



Roll Call Number

Agenda Item Number

61C

Date September 12, 2022

ABATEMENT OF PUBLIC NUISANCE AT 2419 COTTAGE GROVE AVE.

WHEREAS, the property located at 2419 Cottage Grove Ave., Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the structure (commercial building) in its present condition constitutes not only a menace to health and safety but is also public nuisance; and

WHEREAS, the Titleholder, Erich A. Wagner, and Mortgage Holder, Raccoon Valley Bank, were notified more than thirty days ago to repair or demolish the structure (commercial building) 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:

The structure (commercial building) on the real estate legally described as Lot 156 (except the East 43.35 feet) of Subdivision of Lots 2 and 4 of the Official Plat of the Northwest ¼ of Section 5, Township 78 North, Range 24 West of the 5th P.M., an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2419 Cottage Grove Ave., 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 Stone, Special Counsel
Ahlers & Cooney, P.C.

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

MOTION CARRIED

APPROVED

CERTIFICATE

I, LAURA BAUMGARTNER, 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

b/c



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

Case Number: NUIS-2022-000025	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 01/20/2022
	Date of Notice: 02/07/2022
Date of Inspection: 01/13/2022	

ERICH A WAGNER
13844 SAGAR DR
BROOMFIELD CO 800233976

Address of Property: 2419 COTTAGE GROVE AVE, DES MOINES IA 50311
Parcel Number: 782405108007
Legal Description: W 84.15F ON N LN LT 156 SD LTS 2 & 4 OP NW 1/4 SEC 5-78-24

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 THOUGHOUT APT#6 Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.	03/03/2022
60-192(15) - Unsafe or dangerous structure	MAIN STRUCTURE THOUGHOUT APT#6 Repair or replace the unsafe or unlawful structure OR demolish the structure.	03/03/2022

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

MAIN STRUCTURE THOUGHOUT APT#6

03/03/2022

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.

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

*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

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

*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.

*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.

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

*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.

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

MAIN STRUCTURE THOUGHOUT APT#6
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.

03/03/2022

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

MAIN STRUCTURE THOUGHOUT APT#6
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.

03/03/2022

60-194 - Defacing and Removing Placard

Replace or restore defaced or removed placard.

03/03/2022

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

61C



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RACCOON VALLEY BANK
1202 2ND ST
PERRY IA 50220

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Charles McClaran
Vehicle Impound Clerk
Neighborhood Services
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CWMcClaran@dmgov.org

61C

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	2419 COTTAGE GROVE AVE				
City	DES MOINES	Zip	50311	Jurisdiction	Des Moines
District/Parcel	030/06188-000-000	Geoparcels	7824-05-108-007	Status	Active
School	Des Moines	Nbhd/Pocket	DM95/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Cary Halfpop, ICA 515-286-2279		

Map and Current Photos - 1 Record

<p style="text-align: center;">Click on parcel to get a new listing</p> <p style="text-align: center;">Bigger Map Polk County GIS Google Map Pictometry</p>	<p style="text-align: center;">Photo Processed on 2014-04-04 a</p>
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[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	WAGNER, ERICH A	2021-05-05	18513/592

Legal Description and Mailing Address

W 84.15F ON N LN LT 156 SD LTS 2 & 4 OP NW 1/4 SEC 5-78-24	ERICH A WAGNER 2419 COTTAGE GROVE AVE DES MOINES, IA 50311-4253
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Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential 3+	Full	\$13,700	\$395,300	\$409,000

[Unadjusted Cost Report](#)

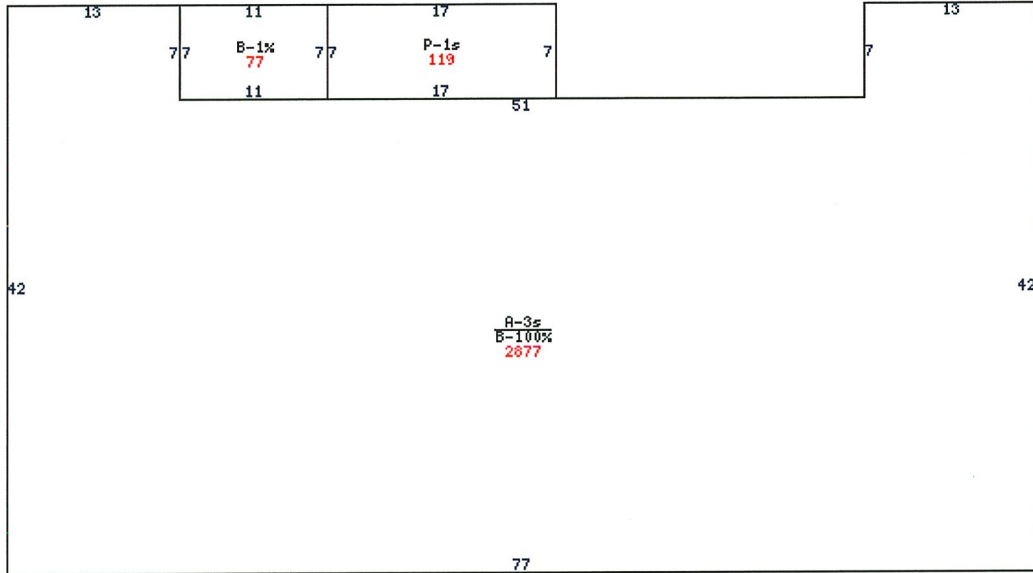
Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
NX2	NX2 Neighborhood Mix District		Residential

