

★ **Roll Call Number**

Agenda Item Number

BD11-1D

Date August 7, 2006

WHEREAS, the property located at 3106 E. University Avenue, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the structures in their present condition constitute not only a menace to health and safety but are also a public nuisance; and

WHEREAS, the titleholders, Kenneth J. Iano and Jill Miracle, and the mortgage holder, Fez, Inc, were notified by personal service more than thirty days ago to repair or demolish the structures and as of this date have failed to abate the nuisance; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, SITTING AS THE LOCAL BOARD OF HEALTH:

The structures located on the property legally described as LOT 25 BLK 10 HYDE PARK PLAT NO 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 3106 E. University Avenue have 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 structures.

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				

CERTIFICATE

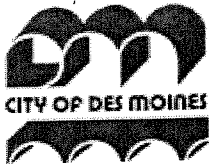
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED APPROVED

Mayor

City Clerk



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

BDH-11

DATE OF NOTICE: February 20, 2006

DATE OF INSPECTION: February 07, 2006

CASE NUMBER: COD2006-01338

PROPERTY ADDRESS: 3106 E UNIVERSITY AVE

LEGAL DESCRIPTION: LOT 25 BLK 10 HYDE PARK PLAT NO 2

KENNETH J IANO & JILL MIRACLE
Title Holder
6809 UNIVERSITY AVE
WINDSOR HEIGHTS IA 50311-1538

HARLEY TROGDON
Contact
3106 E UNIVERSITY AVE
DES MOINES IA 50317

FEZ. INC. OF DES MOINES
Mortgage Holder
WILLIAM ROTHMEYER - REG. AGENT
840 5TH AVE
DES MOINES IA 50309

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.

BDT-1D

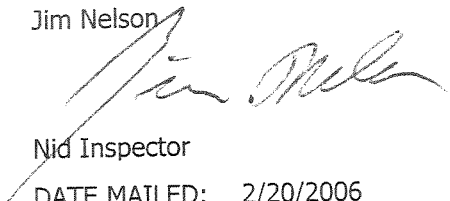
Appropriate building permits may be required for those violations noted in the "Special Requirements" section on the notice. Should you have questions regarding permits, contact the Permit and Development Center at 283-4200. All work performed by a contractor or you must be completed in a workmanlike 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.

Jim Nelson



Nid Inspector

DATE MAILED: 2/20/2006

MAILED BY: JDH

BDI-1D

Areas that need attention: 3106 E UNIVERSITY AVE

<u>Component:</u> Brick Chimney <u>Requirement:</u> <u>Comments:</u>	<u>Defect:</u> Deteriorated <u>Location:</u> Main Structure
<u>Component:</u> Electrical System <u>Requirement:</u> Electrical Permit <u>Comments:</u>	<u>Defect:</u> Inadequate <u>Location:</u> Main Structure
<u>Component:</u> Exterior Walls <u>Requirement:</u> <u>Comments:</u>	<u>Defect:</u> Severly peeling paint <u>Location:</u> Main Structure
<u>Component:</u> Foundation <u>Requirement:</u> Building Permit <u>Comments:</u>	<u>Defect:</u> Deteriorated <u>Location:</u> Main Structure
<u>Component:</u> Windows/Window Frames <u>Requirement:</u> <u>Comments:</u>	<u>Defect:</u> Deteriorated <u>Location:</u> Main Structure
<u>Component:</u> Window Glazing/Paint <u>Requirement:</u> <u>Comments:</u>	<u>Defect:</u> Cracked/Broken <u>Location:</u> Main Structure
<u>Component:</u> Roof <u>Requirement:</u> Building Permit <u>Comments:</u>	<u>Defect:</u> In poor repair <u>Location:</u> Porch
<u>Component:</u> Shingles Flashing <u>Requirement:</u> <u>Comments:</u>	<u>Defect:</u> In poor repair <u>Location:</u> Porch

