



**Roll Call Number**

**Agenda Item Number**

44B

**Date** April 18, 2022

**ABATEMENT OF PUBLIC NUISANCE AT 2021 LAY ST.**

WHEREAS, the property located at 2021 Lay St., Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure in its present condition constitutes not only a menace to health and safety but is also public nuisance; and

WHEREAS, the Titleholder, Midwest Heritage Bank, FSB, was notified more than thirty days ago to repair or demolish the main 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 main structure on the real estate legally described as Lot 36 Block 51 EASTON PLACE PLAT NO. 4, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2021 Lay St., 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 R. Stone, Special Counsel  
Ahlers & Cooney, P.C.

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

**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.

\_\_\_\_\_  
Mayor

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

4+B



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

Case Number: NUIS-2022-000029	
<b>Notice of Violation</b>	Case Type: Public Nuisance
	Case Opened: 01/21/2022
	Date of Notice: 02/24/2022
Date of Inspection: 11/29/2021	

MIDWEST HERITAGE BANK FSB  
1025 BRADEN AVE  
CHARITON IA 50049

Address of Property: 2021 LAY ST, DES MOINES IA 50317  
Parcel Number: 792331131001  
Legal Description: LOT 36 BLK 51 EASTON PLACE PLAT NO 4

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
60-191 - Vacation and Abatement	MAIN STRUCTURE THROUGHOUT  Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	03/17/2022
60-192(15) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT  Repair or replace the unsafe or unlawful structure OR demolish the structure.	03/17/2022
60-192(2) - Dangerous Structure or Premise - Walking Surface	MAIN STRUCTURE THROUGHOUT  Repair or replace walking surface of any aisle, passageway, stairway, exit, or other means of egress that is unsafe and does not provide safe and adequate means of egress.	03/17/2022



Repair or replace any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

\*HAVE A LICENSED MECHANICAL CONTRACTOR INSPECT THE ENTIRE MECHANICAL SYSTEM AND PROVIDE A COPY OF THE FINDING. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE MECHANICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED MECHANICAL CONTRACTOR.

\*HAVE A LICENSED PLUMBING CONTRACTOR INSPECT THE ENTIRE PLUMBING SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE PLUMBING SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED PLUMBING CONTRACTOR.

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\*REPAIR AND REPLACE ANY AND ALL DAMAGED EXTERIOR DOORS AND WINDOWS.

\*REPAIR AND REPLACE ANY AND ALL DAMAGED FLOORING THROUGHOUT THE STRUCTURE.

\*OBTAIN FINAL ON PERMIT AND HAVE LICENSED CONTRACTOR REPAIR OR REPLACE DAMAGE DECKING, RAILING, JOIST, BEAMS, HANDRAIL, AND STAIRS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

\*REPLACE ANY DAMAGED ROOFING MATERIAL. PER CITY CODE SHINGLES

LIMITED TO ONE LAYER. ANY STRUCTURAL REPAIRS WILL REQUIRE A PERMIT

\*REPLACE ALL DAMAGED ROOFING COMPONENTS BY LICENSED CONTRACTOR. BUILDING PERMIT REQUIRED IF REPLACING SHEETING.

\*SEVERE SMOKE AND FIRE DAMAGE. REPLACE ALL THAT IS DAMAGED. BUILDING PERMIT REQUIRED.

\*GAS SERVICE HAS BEEN SHUT OFF NEED LICENSED MECHANICAL CONTRACTOR TO VERIFY SAFETY OF MECHANICAL SYSTEMS AND CORRECT ANY VIOLATIONS PRIOR TO SERVICE BEING RESTORED. PERMIT REQUIRED.

\*CLEAN SMOKE DAMAGE FROM WALLS AND THEN PAINT TO MATCH.

\*THE GARAGE OR SHED IN ITS CURRENT CONDITION DOES NOT CONSTITUTE A PUBLIC NUISANCE. HOWEVER, IF THE PRIMARY STRUCTURE IS DEMOLISHED AND NO PRIMARY STRUCTURE IS IMMEDIATELY BUILT ON THE PROPERTY, THE GARAGE MUST BE DEMOLISHED AS WELL BECAUSE IT IS AN ACCESSORY US ONLY PURSUANT TO DES MOINES MUNICIPAL CODE SECTION 134-343.

