

Agenda Item Number

39 C

Date October 24, 2022

ABATEMENT OF PUBLIC NUISANCE AT 1112 BURNHAM

WHEREAS, the property located at 1112 Burnham, Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the garage structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholders, Gary A. Cross and Lila J. Cross, and the Mortgage Holders, Lincoln Savings Bank and Mortgage Electronic Registration Systems, Inc., were notified more than thirty days ago to repair or demolish the garage 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 garage structure on the real estate legally described as Lot 15 (except the West 10 feet of Lot 15); and Lots 16 and 17 in Block 9 in RODGERS PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. and locally known as 1112 Burnham, 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.

remove said structure.	Moved by	to adopt.
	Seconded by	
FORM APPROVED:		
Kristine Stone, Special Counsel		

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

Ahlers & Cooney, P.C.

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
Mayor	City Citi





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

Case Number: NUIS-2022-000102

Case Type: Public Nuisance

Notice of

Case Opened: 04/22/2022

Violation

Date of Notice: 04/27/2022

Date of Inspection: 04/27/2022

GARY A CROSS 1112 BURNHAM AVE **DES MOINES IA 50315**

Address of Property:

1112 BURNHAM AVE, DES MOINES IA 50315

Parcel Number:

782433176007

Legal Description:

-EX W 10FT- LOT 15 & ALL LOTS 16 & 17 BLK 9 ROGERS PLACE

Upon inspection of the property located at and locally knows 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

60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction **Corrective Action**

SIDEWALK/STEPS

Vacate and secure the structure or premises, OR, demolish the structure after obtaining the 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.

*REPLACE UNEVEN DETERIORATING SIDEWALK TO SOUTH ENTRY DOOR FROM DRIVEWAY, THIS PRESENTS A SIGNIFICANT SAFETY CONCERN AND TRIPPING HAZARD.

Compliance **Due Date**

06/09/2022

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.

*FOUNDATION AT WEST AND SOUTH PORTION OF ADDITION, BRICK ARE MOVING, BOWING AND DETERIORATING *OSB SHEATHING IS DAMAGED TO DUE LACK OF MAINTENANCE, MOISTURE DAMAGING NOTED AT SOUTH ADDITION *FOUNDATION WILL NEED ENGINEER'S REPORT AND REQUIRES PERMITS OBTAINED AND FINALIZED.

60-192(2) - Dangerous Structure or Premise - Walking Surface ACCESSORY STRUCTURE THROUGHOUT Repair or replace the 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.

06/08/2022

*EAST ENTRY TO ADDITION IS DAMAGED

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

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

*REPAIR OR REPLACE ALL DAMAGED OR MISSING WINDOWS AS NEEDED. PERMIT REQUIRED IF CHANGING OPENING SIZE.

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

ACCESSORY STRUCTURE THROUGHOUT 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.

*NORTHEAST AND EAST GUTTER, SOFFIT, FASCIA, EAST WALL DETERIORATING AND LOOSE FROM STRUCTURE
*OBTAINING AND FINALIZING OF PERMIT IS REQUIRED FOR THE REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

06/08/2022

60-192(4) - Dangerous Structure or Premise - Insufficient Strength or Stability ACCESSORY STRUCTURE THROUGHOUT Repair or replace any portion of a building, or any member, appurtenance, or 06/08/2022

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.

*FAST DOORS ARE MISSING

60-192(8) - Dangerous Structure or Premise - Substantial Risk

ACCESSORY STRUCTURE THROUGHOUT 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. *HOLES IN ROOF ON EAST AND NORTHEAST PORTION *OBTAIN FINAL ON PERMIT REPAIR OR REPLACE ALL DAMAGED WALL COMPONENTS, INCLUDING FRAMING, SHEETING, AND COVERINGS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS. CHECK AND **OBTAIN A FINAL ON PERMIT TO REPLACE** ALL DAMAGED AND DETERIORATED TRUSSES. 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. SOUTH AND EAST ADDITION OF ACCESSORY STRUCTURE NEED AN ENGINEERS REPORT. REPAIR PER ENGINEER'S REPORT. BUILDING PERMIT REQUIRED. *REPAIR/REPLACE ANY BROKEN, MISSING, DAMAGED, OR ROTTED SIDING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.

06/08/2022

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, lowa.