DUN-1D

Component: Plumbing System Requirement: Plumbing Permit Comments: Plumbing system needs inspected	Defect: In poor repair Location: Main Structure
Component: Roof Requirement: Comments:	Defect: Collapsed Location: Garage
Component: Shingles Flashing Requirement: Comments:	Defect: In poor repair Location: Garage
Component: Exterior Walls Requirement: Comments:	Defect: Deteriorated Location: Garage
Component: Roof Requirement: Comments:	Defect: Deteriorated Location: Garage
Component: Exterior Walls Requirement: Comments:	Defect: Absence of paint Location: Garage
Component: Soffit/Facia/Trim Requirement: Comments:	Defect: Deteriorated Location: Garage

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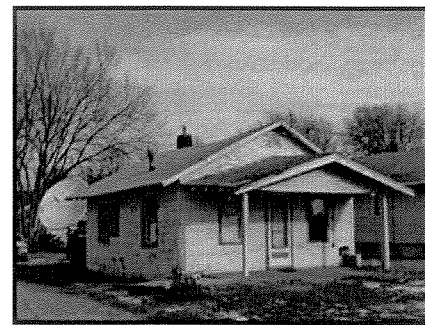
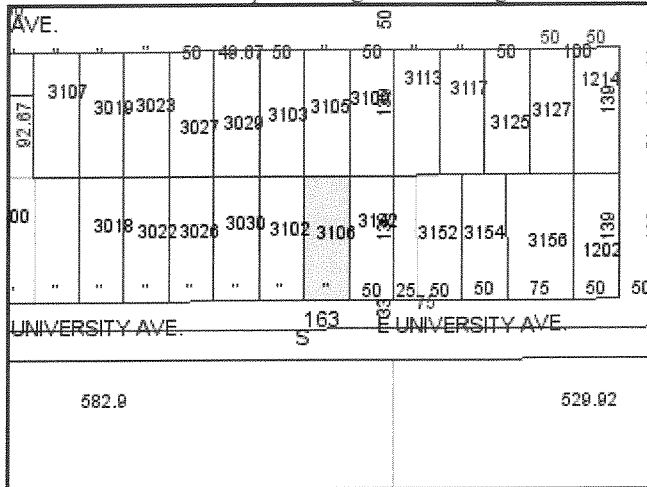


[Home] [General Query] [Legal Query] [HomeOwner Query] [Book/Page Query] [Commercial Query] [Res Sales Query] [Comm Sales Query] [Help]

District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
060/06624-000-000	7923-32-358-021	0549	DM14/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines	5/Accent UR				
Street Address			City State Zipcode		
3106 E UNIVERSITY AVE			DES MOINES IA 50317-2413		

Click on parcel to get new listing

Get Bigger Map



Approximate date of photo 12/27/2004

Mailing Address
KENNETH J IANO 6809 UNIVERSITY AVE WINDSOR HEIGHTS, IA 50311-1538

Legal Description
LOT 25 BLK 10 HYDE PARK PLAT NO 2

Ownership	Name	Transfer	Book/Page	RevStamps
Title Holder #1	IANO, KENNETH J	03/25/2002	9108/35	
Title Holder #2	MIRACLE, JILL			

