

Date April 5, 2021

ABATEMENT OF PUBLIC NUISANCE AT 1935 23rd ST.

WHEREAS, the property located at 1935 23rd St., 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 Titleholder, RC HOMES, LLC, was notified more than thirty days ago to repair or demolish the main structure and garage structure and as of this date has 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 15 (except the South 5 feet thereof) and Lot 16 (except the North 38 feet thereof) in Block 5 in FOUNTAIN PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1935 23rd St., have previously been declared public nuisances;

The City Legal Department, through special counsel Ahlers & Cooney, PC, 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.

FORM APPROVED:



Kristine Stone, Special Counsel

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

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, P. Kay Cmelik, 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**

DATE OF NOTICE: January 14, 2021

DATE OF INSPECTION:

October 21, 2020

CASE NUMBER: COD2020-04684

PROPERTY ADDRESS: 1935 23RD ST

LEGAL DESCRIPTION: N 61 F LOT 15 & S 28 F LOT 16 BLK 5 FOUNTAIN PLACE

RC HOMES LLC
Title Holder - RYAN ARGUELLO, REG AGENT
1529 S 15TH AVE W
NEWTON IA 50208

LANONA INVESTMENTS LLC
Mortgage Holder - C/O LAURENCE WIRIATH
2033 NE 14TH CT
FT LAUDERDALE FL 33304

MIP INVESTMENTS LLC
Mortgage Holder - C/O THOMAS V DEAN
7344 NW 86TH ST
JOHNSTON IA 50131

WESTERN EQUITY PARTNERS INC
Mortgage Holder - C/O LEGALZOOM.COM INC
101 N BRAND BLVD - 11TH FLR
GLENDALE CA 91203

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 60-192 and 60-191 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. The violations noted must be corrected within 30 days from date of notice. Failure to correct these violations will result in a request to the City Council 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.

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 (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 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 (515) 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 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.

Brad Rissman
(515) 283-4754

Nid Inspector

DATE MAILED: 1/14/2021

MAILED BY: BJR

Areas that need attention: 1935 23RD ST

Component:	Roof	Defect:	Collapsed
Requirement:	Building Permit	Location:	Garage Throughout
Comments:	Severely damaged and deteriorated, caving in. Needs replaced by licensed contractor. Permit MUST be finalized.		
Component:	Foundation	Defect:	Cracked/Broken
Requirement:	Building Permit	Location:	Garage Throughout
Comments:	North east corner cracked and falling apart. Needs replaced. Permit MUST be finalized.		
Component:	Exterior Doors/Jams	Defect:	In poor repair
Requirement:	Compliance with Int Residential Code	Location:	Garage Throughout
Comments:	Repair or replace all damaged or missing doors and or jams as needed. Permit required if changing opening size.		
Component:	See Comments	Defect:	See Comments
Requirement:	Compliance with Int Residential Code	Location:	Garage Throughout
Comments:	Unable to gain access into the structure. Possibly more violations.		
Component:	Interior Walls /Ceiling	Defect:	Missing
Requirement:	Building Permit	Location:	Main Structure Throughout
Comments:	Replace all damaged and missing drywall/wall coverings. Paint/texture or cover to match. Permit MUST be finalized.		
Component:	Plumbing System	Defect:	Improperly Installed
Requirement:	Plumbing Permit	Location:	Main Structure Throughout
Comments:	Must provide receipt from licensed plumbing contractor stating system is safe and up to code. Permit MUST be finalized.		
Component:	Electrical System	Defect:	Improperly Installed
Requirement:	Electrical Permit	Location:	Main Structure Throughout
Comments:	Must provide receipt from licensed electrical contractor stating system is safe and up to code. Permit MUST be finalized.		
Component:	Mechanical System	Defect:	Improperly Installed
Requirement:	Mechanical Permit	Location:	Main Structure Throughout
Comments:	Must provide receipt from licensed HVAC contractor stating system is safe and up to code. Permit MUST be finalized.		

