



Roll Call Number

Agenda Item Number

41A

Date February 24, 2025

ABATEMENT OF PUBLIC NUISANCES AT 816 E. 28TH STREET

WHEREAS, the property located at 816 E. 28th Street, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure and garage structure in their present condition constitute not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholders, Tobias Hernandez Rodriguez and Francisca Resendiz Mercado, were notified more than thirty days ago to repair or demolish the main structure and garage structure and as of this date have failed to abate the nuisances.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure and garage structure on the real estate legally described as Lot 20 Block 4 FARWELL PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 816 E. 28th Street, have previously been declared public nuisances;

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 nuisances, and should the owner(s) fail to abate the nuisances, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structures.

Moved by _____ to adopt.

Second by _____

FORM APPROVED:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

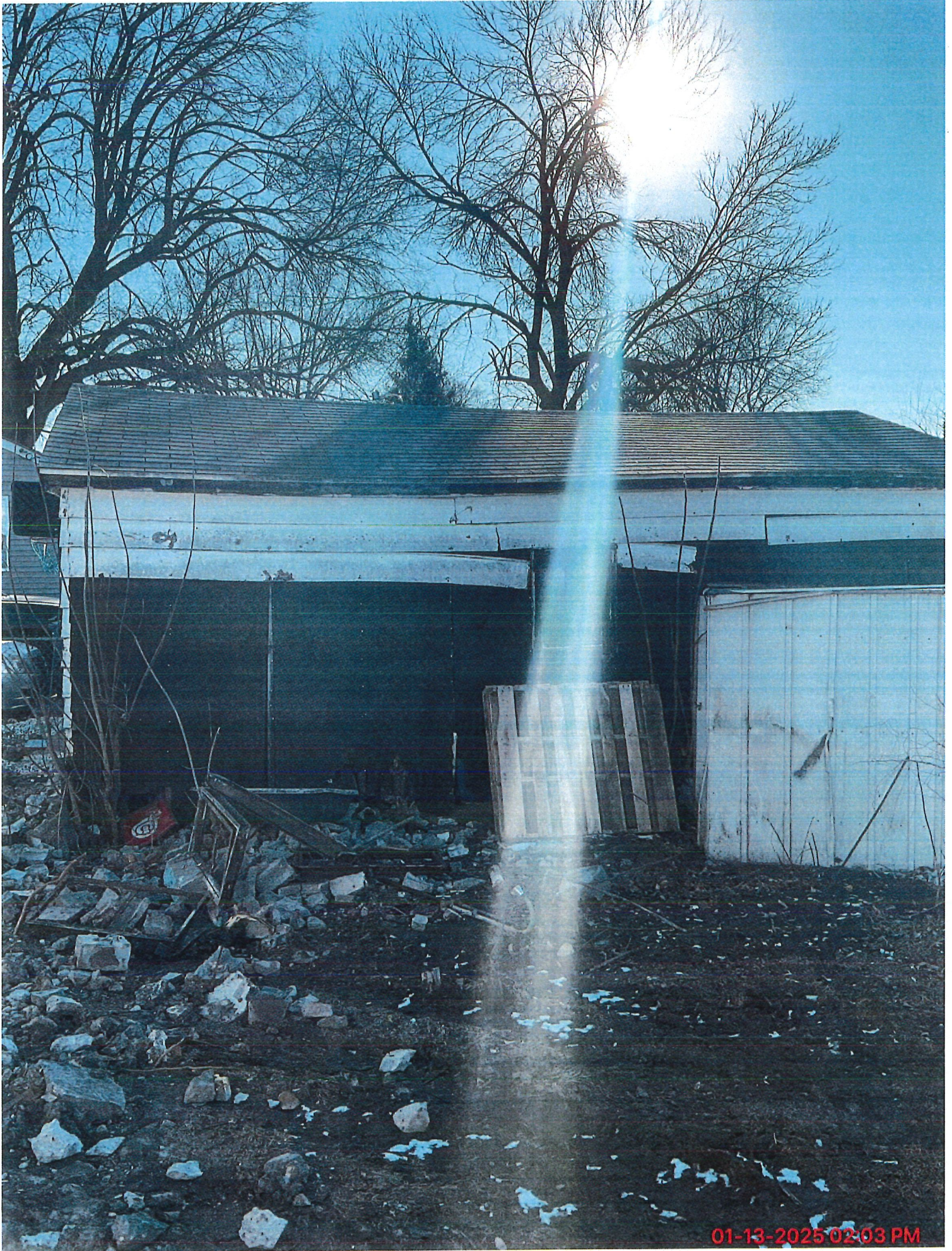
I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