Assessment	Class	Kind	Land	Bldg	AgBd	Total

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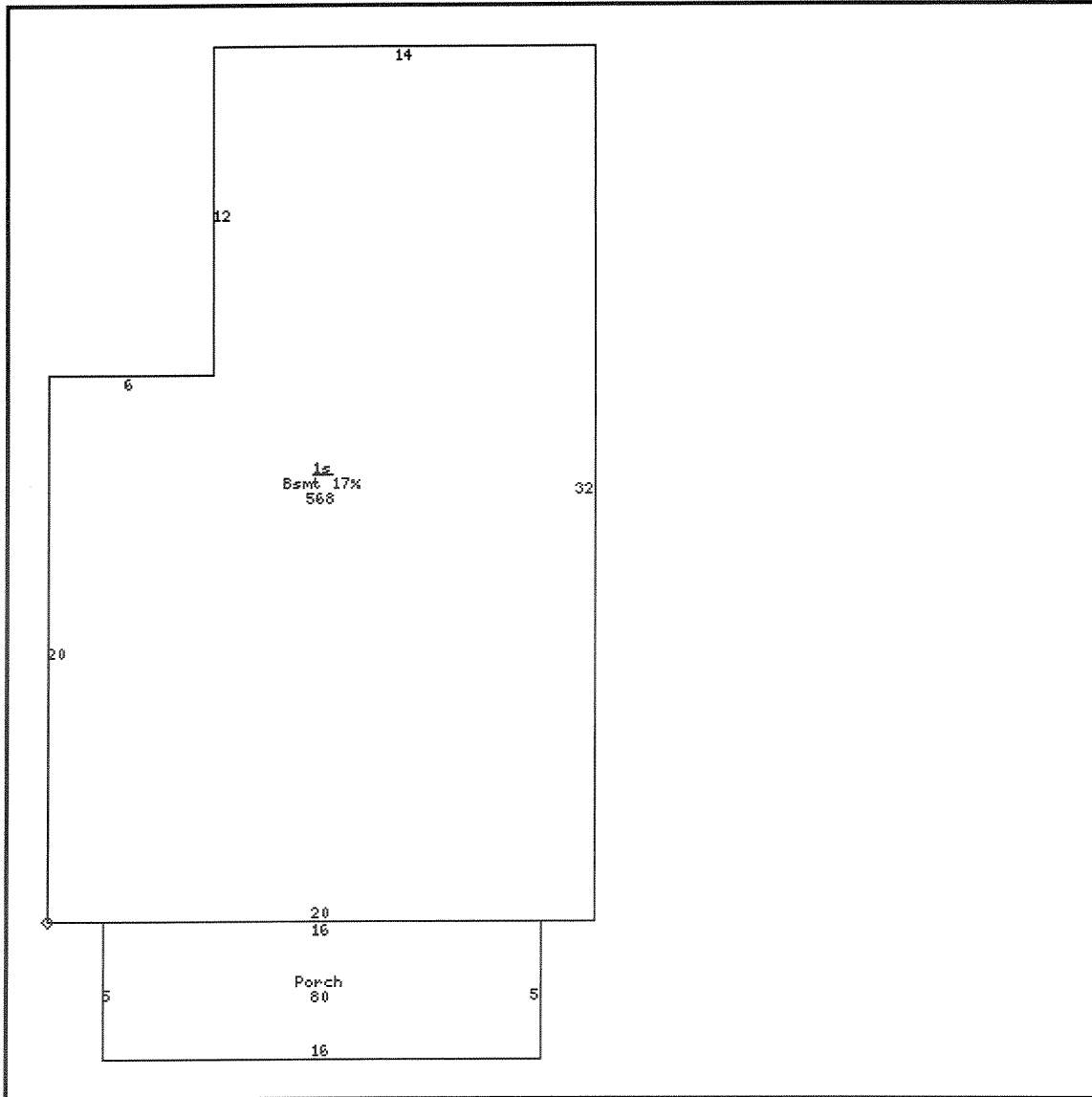
Current	Residential	Full	11,500	13,100	0	24,600
<p align="center"><u>Market Adjusted Cost Report</u> <u>Estimate Taxes</u> <u>Polk County Treasurer Tax Information</u> <u>Pay Taxes</u></p>						

Zoning	Description	SF	Assessor Zoning
R1-60	One Family, Low Density Residential District	6950	Residential
<p>Source: City of Des Moines Community Development Published: 05/09/2006 Contact: Planning and Urban Design 515 283-4200</p>			

Land					
SQUARE FEET	6,950	FRONTAGE	50	DEPTH	139
ACRES	0.16	SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1					
OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	BG/Bungalow
YEAR BUILT	1922	# FAMILIES	1	GRADE	5
GRADE ADJUST	-05	CONDITION	PR/Poor	TSFLA	568
MAIN LV AREA	568	BSMT AREA	97	OPEN PORCH	80
FOUNDATION	M/Masonry	EXT WALL TYP	WS/Wood Siding	ROOF TYPE	GB/Gable
ROOF MATERL	A/Asphalt Shingle	HEATING	N/No Heat	AIR COND	0
BATHROOMS	1	BEDROOMS	1	ROOMS	3

