



Roll Call Number

Agenda Item Number

63 K

Date June 13, 2022

ABATEMENT OF PUBLIC NUISANCES AT 2937 COTTAGE GROVE

WHEREAS, the property located at 2937 Cottage Grove Ave., Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure, garage structure and accessory structure in their present condition constitute not only a menace to health and safety but are also public nuisances; and

WHEREAS, the Titleholders, Mark Aschan Sr. and Eugene Aschan, were notified more than thirty days ago to repair or demolish the main structure, garage structure and accessory 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, garage structure and accessory structure on the real estate legally described as Lot 78 and the West one-half (1/2) of Lot 79 KINGMAN PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2937 Cottage Grove, 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,

Seconded by _____

FORM APPROVED:

Kristine 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, Laura Baumgartner acting 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

Mayor

63K



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

Case Number: NUIS-2022-000059	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 03/02/2022
	Date of Notice: 03/18/2022
Date of Inspection: 03/02/2022	

EUGENE ASCHAN
2937 COTTAGE GROVE AVE
DES MOINES IA 50311

Address of Property: 2937 COTTAGE GROVE AVE, DES MOINES IA 50311
Parcel Number: 782406227015
Legal Description: LOT 78 & W 1/2 LOT 79 KINGMAN 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
60-191 - Vacation and Abatement	MAIN STRUCTURE THROUGH OUT Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	04/28/2022
60-192(1) - Dangerous Structure or Premise - Door, Stairway, Exit	MAIN STRUCTURE THROUGH OUT Repair or replace any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to the approved building or fire code.	04/28/2022
60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction	MAIN STRUCTURE THROUGHOUT Vacate and secure the structure or premises, OR, demolish the structure after obtaining required demolition permit, OR, repair or replace insufficient construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause that is a threat to life or health.	04/28/2022

60-192(13) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT Repair or replace the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure.	04/28/2022
60-192(15) - Unsafe or dangerous structure	MAIN STRUCTURE THROUGHOUT Repair or replace the unsafe or unlawful structure OR demolish the structure.	04/28/2022
60-192(2) - Dangerous Structure or Premise - Walking Surface	MAIN STRUCTURE THROUGH OUT 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.	04/28/2022
60-192(3) - Dangerous Structure or Premise - Damaged	ACCESSARY STRUCTURE THROUGH OUT 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. REMOVE ACCESSARY STRUCTURE OR REPAIR	04/28/2022

60-192(3) - Dangerous Structure or Premise
- Damaged

GARAGE THROUGHOUT

04/28/2022

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

*REPAIR AND REPLACE ANY AND ALL DAMAGED EXTERIOR DOORS AND DOOR JAMS AND MUST BE IN GOOD WORKING ORDER.

*REPAIR OR REPLACE ALL DAMAGED OR MISSING DOORS AND OR JAMS AS NEEDED. OBTAIN FINAL ON PERMIT REQUIRED IF CHANGING OPENING SIZE

*OBTAIN FINAL ON PERMIT AND HAVE LICENSED CONTRACTOR REPAIR OR REPLACE ALL DAMAGED WALL COMPONENTS, INCLUDING: FRAMING, SHEETING, AND COVERINGS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

*HAVE LICENSED CONTRACTOR CHECK AND OBTAIN FINAL ON PERMIT REPLACE ALL DAMAGE AND DETERIORATED TRUSSES.

*REPLACE ANY DAMAGED ROOFING MATERIAL. PER CITY CODE SHINGLES LIMITED TO ONE LAYER. ANY STRUCTURAL REPAIRS WILL REQUIRE A PERMIT

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60-192(4) - Dangerous Structure or Premise
- Insufficient Strength or Stability

MAIN STRUCTURE THROUGH OUT
Repair or replace any portion of a building, or any member, appurtenance, or ornamentation on the exterior of the structure that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

04/28/2022

60-192(5) - Dangerous Structure or Premise
- Dilapidated or Deteriorated

MAIN STRUCTURE THROUGH OUT
Repair or replace the building or structure, or part of a structure which is likely to partially or completely collapse because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

04/28/2022

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

MAIN STRUCTURE THROUGH OUT
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.

04/28/2022

60-192(7) - Dangerous Structure or Premise
- Attractive Nuisance, Harbor for Vagrants

MAIN STRUCTURE THROUGH OUT
Vacate and secure the structure, OR,
repair or replace the building or structure that is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

04/28/2022

60-192(8) - Dangerous Structure or Premise - Substantial Risk	MAIN STRUCTURE THROUGH OUT Repair or replace any portion of the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure.	04/28/2022
60-192(9) - Dangerous Structure or Premise - Unsanitary, Unfit for Habitation	MAIN STRUCTURE THROUGH OUT 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.	04/28/2022
60-194 - Defacing and Removing Placard	Replace or restore defaced or removed placard.	04/28/2022

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,



Charles McClaran
Vehicle Impound Clerk
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4722
CWMcClaran@dmgov.org

63K



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

Case Number: NUIS-2022-000059	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 03/02/2022
	Date of Notice: 04/06/2022
Date of Inspection: 03/02/2022	

MARCUS ASCHAN- DECEASED
2937 COTTAGE GROVE AVE
DES MOINES IA 50311

Address of Property: 2937 COTTAGE GROVE AVE, DES MOINES IA 50311
Parcel Number: 782406227015
Legal Description: LOT 78 & W 1/2 LOT 79 KINGMAN PLACE