41A



01-13-2025 02:03 PM

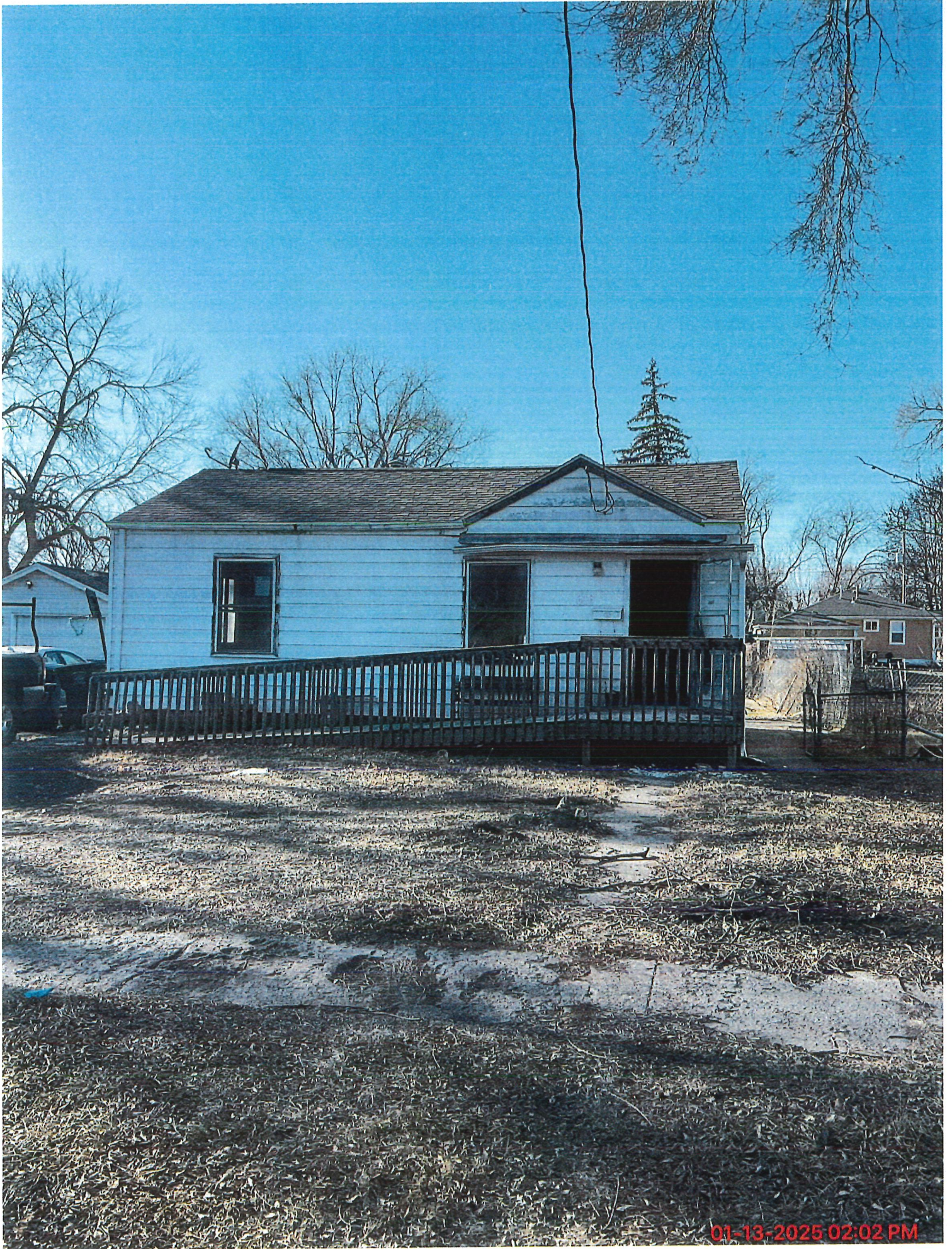


01-13-2025 02:04 PM

41A



01-13-2025 02:03 PM



01-13-2025 02:02 PM



Location					
Address	816 E 28TH ST				
City	DES MOINES	Zip	50317	Jurisdiction	Des Moines
District/Parcel	050/01284-000-000	Geoparcel	7824-01-204-025	Status	Active
School	Des Moines	Nbhd/Pocket	DM16/Z	Tax Authority Group	DEM-C-DEM-770131
Submarket	Northeast Des Moines	Appraiser	Brett Tierney, 515-286-3019		

Map and Current Photos - 1 Record

Use Cyclomedia Panorama -

Click on parcel to get a new listing

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

Photo Processed on photodate=2010-10-14 label=a

[Historical Photos](#)

Ownership - 2 Records				
Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	HERNANDEZ RODRIGUEZ, TOBIAS	2024-10-21	19946/750
Title Holder	2	RESENDIZ MERCADO, FRANCISCA	2024-10-21	19946/750

Legal Links For Subdivisions, Condominiums, and Plats of Survey

[FARWELL PLACE SUBDIVISION](#)

Legal Description and Mailing Address

LOT 20 BLK 4 FARWELL PLACE	FRANCISCA RESENDIZ MERCADO 816 E 28TH ST DES MOINES, IA 50317-8210