City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)

Land					
Square Feet	6,464	Acres	0.148	Topography	Blank
Shape	Rectangle	Vacancy	Blank	Unbuildable	Blank
Commercial Summary					
Occupancy	Apartment	Age, Weighted	1910	Total Story Height	3
Land Area	6,464	Gross Area	8,631	Finished Area	8,631
Unfinished Bsmnt Area	2,954	Finished Bsmnt Area	2,000	Number of Units	8
Primary Group	Apartment	Percent Primary Group	74.50	Percent Secondary Group	0.00
Grade, Weighted	4/Grade 4	Bldg Class, Weighted	2/Brick or Masonry	Condition, Weighted	NM/Normal
Ground Floor Area	2,877	Perimeter	252		
Commercial Sections - 1 Record					
Commercial Section #101					
Occupant	CUTLER APTS.				
Section Multiplier	1	Occupancy	Apartment	Foundation	Concrete Block or Tile
Submerged	No	Exterior Wall	Brick Block Tile	Roof	Flat
Roof Material	Elastomeric or Modified Bitumin	Covered Area	357	Covered Quality	Normal
Wiring	Adequate	Plumbing	Adequate	Total Story Height	3
Frame Type	Frame	Bldg Class	Brick or Masonry	Total Section Area	11,585
Ground Floor Area	2,877	Perimeter	252	Grade	4+00
Year Built	1910	Condition	Normal		
Comment	P=OP/OP/OP/BMST B=BSMT ONLY				

Commercial Groups - 3 Records					
Commercial Group #101 1					
Use Code	Apartment	Base Story	1	Number Stories	3
Total Group Area	8,631	Base Floor Area	2,877	Number Units	6
Heating	Central	Air Conditioning	None	Exhaust System	No
Commercial Group #101 2					
Use Code	Basement Finished	Number Stories	1	Total Group Area	2,000
Base Floor Area	2,000	Number Units	2	Heating	Central
Air Conditioning	None	Grade Adjust	Minus 10	Exhaust System	No
Comment	2BSMT APTS				
Commercial Group #101 3					
Use Code	Basement Entire	Number Stories	1	Total Group Area	2,954
Base Floor Area	2,954	Heating	None	Air Conditioning	None
Exhaust System	No				



Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
LA FRANCE CUTLER LLC	WAGNER, ERICH A	2021-04-29	\$575,000	Deed	18513/592
PEOPLES TRUST & SAVINGS BANK	LA FRANCE CUTLER, LLC	2010-05-14	\$169,000	Deed	13446/343
RAABE, RICHARD J	DORRIS, MATTHEW J	2006-02-03	\$244,000	Deed	11555/959

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
LA FRANCE CUTLER LLC	WAGNER, ERICH A	2021-04-29	2021-05-05	Warranty Deed	18513/592

Permits - 2 Records

Year	Type	Permit Status	Application	Reason	Reason1
2017	Permit	No Add	2016-08-01	Alterations	MISC
2016	Permit	No Add	2015-10-20	Addition	MISC

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Multi-Residential	Full	\$13,700	\$395,300	\$409,000
2019	Assessment Roll	Multi-Residential	Full	\$12,500	\$322,500	\$335,000
2017	Assessment Roll	Multi-Residential	Full	\$12,500	\$265,500	\$278,000
2015	Assessment Roll	Multi-Residential	Full	\$11,000	\$240,000	\$251,000
2013	Assessment Roll	Multi-Residential	Full	\$11,000	\$212,000	\$223,000
2011	Assessment Roll	Multi-Residential	Full	\$11,000	\$212,000	\$223,000
2009	Assessment Roll	Multi-Residential	Full	\$11,000	\$212,000	\$223,000
2007	Assessment Roll	Multi-Residential	Full	\$11,000	\$212,000	\$223,000
2006	Assessment Roll	Multi-Residential	Full	\$10,500	\$212,500	\$223,000
2005	Board Action	Multi-Residential	Full	\$10,500	\$165,000	\$175,500
2005	Assessment Roll	Multi-Residential	Full	\$10,500	\$214,000	\$224,500
2003	Assessment Roll	Multi-Residential	Full	\$9,000	\$166,500	\$175,500
2001	Assessment Roll	Multi-Residential	Full	\$8,380	\$132,000	\$140,380
1999	Assessment Roll	Multi-Residential	Full	\$15,500	\$132,000	\$147,500
1995	Assessment Roll	Multi-Residential	Full	\$15,000	\$128,000	\$143,000
1993	Assessment Roll	Multi-Residential	Full	\$14,500	\$122,000	\$136,500
1991	Assessment Roll	Multi-Residential	Full	\$13,970	\$117,530	\$131,500
1991	Was Prior Year	Multi-Residential	Full	\$13,970	\$95,680	\$109,650

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



NO PARKING
ANYTIME

ILLINOIS
LBN 794

04-06-2022 03:07 PM

WIC



CUTLER

2419

STOP

04-06-2022 03:08 PM