60-192(6) - Dangerous Structure or Premise  
- Unsafe

MAIN STRUCTURE THROUGHOUT

03/17/2022

Vacate and secure any structure that is clearly unsafe for its use and occupancy, OR, demolish the structure after obtaining required permit, OR repair or replace the building or structure, or any portion thereof, that is clearly unsafe for its use and occupancy.

60-192(9) - Dangerous Structure or Premise  
- Unsanitary, Unfit for Habitation

MAIN STRUCTURE THROUGHOUT

03/17/2022

Vacate and secure the structure or premises, OR, repair, replace, and/or sanitize any building or structure determined to be unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease.

60-194 - Defacing and Removing Placard

Replace or restore defaced or removed placard.

03/17/2022



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,



Kevin Pyles

Neighborhood Inspector

Neighborhood Services

602 Robert D. Ray Drive, Des Moines, IA 50309

(515) 283-4122

KEPyles@dmgov.org



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

Case Number: NUIS-2022-000029	
<b>Notice of Violation</b>	Case Type: Public Nuisance
	Case Opened: 01/21/2022
	Date of Notice: 02/04/2022
	Date of Inspection: 11/29/2021

S&S INVESTMENTS OF IOWA LLC  
JAMES G SMITH  
1125 S 95TH ST  
WEST DES MOINES IA 50266

Address of Property: **2021 LAY ST, DES MOINES IA 50317**  
Parcel Number: **792331131001**  
Legal Description: **LOT 36 BLK 51 EASTON PLACE PLAT NO 4**

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Respectfully,

Kevin Pyles  
Neighborhood Inspector  
Neighborhood Services  
602 Robert D. Ray Drive, Des Moines, IA 50309  
(515) 283-4122  
KEPyles@dmgov.org