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Detached # 101					
OCCUPANCY	GAR/Garage	CONSTR TYPE	FR/Frame	MEASCODE	D/Dimensions
MEASURE1	12	MEASURE2	20	STORY HEIGHT	1
GRADE	5	YEAR BUILT	1927	CONDITION	BN/Below Normal

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
GRIGGS, LARUE ET AL	IANO, KENNETH J	11/07/1990	6,500	C/Contract	6307/995

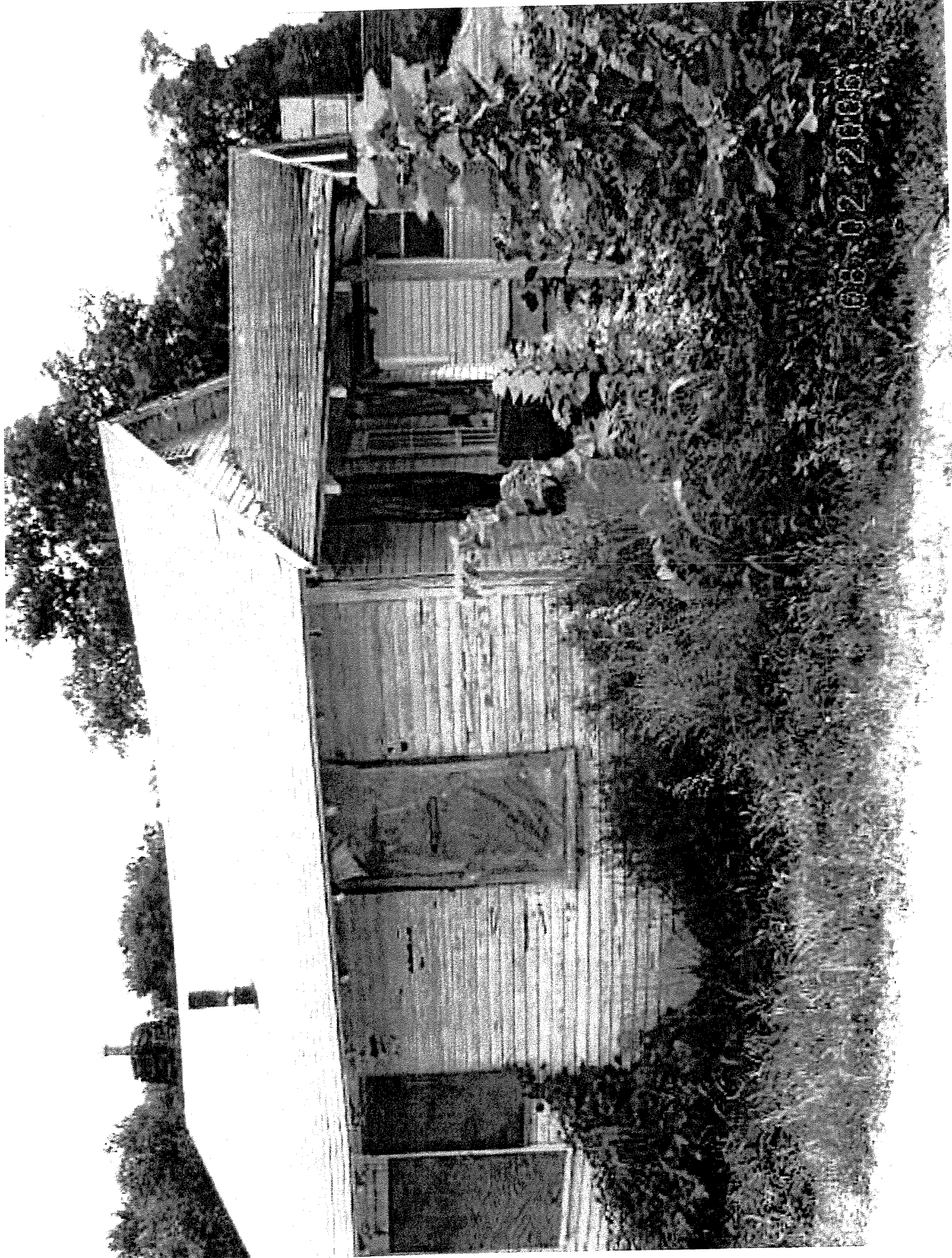
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Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2005	Assessment Roll	Residential	Full	11,500	13,100	0	24,600
2003	Assessment Roll	Residential	Full	10,410	12,130	0	22,540
2001	Assessment Roll	Residential	Full	9,350	10,510	0	19,860
1999	Assessment Roll	Residential	Full	6,930	9,120	0	16,050
1997	Assessment Roll	Residential	Full	6,280	8,260	0	14,540
1995	Assessment Roll	Residential	Full	5,710	7,520	0	13,230
1993	Assessment Roll	Residential	Full	4,930	6,490	0	11,420
1993	Was Prior Year	Residential	Full	4,930	7,720	0	12,650

