

★ **Roll Call Number**

Agenda Item Number

**BDH-1C**

Date .....August 7, 2006.....

WHEREAS, the property located at 413 Olinda Avenue, 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, Frances H. Akin as trustee of the Frances H. Akin Revocable Trust, and the contract buyer, Brian W. Rich, were notified by personal service more than thirty days ago to repair or demolish the 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, SITTING AS THE LOCAL BOARD OF HEALTH:

The garage structure located on the real estate legally described as W 30F LT 18 & ALL LT 19 OP OL A & 50F E & ADJ N 380F 1<sup>ST</sup> PLAT 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 413 Olinda Avenue has previously been declared a public nuisance;

The City Legal Department 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 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 garage structure.

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

\_\_\_\_\_  
Vicky Long Hill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, 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.

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



**PUBLIC NUISANCE  
NOTICE OF INSPECTION  
NEIGHBORHOOD INSPECTION DIVISION  
COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF DES MOINES, IOWA**

BDH-1C

**DATE OF NOTICE:** June 23, 2006

**DATE OF INSPECTION:** June 21, 2006

**CASE NUMBER:** COD2006-05507

**PROPERTY ADDRESS:** 413 OLINDA AVE

**LEGAL DESCRIPTION:** W 30F LT 18 & ALL LT 19 OP OL A & 50F E & ADJ N 380F HEIGHTS 1ST PLAT CLIFTON

FRANCES H AKIN (TRUSTEE)

Title Holder

FRANCES H AKIN (TRUST)

3622 SW 30TH ST

DES MOINES IA 50321

BRIAN W RICH

Contract Buyer

413 OLINDA AVE

DES MOINES IA 50315

An inspection of the referenced property was conducted for its conformance to the Municipal Code of the City of Des Moines. It has been determined from that inspection that the dwelling currently constitutes not only a menace to health and safety, but is also a public nuisance. Accordingly, the dwelling will be placarded as unfit for human habitation pursuant to the Municipal Code of the City of Des Moines and the Code of Iowa.

If not occupied at the present time, the dwelling is to remain vacant and unoccupied until occupancy is authorized by this office. If the dwelling 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 will issue a Municipal Infraction in accordance with Section 60-304 and 60-306 pursuant to the Municipal code of the City of Des Moines. Additionally, if the property had a Certificate of Inspection, it is hereby revoked.

Attached is a listing of the violations existing on the date of the inspection and a recommendation as to the remedial action required to correct such violations. Failure to correct these violations will result in legal action. The violations noted must be corrected within 30 days from the date of this notice. Failure to correct these violations will result in a request to the City Council, sitting as the board of Health, to approve legal action. As a result of this public nuisance action there will be costs incurred by the City. Costs will be billed out when the nuisance has been abated. Failure to pay the costs will result in collection by assessment to the property or personal judgment.

**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.**

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Appropriate building permits may be required for those violations noted in the "Special Requirements" section on the notice. Should you have questions regarding permits, contact the Permit and Development Center at 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 a period in excess of one year, there may be zoning issues, which will affect the proposed use of the structure and/or real estate. Please contact the Development Zoning Division at 283-4207 to determine what the legal use for the structure and/or the real estate is prior to commencement of any renovation.

If you believe the building is beyond repair and decide to remove it, all debris must be removed from the property and the basement excavation if any, filled in the manner required by the City. You are encouraged to arrange for this demolition yourself; however a demolition permit must be obtained from the Building Department. In the event you are unable to arrange for demolition, you may sign a waiver voluntarily authorizing the City to do so. However, the city may take a personal judgment against you for the costs of removal.

If you no longer own the property, notify us in writing of the name, address, and telephone number of the new owner. A copy of the real estate contract or deed, if it has not been recorded at the Polk county Recorder's Office, shall likewise be furnished to the Neighborhood Inspection Division.

Should you have any questions, feel free to call. I can usually be reached between 8:00am and 9:00am, Monday through Friday.