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,

Keith Brincks

Neighborhood Inspector Neighborhood Services

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

(515) 283-4245

kmbrincks@dmgov.org



City of Des Moines 400 Robert D. Ray Drive Des Moines, IA 50309 Case Number: NUIS-2022-000102

Case Type: Public Nuisance

Notice of Violation

Case Opened: 04/22/2022

Date of Notice: 04/27/2022

Date of Inspection: 04/27/2022

LILA CROSS 1112 BURNHAM AVE DES MOINES IA 50315

Address of Property:

1112 BURNHAM AVE, DES MOINES IA 50315

Parcel Number:

782433176007

Legal Description:

-EX W 10FT- LOT 15 & ALL LOTS 16 & 17 BLK 9 ROGERS PLACE

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VIOLATION(S)

Violation

60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction Corrective Action
SIDEWALK/STEPS

Compliance Due Date 06/09/2022

Vacate and secure the structure or premises, OR, demolish the structure after obtaining the 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.

*REPLACE UNEVEN DETERIORATING SIDEWALK TO SOUTH ENTRY DOOR FROM DRIVEWAY, THIS PRESENTS A SIGNIFICANT SAFETY CONCERN AND TRIPPING HAZARD. 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.

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60-192(2) - Dangerous Structure or Premise - Walking Surface

ACCESSORY STRUCTURE THROUGHOUT Repair or replace the 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.

06/08/2022

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60-192(3) - Dangerous Structure or Premise - Damaged ACCESSORY STRUCTURE THROUGHOUT
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
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06/08/2022

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

ACCESSORY STRUCTURE THROUGHOUT Repair or replace any portion of a building, or any member, appurtenance, or 06/08/2022

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.

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City of Des Moines 400 Robert D. Ray Drive Des Moines, IA 50309 Case Number: NUIS-2022-000102

Case Type: Public Nuisance

Notice of Violation Case Opened: 04/22/2022

Date of Notice: 06/15/2022 Date of Inspection: 04/27/2022

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC C/O GENPACT MERS MAILROOM 1901 E VORHEES ST STE C DANVILLE IL 618344512

Address of Property:

1112 BURNHAM AVE, DES MOINES IA 50315

Parcel Number:

782433176007

Legal Description:

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VIOLATION(S)

Violation

60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction Corrective Action
SIDEWALK/STEPS

Compliance Due Date 06/09/2022

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*REPLACE UNEVEN DETERIORATING SIDEWALK TO SOUTH ENTRY DOOR FROM DRIVEWAY. THIS PRESENTS A SIGNIFICANT SAFETY CONCERN AND TRIPPING HAZARD. 60-192(13) - Unsafe or dangerous structure

ACCESSORY 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.
*FOUNDATION AT WEST AND SOUTH
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06/09/2022

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06/08/2022

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

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06/08/2022

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

ACCESSORY STRUCTURE THROUGHOUT Repair or replace any portion of a building,

06/08/2022

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.

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60-192(8) - Dangerous Structure or Premise - Substantial Risk ACCESSORY STRUCTURE THROUGHOUT 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. *HOLES IN ROOF ON EAST AND NORTHEAST PORTION *OBTAIN FINAL ON PERMIT REPAIR OR REPLACE ALL DAMAGED WALL COMPONENTS, INCLUDING FRAMING, SHEETING, AND COVERINGS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS. CHECK AND **OBTAIN A FINAL ON PERMIT TO REPLACE** ALL DAMAGED AND DETERIORATED TRUSSES. 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. SOUTH AND EAST ADDITION OF ACCESSORY STRUCTURE NEED AN ENGINEERS REPORT. REPAIR PER ENGINEER'S REPORT. BUILDING PERMIT REQUIRED. *REPAIR/REPLACE ANY BROKEN, MISSING, DAMAGED, OR ROTTED SIDING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.

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City of Des Moines 400 Robert D. Ray Drive Des Moines, IA 50309 Case Number: NUIS-2022-000102

Case Type: Public Nuisance

Notice of Violation Case Opened: 04/22/2022 Date of Notice: 06/15/2022

Date of Inspection: 04/27/2022

LINCOLN SAVINGS BANK 508 MAIN ST REINBECK IA 50669

Address of Property:

1112 BURNHAM AVE, DES MOINES IA 50315

Parcel Number:

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Legal Description:

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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, lowa.