<u>Component:</u>	See Comments	<u>Defect:</u>	Improperly Installed
<u>Requirement:</u>	Building Permit	<u>Location:</u>	Main Structure Throughout
<u>Comments:</u>	South East enclosed porch addition was not permitted. Have checked by licensed contractor. Repair or replace. In compliance with international residential building code. Permit MUST be finalized.		

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	1935 23RD ST				
City	DES MOINES	Zip	50310	Jurisdiction	Des Moines
District/Parcel	080/02269-000-000	Geoparcel	7924-33-251-009	Status	Active
School	Des Moines	Nbhd/Pocket	DM75/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Andrew Rand 515-286-3368		

Map and Current Photos - 1 Record

<p>Click on parcel to get a new listing</p> <p style="text-align: center;">Bigger Map Polk County GIS Google Map Pictometry</p>	<p>Photo Processed on 2012-03-28 a</p>
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[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	RC HOMES LLC	2019-12-31	17649/951

Legal Description and Mailing Address

N 61 F LOT 15 & S 28 F LOT 16 BLK 5 FOUNTAIN PLACE	RC HOMES LLC 1529 S 15TH AVE W NEWTON, IA 50208
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Current Values

Type	Class	Kind	Land	Bldg	Total
2020 Value	Residential	Full	\$10,800	\$26,500	\$37,300

[Market Adjusted Cost Report](#)

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	11,392	Acres	0.262	Frontage	89.0
Depth	128.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	2 Stories	Building Style	Early 20s
Year Built	1905	Year Remodel	2001	Number Families	1
Grade	4-10	Condition	Below Normal	Total Square Foot Living Area	1064
Main Living Area	616	Upper Living Area	448	Basement Area	323
Enclosed Porch Area	180	Foundation	Brick	Exterior Wall Type	Stucco
Roof Type	Gable	Roof Material	Asphalt Shingle	Heating	Gas Forced Air
Air Conditioning	0	Number Bathrooms	1	Bedrooms	2
Rooms	5				

The floor plan diagram shows a rectangular layout with the following dimensions and areas:

- Top Section:** A horizontal rectangle with a width of 12 and a height of 14. It contains two sub-sections:
 - Left sub-section: 12 wide by 14 high, area 168.
 - Right sub-section: 6 wide by 14 high, area 84, labeled "Enc Porch".
- Middle Section:** A large vertical rectangle with a width of 16 and a height of 28. It contains a sub-section:
 - Center: 16 wide by 28 high, area 448, labeled "Basmt 448".
- Bottom Section:** A horizontal rectangle with a width of 16 and a height of 6. It contains a sub-section:
 - Center: 16 wide by 6 high, area 96, labeled "Enc Porch 96".

Detached Structures - 1 Record					
Detached Structure #101					
Occupancy	Garage	Construction Type	Frame	Measurement Code	Square Feet
Measure 1	267	Story Height	1	Grade	5
Year Built	1930	Year Remodel	2001	Condition	Poor
Comment	AGE ESTIMATED				

Sales - 7 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
DSV SPV2 LLC	RC HOMES LLC	2019-12-17	\$32,000	Deed	17649/951
FEDERAL NATIONAL MORTGAGE ASSOCIATION	KAJA HOLDINGS 2 LLC	2014-11-07	\$3,350	Deed	15382/476
GARRETT, BEN	SIDERS, BRIAN E	2009-08-13	\$69,900	Contract	13184/403
LDF DEVELOPMENT, LLC	GARRETT, BEN	2008-10-10	\$70,000	Deed	12807/532
B & W INVESTMENTS	LDF DEVELOPMENT, LLC	2007-05-24	\$48,000	Deed	12248/688
P B INVESTMENT CORP	B & W INVESTMENTW	1999-12-29	\$6,500	Deed	8404/667
WADSWORTH, BRIAN	CASSADY, RICK D	1992-12-10	\$19,000	Contract	6691/832