Jon Raleigh



Nid Inspector

DATE MAILED: 6/23/2006

MAILED BY: SRD

**Areas that need attention:** 413 OLINDA AVE

<b><u>Component:</u></b>	Exterior Walls	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Exterior Doors/Jams	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Roof	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Building Permit	<b><u>Location:</u></b>	
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Soffit/Facia/Trim	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>		<b><u>Location:</u></b>	
<b><u>Comments:</u></b>			
<b><u>Component:</u></b>	Electrical System	<b><u>Defect:</u></b>	Fire damaged
<b><u>Requirement:</u></b>	Electrical Permit	<b><u>Location:</u></b>	
<b><u>Comments:</u></b>	System needs to be checked out by licensed electrical contractor.		

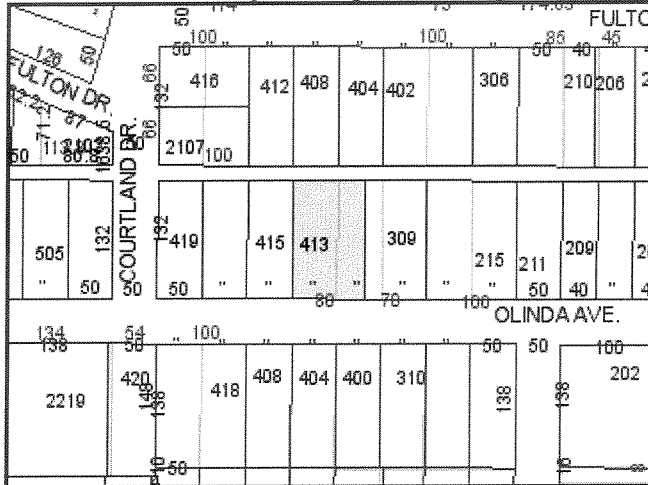


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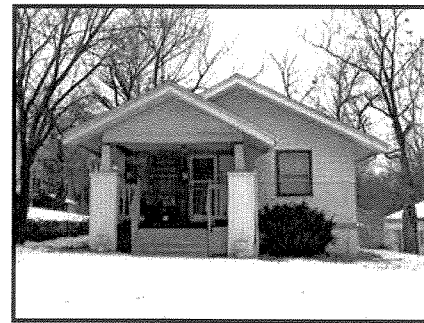
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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
010/00901-000-000	7824-16-229-014	0476	DM26/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
413 OLINDA AVE			DES MOINES IA 50315		

Click on parcel to get new listing



Get Bigger Map



Approximate date of photo 01/28/2003

Mailing Address
FRANCES AKIN 3622 SW 30TH ST DES MOINES, IA 50321-2047

Legal Description
W 30F LT 18 & ALL LT 19 OP OL A & 50F E & ADJ N 380F 1ST PLAT CLIFTON HEIGHTS

Ownership	Name	Transfer	Book/Page	RevStamps
Title Holder #1	AKIN (TRUSTEE), FRANCES H	12/09/2004	10858/9	
Title Holder #2	FRANCES H AKIN (TRUST)			
Contract Buyer #1	RICH, BRIAN W	08/26/1997	7709/282	