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Current Values

Type	Class	Kind	Land	Bldg	Total
2024 Value	Residential	Full	\$23,100	\$58,900	\$82,000

[Market Adjusted Cost Report](#)

Auditor Adjustments to Value

Category	Name	Information
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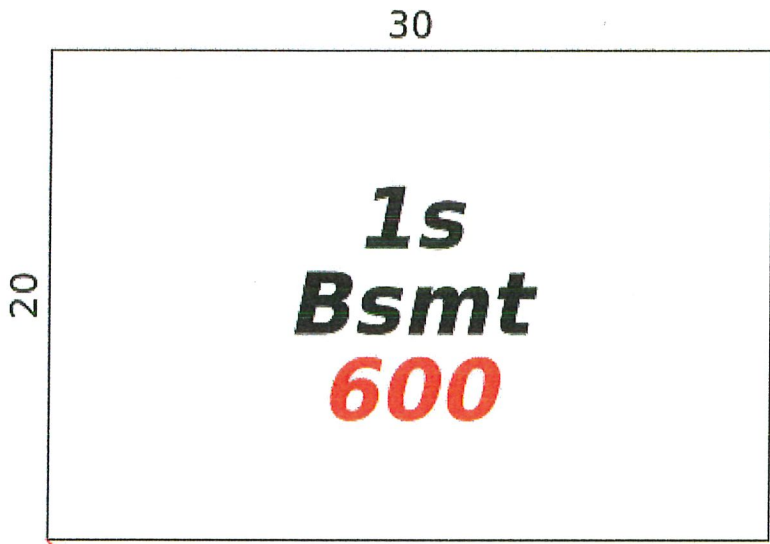
Category	Name	Information
2024 Homestead Credit	TAM, SANDRA S	Application #15129
2024 Homestead Tax Exemption	TAM, SANDRA S	

Zoning - 1 Record			
Zoning	Description	SF	Assessor Zoning
N3C	N3c Neighborhood District		Residential

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

Land					
Square Feet	6,750	Acres	0.155	Frontage	50
Depth	135	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	1949	Number Families	1	Grade	5+10
Condition	Below Normal	Total Square Foot Living Area	600	Main Living Area	600
Basement Area	600	Foundation	Concrete Block	Exterior Wall Type	Metal Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning Rooms	0	Number Bathrooms	1	Bedrooms	2