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60-192(3) - Dangerous Structure or Premise - Damaged	<p>ACCESSARY STRUCTURE THROUGH OUT</p> <p>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.</p> <p>REMOVE ACCESSARY STRUCTURE OR REPAIR</p>	04/28/2022

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- Damaged

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04/28/2022

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

MAIN STRUCTURE THROUGH OUT
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04/28/2022

60-192(7) - Dangerous Structure or Premise
- Attractive Nuisance, Harbor for Vagrants

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04/28/2022

60-192(8) - Dangerous Structure or Premise - Substantial Risk	MAIN STRUCTURE THROUGH OUT Repair or replace any portion of the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure.	04/28/2022
60-192(9) - Dangerous Structure or Premise - Unsanitary, Unfit for Habitation	MAIN STRUCTURE THROUGH OUT 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.	04/28/2022
60-194 - Defacing and Removing Placard	Replace or restore defaced or removed placard.	04/28/2022

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,

63K

Respectfully,



Charles McClaran
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4143
CWMcClaran@dmgov.org

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	2937 COTTAGE GROVE AVE				
City	DES MOINES	Zip	50311	Jurisdiction	Des Moines
District/Parcel	090/03679-000-000	Geoparcels	7824-06-227-015	Status	Active
School	Des Moines	Nbhd/Pocket	DM95/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Brett Tierney 515-286-3019		

Map and Current Photos - 1 Record

Click on parcel to get a new listing

1118
116
1112
3101
31ST ST
COTTAGE GROVE AVE
2942 2940 2936 2932 2928 2926 2920
2939 2937 2935 2931 2919
2940 2934 2932 2930 2928 2922

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



[Historical Photos](#)

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	ASCHAN SR, MARK	2015-05-04	15560/463
Title Holder	2	ASCHAN, EUGENE	2015-05-04	15560/463

Legal Description and Mailing Address

LOT 78 & W 1/2 LOT 79 KINGMAN PLACE	MARK ASCHAN 2937 COTTAGE GROVE AVE DES MOINES, IA 50311-3908
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Current Values

Type	Class	Kind	Land	Bldg	Total
2021 Value	Residential	Full	\$23,600	\$60,800	\$84,400

[Market Adjusted Cost Report](#)

Auditor Adjustments to Value

Category	Name	Information
2021 Homestead Credit	ASCHAN SR, MARK	Application #342141

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	9,975	Acres	0.229	Frontage	75.0
Depth	133.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1

Occupancy	Single Family	Residence Type	2 Stories Plus	Building Style	Early 20s
Year Built	1902	Number Families	1	Grade	4+10
Condition	Poor	Total Square Foot Living Area	2160	Main Living Area	858
Upper Living Area	840	Attic Finished Area	462	Basement Area	858
Enclosed Porch Area	340	Foundation	Brick	Exterior Wall Type	Metal Siding
Roof Type	Gable	Roof Material	Asphalt Shingle	Number Fireplaces	1
Heating	Gas Forced Air	Air Conditioning	0	Number Toilet Rooms	1
Number Extra Fixtures	2	Bedrooms	4	Rooms	7



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	18	Measure 2	18	Story Height	1
Grade	5	Year Built	1930	Condition	Poor

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
ASCHAN, MARGARET A	ASCHAN SR, MARK ASCHAN, EUGENE	2015-05-04	2015-05-04	Quit Claim Deed	15560/463

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$23,600	\$60,800	\$84,400
2019	Assessment Roll	Residential	Full	\$20,900	\$53,300	\$74,200
2017	Assessment Roll	Residential	Full	\$14,000	\$53,300	\$67,300
2015	Assessment Roll	Residential	Full	\$12,700	\$48,800	\$61,500
2013	Assessment Roll	Residential	Full	\$13,000	\$49,900	\$62,900

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Yr	Type	Class	Kind	Land	Bldg	Total
2011	Assessment Roll	Residential	Full	\$13,000	\$49,800	\$62,800
2009	Assessment Roll	Residential	Full	\$9,300	\$50,900	\$60,200
2007	Board Action	Residential	Full	\$17,900	\$44,900	\$62,800
2007	Assessment Roll	Residential	Full	\$17,900	\$78,900	\$96,800
2005	Board Action	Residential	Full	\$19,900	\$45,700	\$65,600
2005	Assessment Roll	Residential	Full	\$19,900	\$46,600	\$66,500
2003	Assessment Roll	Residential	Full	\$17,720	\$41,320	\$59,040
2001	Board Action	Residential	Full	\$22,010	\$35,280	\$57,290
2001	Assessment Roll	Residential	Full	\$22,010	\$35,280	\$57,290
1999	Board Action	Residential	Full	\$13,860	\$28,770	\$42,630
1999	Assessment Roll	Residential	Full	\$13,860	\$42,900	\$56,760
1997	Assessment Roll	Residential	Full	\$12,200	\$37,760	\$49,960
1995	Assessment Roll	Residential	Full	\$10,760	\$33,320	\$44,080
1993	Board Action	Residential	Full	\$9,040	\$28,000	\$37,040
1993	Assessment Roll	Residential	Full	\$9,040	\$32,100	\$41,140
1993	Was Prior Year	Residential	Full	\$9,040	\$28,020	\$37,060

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