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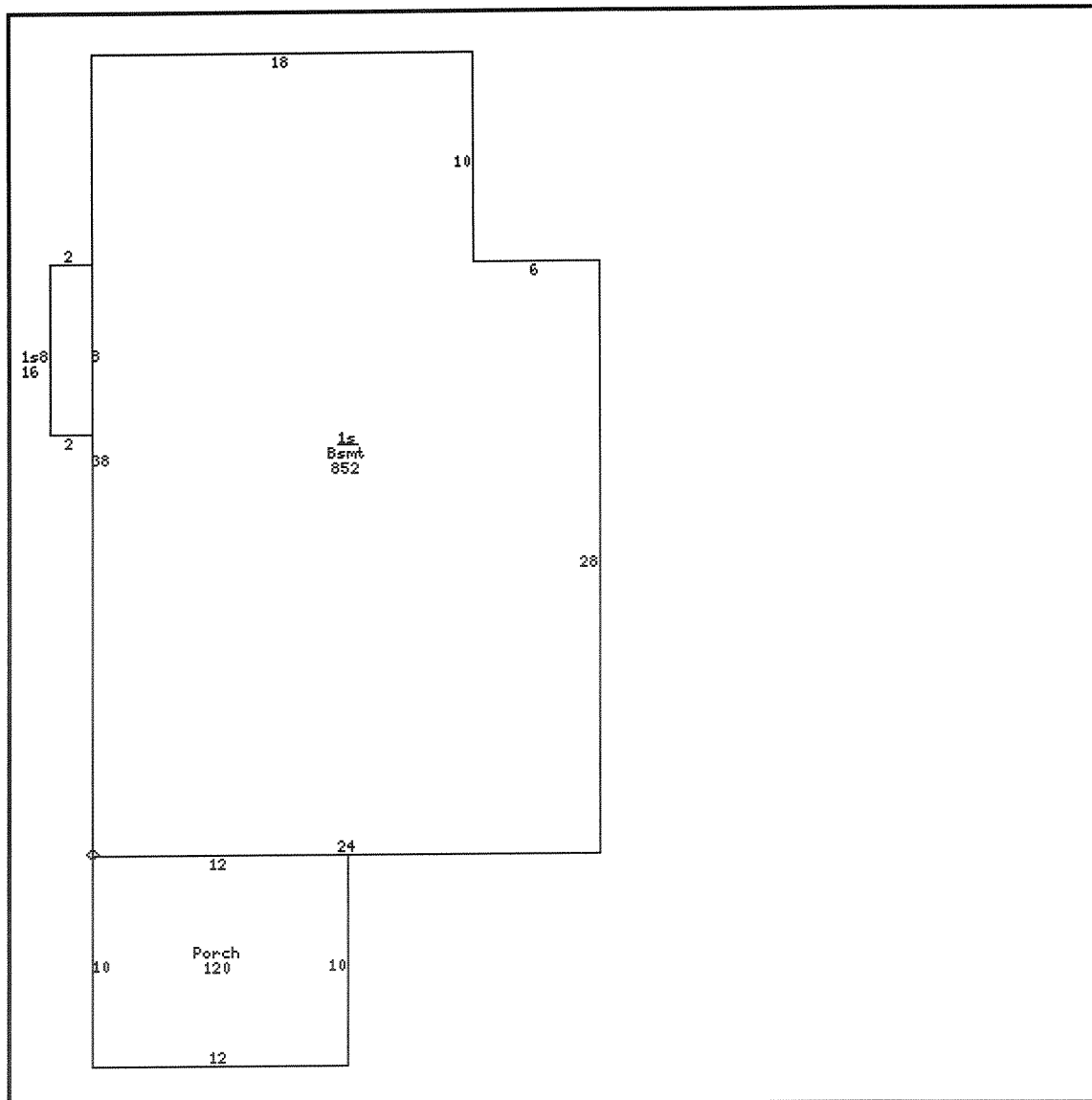
Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	16,300	52,400	0	68,700
<a href="#">Market Adjusted Cost Report</a> <a href="#">Estimate Taxes</a> <a href="#">Polk County Treasurer Tax Information</a> <a href="#">Pay Taxes</a>						

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District	10560	Residential
*Condition	Docket_no 14361		
<b>Source:</b> City of Des Moines Community Development <b>Published:</b> 05/09/2006 <b>Contact:</b> Planning and Urban Design 515 283-4200			

Land					
SQUARE FEET	10,560	FRONTAGE	80	DEPTH	132
ACRES	0.2420	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	BG/Bungalow
YEAR BUILT	1920	# FAMILIES	1	GRADE	5
GRADE ADJUST	+10	CONDITION	AN/Above Normal	TSFLA	868
MAIN LV AREA	868	BSMT AREA	852	OPEN PORCH	120
FOUNDATION	P/Poured Concrete	EXT WALL TYP	MF/Mixed Frame	ROOF TYPE	GB/Gable
ROOF MATERL	A/Asphalt Shingle	HEATING	A/Gas Forced Air	AIR COND	0
BATHROOMS	1	BEDROOMS	2	ROOMS	5

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Detached # 101					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	20	MEASURE2	32	STORY HEIGHT	1
GRADE	4	YEAR BUILT	1964	CONDITION	NM/Normal

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
AKIN, FRANCES	RICH, BRIAN WAYNE	08/01/1997	1,000	C/Contract	7709/282