Netwoi April 6, 2022 at 9:34:19 AM CDT  
Des Moines

04-06-2022 09:34 AM





Timestamp  
Camera ENI

Network: Apr 6, 2022 09:33 AM CDT  
Des Moines

04-06-2022 09:33 AM



44B

Timestamp  
Camera ENT

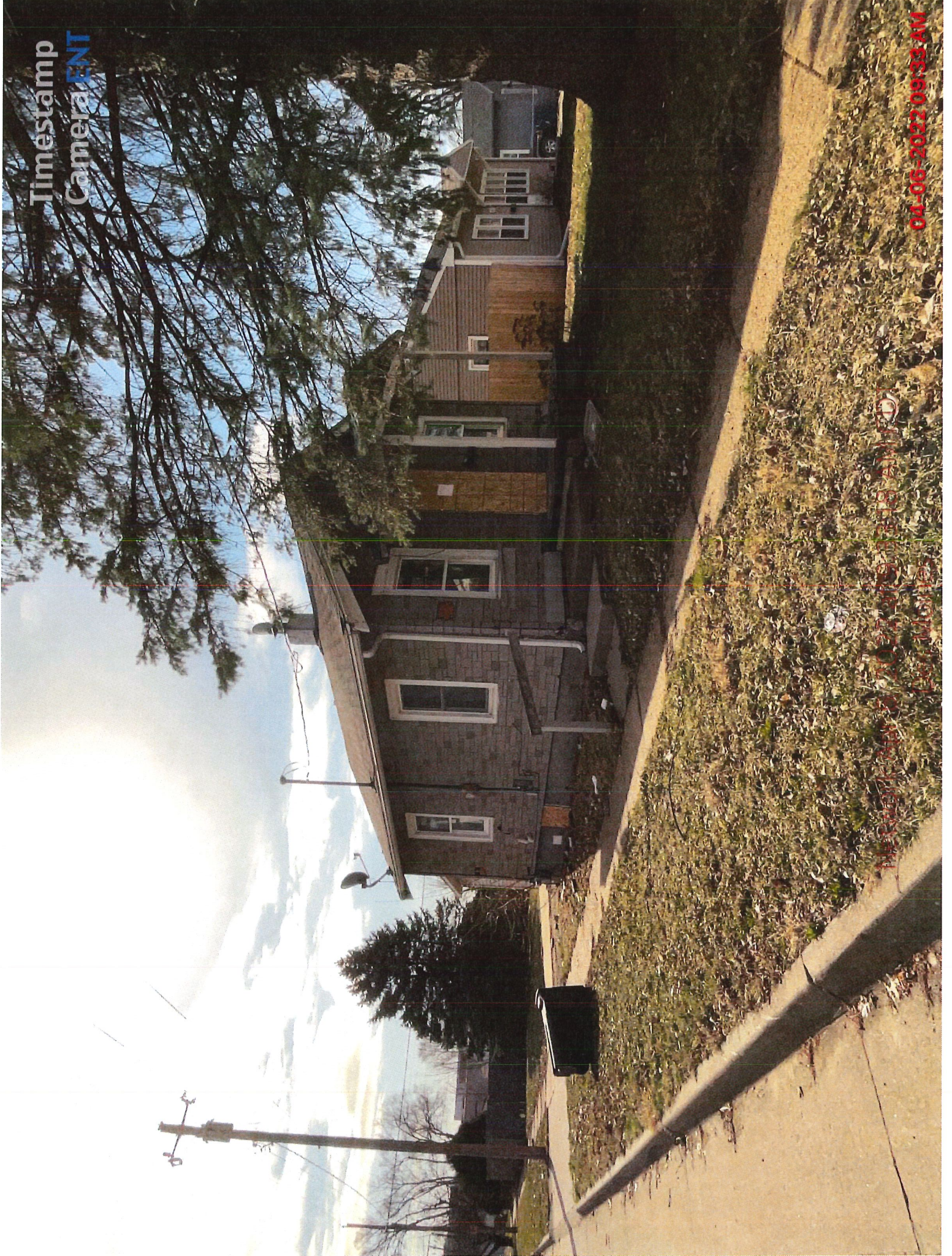


Network: Apr 6, 2022 at 9:33:25 AM CDT  
Des Moines

04-06-2022 09:33 AM



Timestamp  
Camera: ENT



04-06-2012 09:33 AM



44B

Timestamp  
Camera ENT



Network: Apr 6, 2022 at 9:32:55 AM CDT  
Des Moines

04-06-2022 09:32 AM



Timestamp  
camera: ENT



Network: Apr 6, 2022 09:33:07 AM CDT  
Das Moris

04-06-2022 09:33 AM



44B

Timestamp  
Camera ENT



Network Apr 6, 2022 at 9:35:00 AM EDT  
Des Moines

04-06-2022 09:35 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](mailto:polkweb@assess.co.polk.ia.us)

Location					
<b>Address</b>	2021 LAY ST				
<b>City</b>	DES MOINES	<b>Zip</b>	50317	<b>Jurisdiction</b>	Des Moines
<b>District/Parcel</b>	060/02577-000-000	<b>Geoparcels</b>	7923-31-131-001	<b>Status</b>	<a href="#">Active</a>
<b>School</b>	Des Moines	<b>Nbhd/Pocket</b>	DM05/Z	<b>Tax Authority Group</b>	DEM-C-DEM-77131
<b>Submarket</b>	Northeast Des Moines	<b>Appraiser</b>	Victor Scaglione 515-286-3898		


### Map and Current Photos - 1 Record

**Click on parcel to get a new listing**

2100	LAY ST	2105	2104
		2103	2100
THOMPSON AVE			
2028		2021	2020
2024		2017	2016
2012		2013	2014
		2007	2012

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

**Photo Processed on 2011-12-09 a**



[Historical Photos](#)

### Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	S&S INVESTMENTS OF IOWA LLC	2021-08-06	<a href="#">18688/452</a>

### Legal Description and Mailing Address

LOT 36 BLK 51 EASTON PLACE PLAT NO 4	S AND S INVESTMENTS OF IOWA LLC 1255 SE UNIVERSITY AVE APT 106 WAUKEE, IA 50263-8726
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### Current Values

