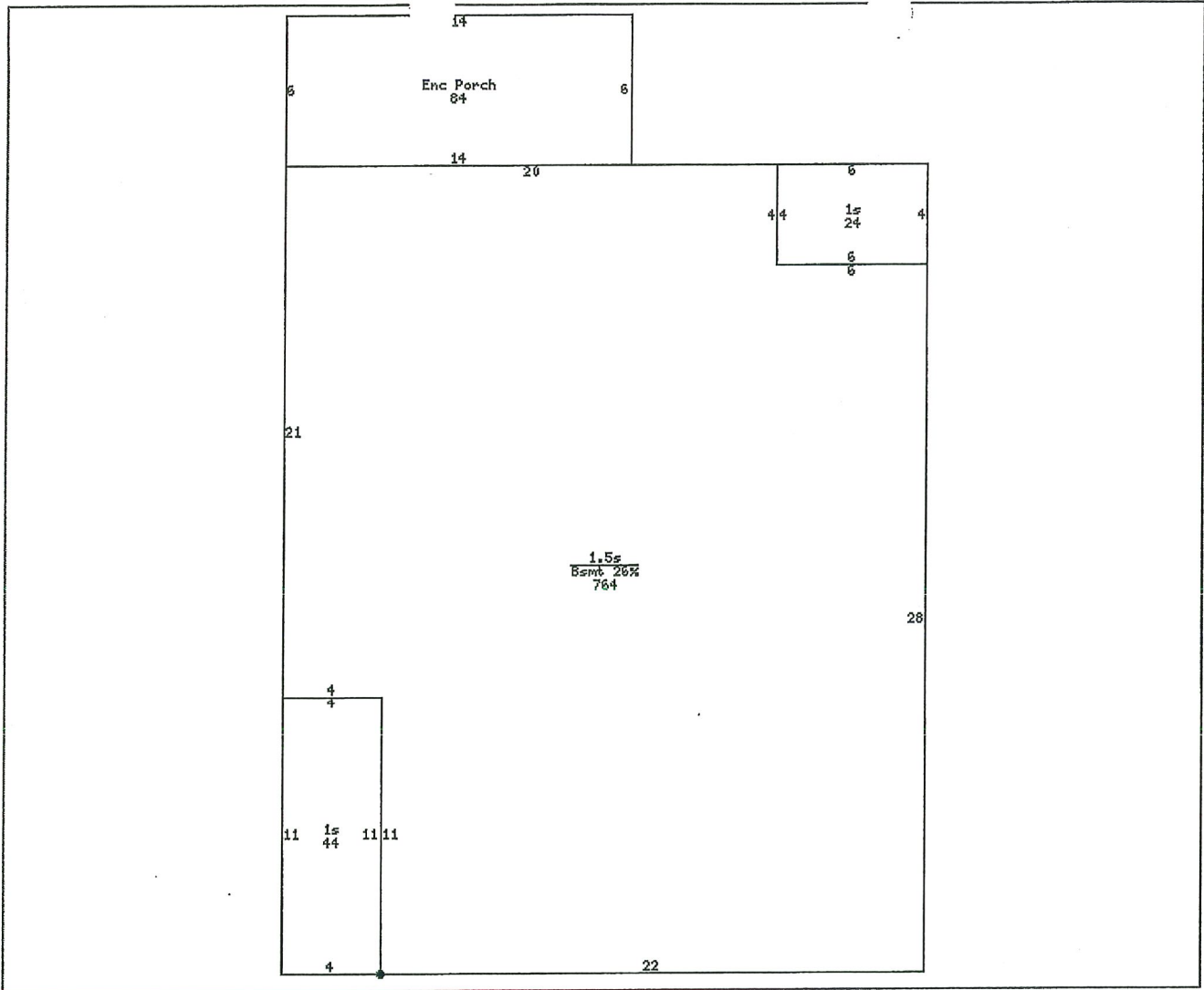
Type	Class	Kind	Land	Bldg	Total
2023 Value	Residential	Full	\$12,600	\$77,400	\$90,000