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THOMPSON, LEROY F	AKIN, FRANCES	08/13/1992	37,000	D/Deed	6631/437
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Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2005	Assessment Roll	Residential	Full	16,300	52,400	0	68,700
2003	Assessment Roll	Residential	Full	15,000	49,120	0	64,120
2001	Assessment Roll	Residential	Full	13,710	42,870	0	56,580
1999	Assessment Roll	Residential	Full	14,830	35,920	0	50,750
1997	Assessment Roll	Residential	Full	13,210	31,990	0	45,200
1995	Assessment Roll	Residential	Full	12,010	29,080	0	41,090
1993	Assessment Roll	Residential	Full	11,220	27,180	0	38,400
1991	Assessment Roll	Residential	Full	10,200	24,710	0	34,910
1989	Board Action	Residential	Full	10,200	24,850	0	35,050

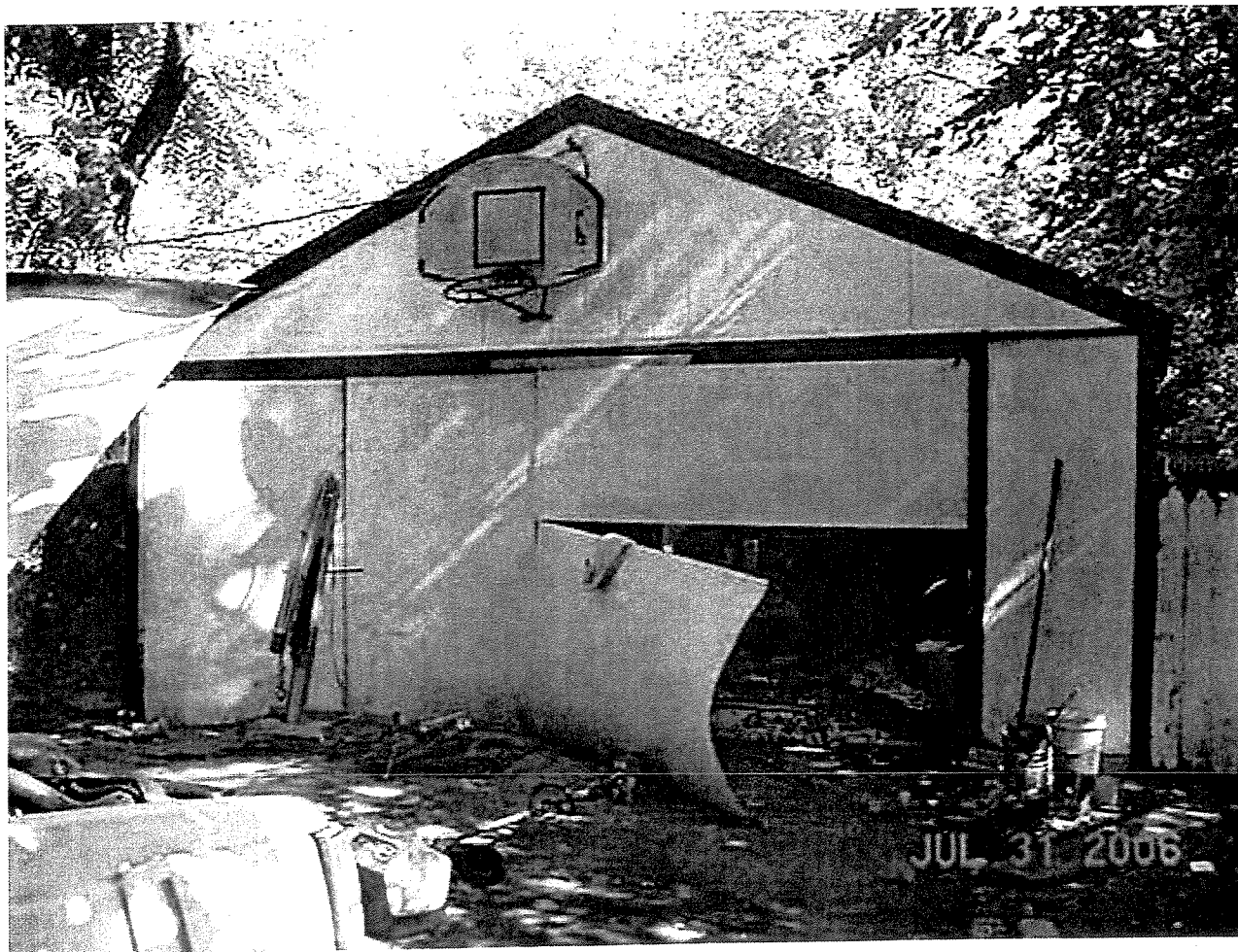
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Room 195, 111 Court Avenue, Des Moines, IA 50309  
 Phone 515 286-3140 / Fax 515 286-3386  
[polkweb@assess.co.polk.ia.us](mailto:polkweb@assess.co.polk.ia.us)