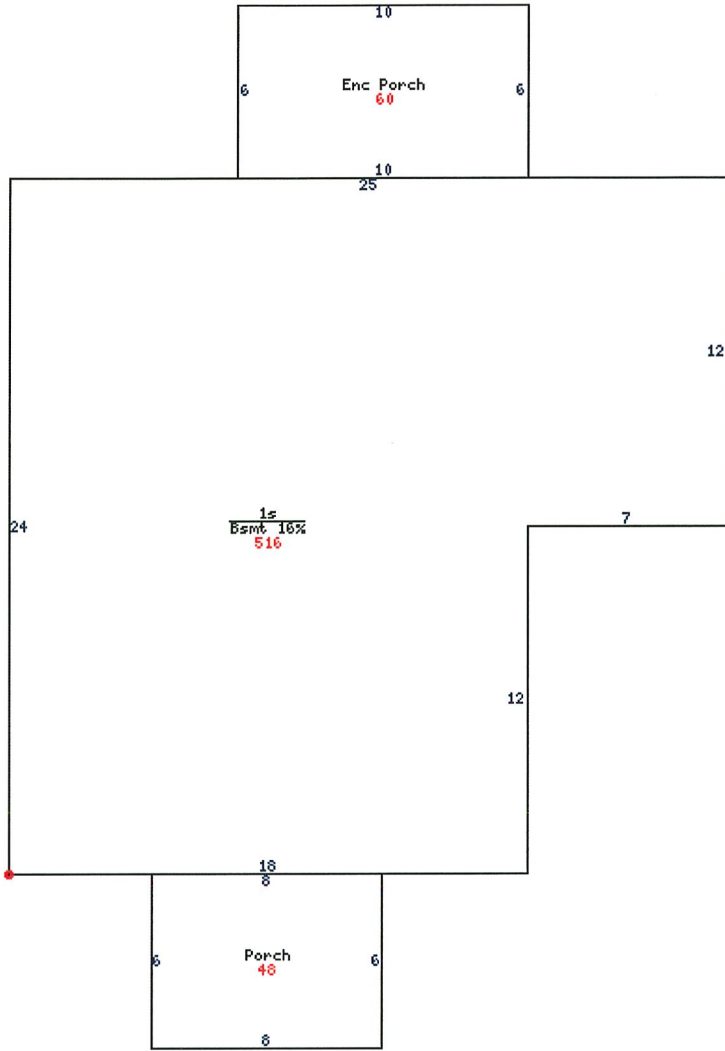
Type	Class	Kind	Land	Bldg	Total
2022 Assessment Roll <i>Partial Value</i>	Residential	Full	\$12,400	\$23,500	\$35,900
2021 Value	Residential	Full	\$12,400	\$39,300	\$51,700

[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

### Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning

<b>Zoning</b>	<b>Description</b>			<b>SF</b>	<b>Assessor Zoning</b>
N3B	N3b Neighborhood District				Residential
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
<b>Land</b>					
<b>Square Feet</b>	5,187	<b>Acres</b>	0.119	<b>Frontage</b>	39.0
<b>Depth</b>	133.0	<b>Topography</b>	Normal	<b>Shape</b>	Rectangle
<b>Vacancy</b>	No	<b>Unbuildable</b>	No		
<b>Residences - 1 Record</b>					
<b>Residence #1</b>					
<b>Occupancy</b>	Single Family	<b>Residence Type</b>	1 Story	<b>Building Style</b>	Bungalow
<b>Year Built</b>	1924	<b>Number Families</b>	1	<b>Grade</b>	5-05
<b>Condition</b>	Poor	<b>Total Square Foot Living Area</b>	516	<b>Main Living Area</b>	516
<b>Basement Area</b>	83	<b>Open Porch Area</b>	48	<b>Enclosed Porch Area</b>	60
<b>Foundation</b>	Poured Concrete	<b>Exterior Wall Type</b>	Composition	<b>Roof Type</b>	Gable
<b>Roof Material</b>	Asphalt Shingle	<b>Heating</b>	Gas Forced Air	<b>Air Conditioning</b>	0
<b>Number Bathrooms</b>	1	<b>Bedrooms</b>	1	<b>Rooms</b>	3