email this page

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

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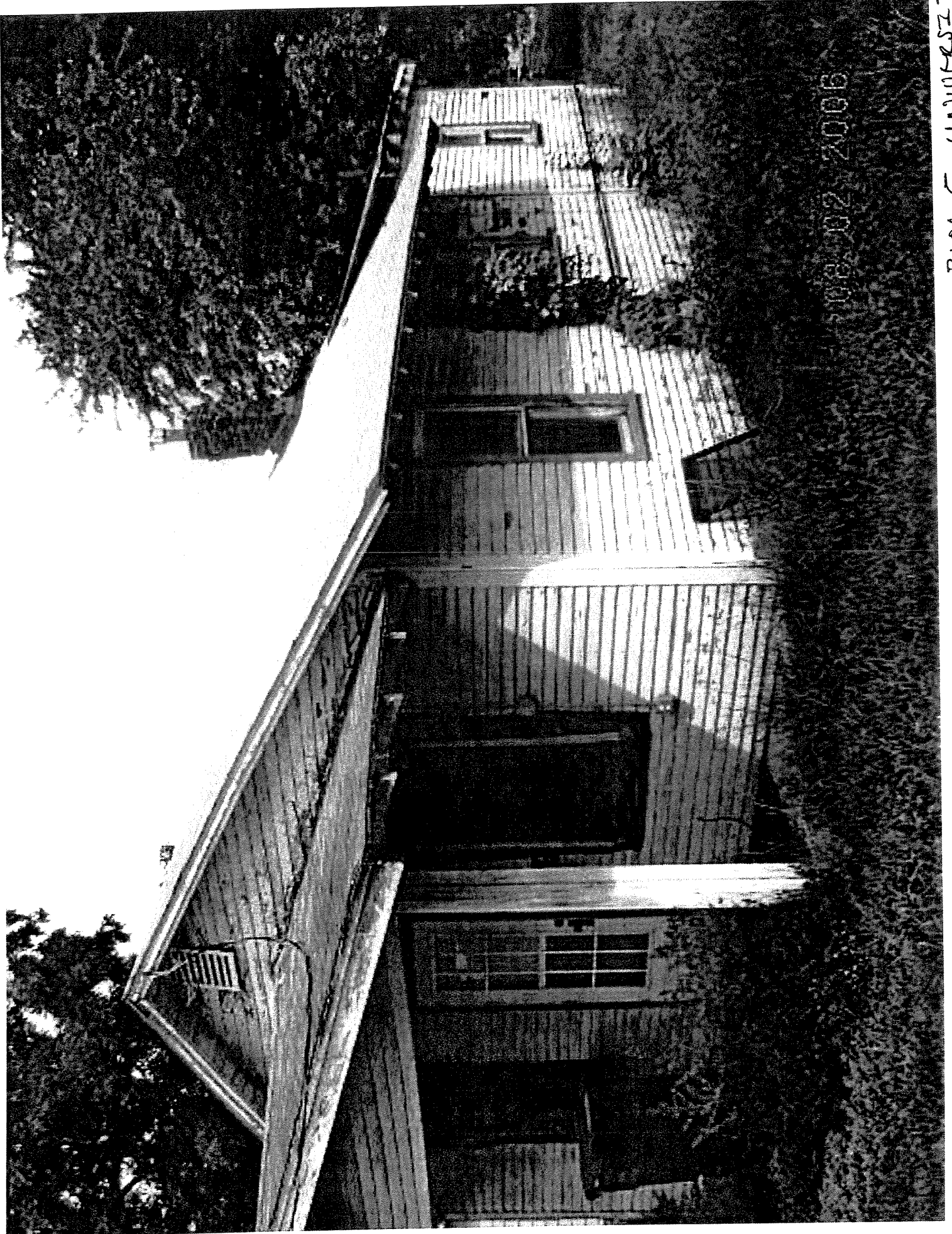
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3100 UNIVERSITY