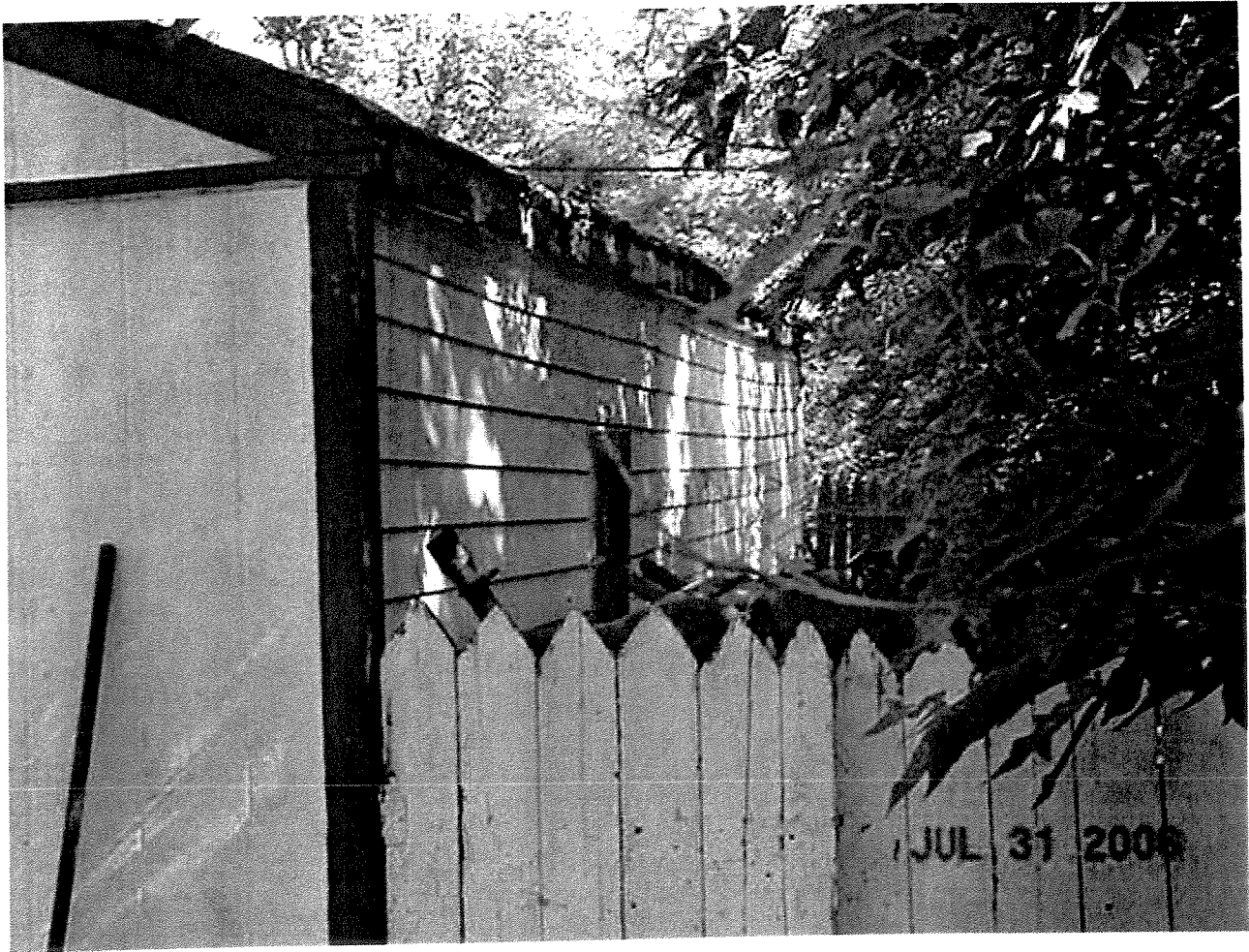


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413 OLINDA

BDH IC



413 OUNDA