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
WILSON, DEBORAH WILSON, MICHAEL	RC HOMES LLC	2019-12-06	2019-12-31	Quit Claim Deed	17649/956
DSV SPV2 LLC Also Known As DSV SPVS LLC	RC HOMES LLC	2019-11-19	2019-12-31	Warranty Deed	17649/951
KAJA HOLDINGS 2 LLC	DSV SPV2 LLC	2017-06-09	2017-10-11	Quit Claim Deed	16680/471

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
<u>FANNIE MAE</u> Also Known As FEDERAL NATIONAL MORTGAGE ASSOCIATION <hr/> SERVICELINK (Attorney-In-Fact) <hr/> Also Known As CHICAGO TITLE INSURANCE COMPANY (Attorney-In-Fact)	KAJA HOLDINGS 2 LLC	2014-11-04	2014-11-13	Special Warranty Deed	15382/476
BANK OF AMERICA NA	FEDERAL NATIONAL MORTGAGE ASSOCIATION	2014-06-05	2014-06-10	Special Warranty Deed	15214/429
<u>MCCARTHY, BILL (Sheriff)</u> <hr/> GARRETT, BEN (Defendant)	BANK OF AMERICA NA	2014-05-01	2014-05-20	Sheriffs Deed	15191/21
<u>SIDERS, BRIAN EDWARD</u> <hr/> WILLIAMS, NICOLE	GARRETT, BEN	2012-04-02	2012-04-02	Forfeiture of Contract	14219/264

Permits - 6 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Pickup	Pass	2020-02-28	Correct Data	CONDITION
2020	Pickup	Pass	2020-02-28	Correct Data	CONDITION
2016	Pickup	No Add	2015-07-07	Review Value	CHECK CONDITION
2014	Pickup	Cancel	2012-07-16	Review Value	BOARD OF REVIEW
2013	Pickup	Pass	2012-07-16	Review Value	BOARD OF REVIEW
2002	Pickup	Complete	2002-03-08	Review Value	ABATEMENT FILED