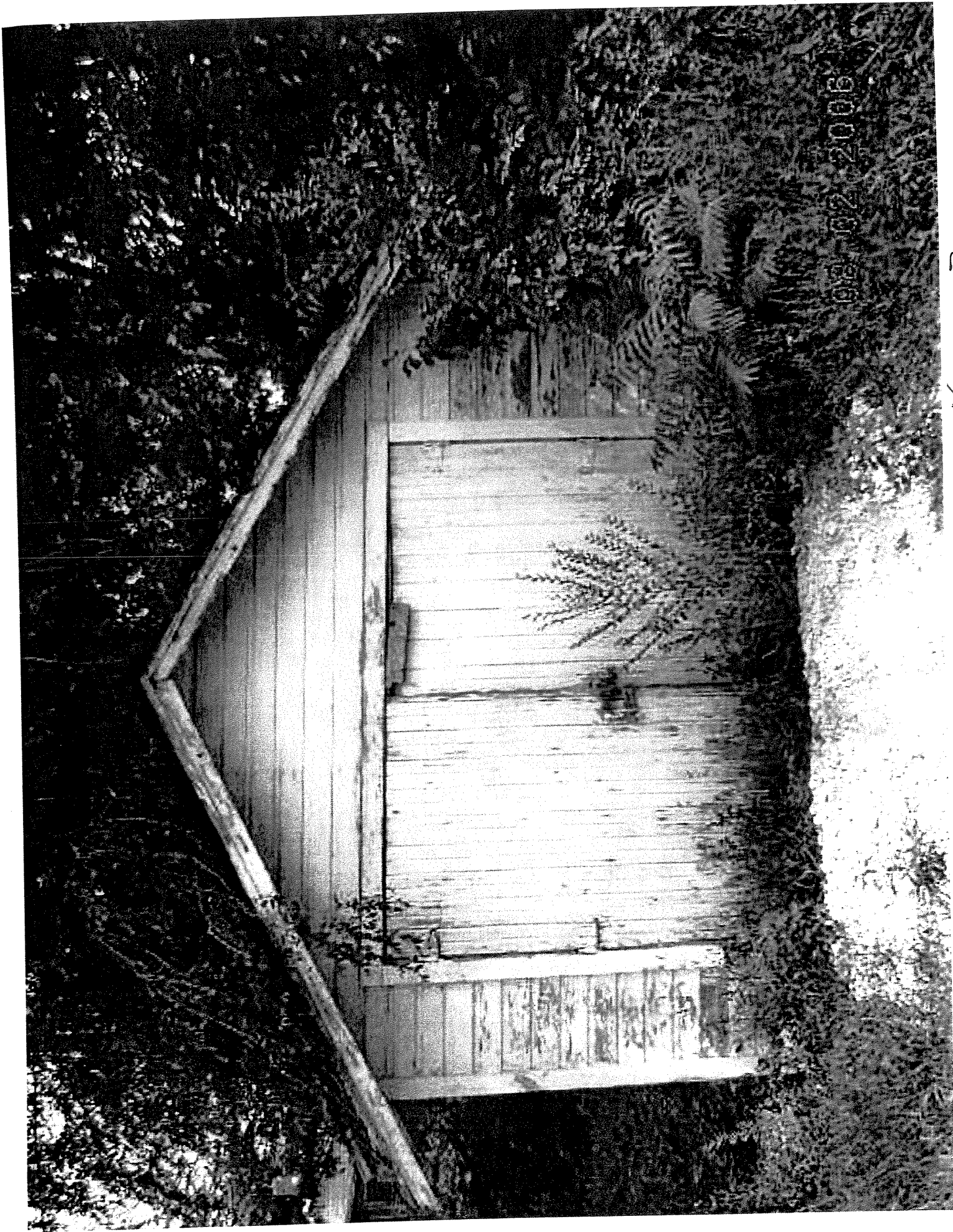
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BRUCE UNIVERSITY