**Detached Structures - 1 Record**

**Detached Structure #101**

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	16	Measure 2	20	Story Height	1
Grade	4	Year Built	2001	Condition	Normal

**Sales - 4 Records**

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
S&S INVESTMENTS OF IOWA LLC	HALL JR, WILLIE LEE	<a href="#">2021-02-04</a>	\$165,000	Contract	<a href="#">18381/947</a>
ATERRA 112 2021 LAY ST DSM LLC	S & S INVESTMENTS OF IOWA, LLC	<a href="#">2019-03-25</a>	\$55,000	Deed	<a href="#">17271/497</a>
ANDERSON, CLIFTON T	ATERRA 112, 2021 LAY ST, DSM LLC	<a href="#">2017-12-01</a>	\$38,000	Deed	<a href="#">16750/62</a>
GORDON, HELEN M	ANDERSON, TERRY	<a href="#">2003-07-28</a>	\$34,300	Deed	<a href="#">10032/517</a>

**Recent Ownership Transfers**



Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
Also Known As HALL JR, WILLIE LEE <hr/> HALL, WILLIW	S&S INVESTMENTS OF IOWA LLC	2021-08-03	2021-08-06	Forfeiture of Contract	<a href="#">18688/452</a>
S&S INVESTMENTS OF IOWA LLC	HALL JR, WILLIE LEE	2021-02-04	2021-02-26	Contract	<a href="#">18381/947</a>
ATERRA 112 2021 LAY ST DSM LLC	S&S INVESTMENTS OF IOWA LLC	2019-03-25	2019-03-26	Warranty Deed	<a href="#">17271/497</a>
ANDERSON, CLIFTON TERRY <hr/> ANDERSON, ROBIN R	ATERRA 112 2021 LAY ST DSM LLC	2017-12-01	2017-12-06	Warranty Deed	<a href="#">16750/62</a>

**Permits - 3 Records**

Year	Type	Permit Status	Application	Reason	Reason1
Current	Pickup	Partial	2021-12-09	Correct Data	CONDITION
2002	Permit	Complete	2000-11-17	Construction	GARAGE (320 sf)
2001	Permit	Pass	2000-11-17	Construction	GARAGE (320 sf)

**Historical Values**

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<a href="#">Assessment Roll</a>	Residential	Full	\$12,400	\$39,300	\$51,700
2019	<a href="#">Assessment Roll</a>	Residential	Full	\$11,000	\$34,500	\$45,500
2017	<a href="#">Assessment Roll</a>	Residential	Full	\$9,100	\$29,000	\$38,100
2015	<a href="#">Assessment Roll</a>	Residential	Full	\$8,700	\$28,200	\$36,900
2013	<a href="#">Assessment Roll</a>	Residential	Full	\$8,600	\$28,200	\$36,800
2011	<a href="#">Assessment Roll</a>	Residential	Full	\$9,700	\$34,000	\$43,700
2009	<a href="#">Assessment Roll</a>	Residential	Full	\$9,600	\$34,200	\$43,800
2007	<a href="#">Assessment Roll</a>	Residential	Full	\$9,600	\$34,200	\$43,800
2005	<a href="#">Assessment Roll</a>	Residential	Full	\$7,100	\$28,500	\$35,600
2003	<a href="#">Assessment Roll</a>	Residential	Full	\$6,290	\$25,690	\$31,980
2002	<a href="#">Assessment Roll</a>	Residential	Full	\$6,460	\$22,790	\$29,250
2001	<a href="#">Assessment Roll</a>	Residential	Full	\$6,460	\$18,120	\$24,580
1999	Assessment Roll	Residential	Full	\$6,110	\$14,250	\$20,360
1997	Assessment Roll	Residential	Full	\$5,670	\$13,230	\$18,900
1995	Assessment Roll	Residential	Full	\$5,410	\$12,630	\$18,040
1993	Assessment Roll	Residential	Full	\$4,510	\$10,530	\$15,040
1991	Assessment Roll	Residential	Full	\$4,510	\$8,740	\$13,250
1991	Was Prior Year	Residential	Full	\$4,510	\$7,560	\$12,070

This template was last modified on Thu Jun 3 19:39:49 2021 .