Market Adjusted Cost Report

Auditor Adjustments to Value

Category	Name	Information
2023 Homestead Credit	EMERY, HARLAN M	Application #271619

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	4,800	Acres	0.110	Frontage	40.0
Depth	120.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1.5 Stories	Building Style	Early 20s
Year Built	1886	Number Families	1	Grade	4+00
Condition	Below Normal	Total Square Foot Living Area	1344	Main Living Area	832
Upper Living Area	512	Basement Area	199	Enclosed Porch Area	84
Foundation	Brick	Exterior Wall Type	Asbestos	Roof Type	Gable
Roof Material	Asphalt Shingle	Basement Floor Earth	100	Heating	Gas Forced Air
Air Conditioning	0	Number Bathrooms	1	Bedrooms	4
Rooms	6				



Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
EMERY, HARLAN M (Executor)	EMERY, HARLAN M	2011-09-07	2011-09-14	Court Officer Deed	<u>13970/92</u>
EMERY, DONALD V (Executor)					
EMERY, MARY LOU					

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2023	<u>Assessment Roll</u>	Residential	Full	\$12,600	\$77,400	\$90,000
2021	<u>Assessment Roll</u>	Residential	Full	\$11,200	\$66,600	\$77,800
2019	<u>Assessment Roll</u>	Residential	Full	\$9,800	\$57,900	\$67,700
2017	<u>Assessment Roll</u>	Residential	Full	\$8,900	\$52,700	\$61,600
2015	<u>Assessment Roll</u>	Residential	Full	\$8,300	\$49,900	\$58,200
2013	<u>Assessment Roll</u>	Residential	Full	\$8,400	\$50,900	\$59,300

Yr	Type	Class	Kind	Land	Bldg	Total
2011	<u>Assessment Roll</u>	Residential	Full	\$8,400	\$50,500	\$58,900
2009	<u>Assessment Roll</u>	Residential	Full	\$8,900	\$50,300	\$59,200
2007	<u>Assessment Roll</u>	Residential	Full	\$8,900	\$50,300	\$59,200
2005	<u>Assessment Roll</u>	Residential	Full	\$6,500	\$47,400	\$53,900
2003	<u>Assessment Roll</u>	Residential	Full	\$5,910	\$42,680	\$48,590
2001	<u>Assessment Roll</u>	Residential	Full	\$5,430	\$35,320	\$40,750
1999	Assessment Roll	Residential	Full	\$5,490	\$20,450	\$25,940
1997	Assessment Roll	Residential	Full	\$4,900	\$18,240	\$23,140
1995	Assessment Roll	Residential	Full	\$4,600	\$17,120	\$21,720
1993	Assessment Roll	Residential	Full	\$4,100	\$15,250	\$19,350
1991	Assessment Roll	Residential	Full	\$4,100	\$13,650	\$17,750
1991	Was Prior Year	Residential	Full	\$4,100	\$12,470	\$16,570

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37C



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

Case Number: NUIS-2024-000050	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 03/06/2024
	Date of Notice: 04/10/2024
	Date of Inspection: 03/06/2024

HARLAN M EMERY
302 E LIVINGSTON AVE
DES MOINES IA 50315

Address of Property: 302 E LIVINGSTON AVE, DES MOINES IA 50315
Parcel Number: 782410326010

Legal Description: LOT 3 BLK 10 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>05/15/2024</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. Throughout structure, garage only.</p>	<p>05/15/2024</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. Throughout structure, garage only.</p>	<p>05/15/2024</p>

Violation	Corrective Action	Compliance Due Date
<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. Throughout structure, garage only.</p>	05/15/2024
<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>	05/15/2024

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 "Scott Clauson", with a long horizontal flourish extending to the right.

Scott Clauson
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
Desk 515-283-4120 / Mobile 515-669-8231
SAClauson@dmgov.org