Historical Values

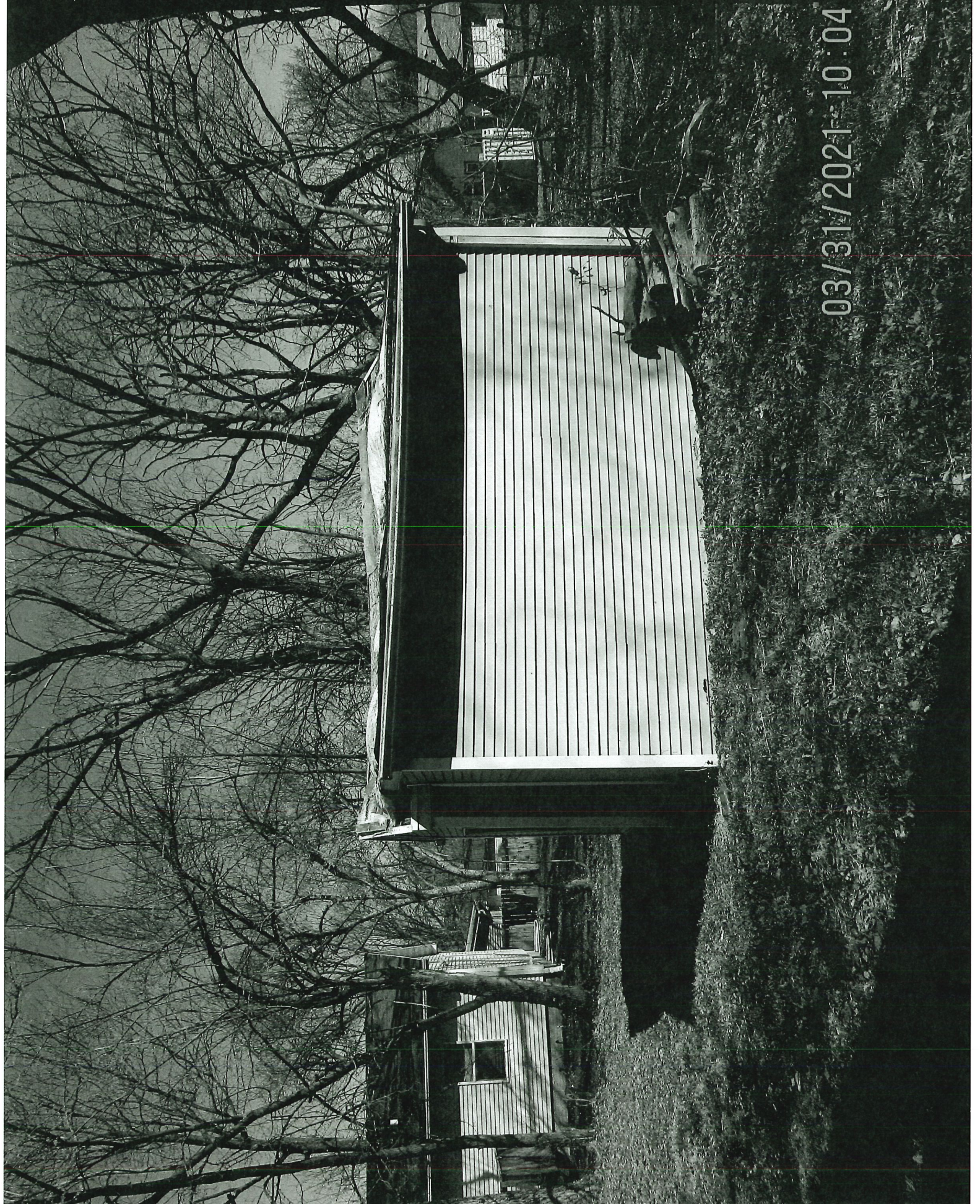
Yr	Type	Class	Kind	Land	Bldg	Total
2019	Assessment Roll	Residential	Full	\$10,800	\$26,500	\$37,300
2017	Assessment Roll	Residential	Full	\$10,200	\$14,700	\$24,900
2015	Assessment Roll	Residential	Full	\$9,500	\$13,900	\$23,400

Yr	Type	Class	Kind	Land	Bldg	Total
2013	Assessment Roll	Residential	Full	\$9,500	\$13,800	\$23,300
2012	Board Action	Residential	Full	\$9,500	\$26,700	\$36,200
2012	Assessment Roll	Residential	Full	\$9,500	\$50,700	\$60,200
2011	Assessment Roll	Residential	Full	\$9,500	\$50,700	\$60,200
			Adj	\$9,500	\$27,700	\$37,200
2009	Assessment Roll	Residential	Full	\$9,800	\$49,700	\$59,500
			Adj	\$9,800	\$26,700	\$36,500
2007	Assessment Roll	Residential	Full	\$9,400	\$47,600	\$57,000
			Adj	\$9,400	\$24,600	\$34,000
2005	Assessment Roll	Residential	Full	\$9,600	\$37,500	\$47,100
			Adj	\$9,600	\$14,500	\$24,100
2003	Assessment Roll	Residential	Full	\$8,700	\$33,470	\$42,170
			Adj	\$8,700	\$10,470	\$19,170
2002	Assessment Roll	Residential	Full	\$8,490	\$24,650	\$33,140
			Adj	\$8,490	\$1,650	\$10,140
2001	Assessment Roll	Residential	Full	\$8,490	\$2,500	\$10,990
2000	Board Action	Residential	Full	\$6,750	\$2,500	\$9,250
1999	Assessment Roll	Residential	Full	\$6,750	\$13,210	\$19,960
1997	Assessment Roll	Residential	Full	\$6,230	\$12,200	\$18,430
1995	Assessment Roll	Residential	Full	\$5,860	\$11,480	\$17,340
1989	Assessment Roll	Residential	Full	\$5,070	\$9,930	\$15,000

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