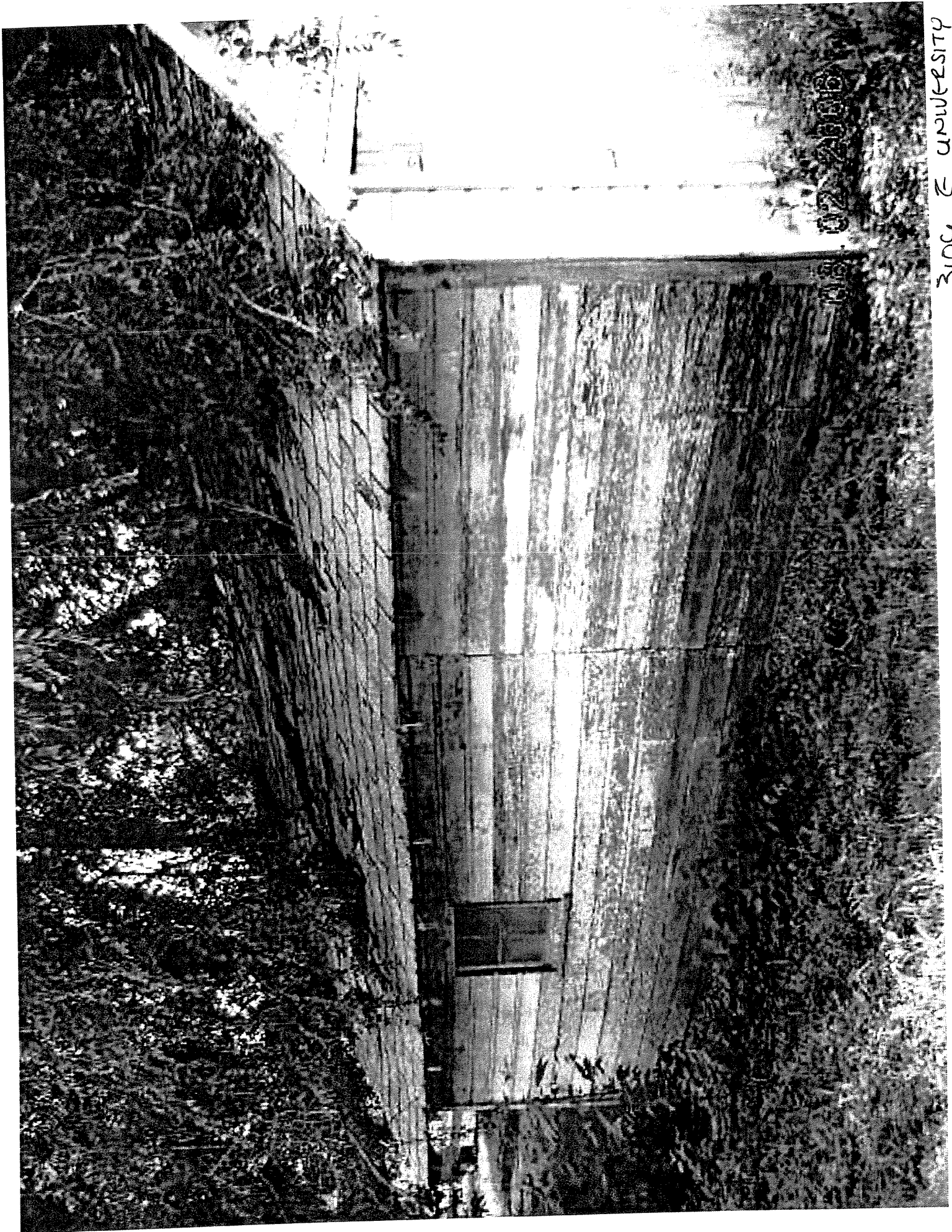
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10.10.2006

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MS. 072 208B

3104 E UNIVERSITY