Detached Structures - 1 Record

Detached Structure #id=101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	16	Measure 2	24	Story Height	1
Grade	5	Year Built	1966	Condition	Below Normal

Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
JV INNOVATIONS LLC	HERNANDEZ RODRIGUEZ, TOBIAS	2024-10-18	\$5,000	Deed	19946/750

Associated Recorded Documents

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
JV INNOVATIONS LLC	HERNANDEZ RODRIGUEZ, TOBIAS ----- RESENDIZ MERCADO, FRANCISCA	2024-10-18	2024-10-21	Warranty Deed Corporate	19946/750
TAM, SANDRA S	JV INNOVATIONS LLC	2024-07-31	2024-08-05	Quit Claim Deed	19873/330

Permits - 1 Record

Year	Type	Permit Status	Application	Reason	Reason1
2013	Permit	No Add	2012-06-25	Addition	DECK (128 sf)

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2023	Assessment Roll	Residential	Full	\$23,100	\$58,900	\$82,000
2021	Assessment Roll	Residential	Full	\$18,900	\$47,400	\$66,300
2019	Assessment Roll	Residential	Full	\$16,600	\$41,800	\$58,400
2017	Assessment Roll	Residential	Full	\$14,300	\$37,200	\$51,500
2015	Assessment Roll	Residential	Full	\$13,300	\$35,500	\$48,800
2013	Assessment Roll	Residential	Full	\$13,300	\$36,800	\$50,100
2011	Assessment Roll	Residential	Full	\$15,200	\$43,700	\$58,900
2009	Assessment Roll	Residential	Full	\$16,200	\$47,100	\$63,300
2007	Assessment Roll	Residential	Full	\$16,000	\$46,500	\$62,500
2005	Assessment Roll	Residential	Full	\$14,400	\$40,400	\$54,800
2003	Assessment Roll	Residential	Full	\$12,660	\$36,020	\$48,680
2001	Assessment Roll	Residential	Full	\$10,050	\$33,550	\$43,600
1999	Assessment Roll	Residential	Full	\$7,620	\$37,620	\$45,240
1997	Assessment Roll	Residential	Full	\$6,900	\$34,080	\$40,980
1995	Assessment Roll	Residential	Full	\$6,010	\$29,670	\$35,680
1993	Assessment Roll	Residential	Full	\$5,330	\$26,310	\$31,640
1990	Board Action	Residential	Full	\$5,330	\$22,470	\$27,800
1990	Assessment Roll	Residential	Full	\$5,330	\$24,870	\$30,200



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

Case Number: NUIS-2024-000187	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 07/24/2024
	Date of Notice: 11/20/2024
	Date of Inspection: 11/20/2024

TOBIAS HERNANDEZ RODRIGUEZ
 1700 JEFFERSON AVE
 DES MOINES IA 50314

Address of Property: **816 E 28TH ST, DES MOINES IA 50317**
 Parcel Number: **782401204025**

Legal Description: **LOT 20 BLK 4 FARWELL PLACE**

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>	Vacate the structure.	12/30/2024
<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>	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. Garage and main structure.	12/30/2024
<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>	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. Garage and main structure.	12/30/2024

Violation	Corrective Action	Compliance Due Date
<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>	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.	12/30/2024
<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>	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.	12/30/2024
<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>	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.	12/30/2024
<p>60-194 - Defacing and Removing Placard No person shall deface or remove the placard, except as authorized by the administrator.</p>	Replace or restore defaced or removed placard.	12/30/2024

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,



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



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 قادراً على قراءة هذا، تتوفر خدمات الترجمة على الرقم 4207-283-515.

Bosnian

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

Cantonese

英文

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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 4207-283-515 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

ነዚ ትተንብቦ እንተ ዘይክኢልካ ኣብ 515-283-4207 ኣገልግሎት ትርጉም ክትረክብ ትኽእል ኢኻ።

Vietnamese

Tiếng Anh

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

41A



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

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Respectfully,



Scott Clauson
Neighborhood Inspector
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Cantonese

英文

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French

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Lao

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Nepali

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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

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

Vietnamese

Tiếng Anh

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