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,

Keith Brincks

Kath Brushs

Neighborhood Inspector Neighborhood Services

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

(515) 283-4245

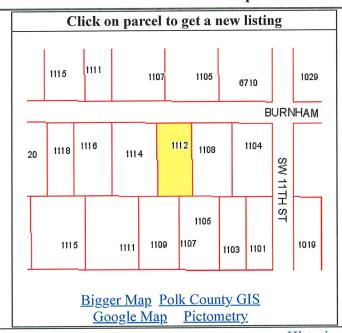
kmbrincks@dmgov.org

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	Address 1112 BURNHAM AVE						
City	DES MOINES	DES MOINES Zip 50315 Jurisdiction Des Moi					
District/Parcel	120/04249-000-000	Geoparcel	7824-33-176-007	Status	Active		
School	Des Moines	Nbhd/Pocket	DM43/Z	Tax Authority Group	DEM-C-DEM- 77131		
Submarket	South Des Moines	Appraiser	Andrew Rand 515- 286-3368				

Map and Current Photos - 1 Record





Historical Photos

Ownership - 2 Records					
Ownership	Book/Page				
Title Holder	1	CROSS, GARY A	2011-09-26	13983/428	
Title Holder	2	CROSS, LILA J			

Legal Description and Mailing Address

-EX W 10FT- LOT 15 & ALL LOTS 16 & 17 BLK 9 ROGERS PLACE

GARY A CROSS 1112 BURNHAM AVE DES MOINES, IA 50315-6127

Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$21,500	\$51,800	\$73,300

Market Adjusted Cost Report

Auditor Adjustments to Value

Category	Name	Information
2022 Homestead Credit	CROSS, LILA J	Application <u>#270423</u>



Zoning - 1 Record

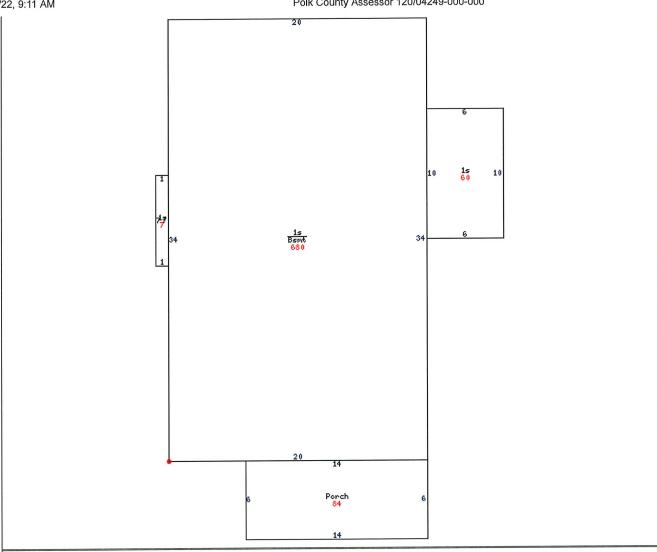
D 111 CE Accessor Zoning						
Zoning	Description	SF	Assessor Zoning			
N3B	N3b Neighborhood District		Residential			
City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)						

Land

Square Feet	8,840	Acres	0.203	Frontage	65.0
Depth	136.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		

Residences - 1 Record

Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Bungalow
Year Built	1920	Number Families	1	Grade	5+05
Condition	Below Normal	Total Square Foot Living Area	747	Main Living Area	747
Basement Area	680	Open Porch Area	84	Foundation	Poured Concrete
Exterior Wall Type	Metal Siding	Roof Type	Gable	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	1
Bedrooms	2	Rooms	4		



Detached Structures - 1 Record Detected Structure #101

Detached Structure #101						
Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions	
Measure 1	18	Measure 2	24	Story Height	1	
Grade	4	Year Built	1958	Condition	Below Normal	

Sales - 1 Record

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
NOFTSGER, CARL F	CROSS, GARY ALLEN	2011-09-22	\$32,000	Deed	13983/428

Permits - 2 Records

Year	Туре	Permit Status	Application	Reason	Reason1
Current	Permit	To Work	2022-10-03	Addition	DECK
Current	Permit	To Work	2022-05-02	Alterations	GARAGE

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$21,500	\$51,800	\$73,300

Yr	Туре	Class	Kind	Land	Bldg	Total
2019	Assessment Roll	Residential	Full	\$18,500	\$44,300	\$62,800
2017	Assessment Roll	Residential	Full	\$16,400	\$39,900	\$56,300
2015	Assessment Roll	Residential	Full	\$15,600	\$37,900	\$53,500
2013	Assessment Roll	Residential	Full	\$15,600	\$38,500	\$54,100
2011	Assessment Roll	Residential	Full	\$15,600	\$45,700	\$61,300
2009	Assessment Roll	Residential	Full	\$16,900	\$51,200	\$68,100
2007	Assessment Roll	Residential	Full	\$16,500	\$48,500	\$65,000
2005	Assessment Roll	Residential	Full	\$13,200	\$43,300	\$56,500
2003	Assessment Roll	Residential	Full	\$11,880	\$39,700	\$51,580
2001	Assessment Roll	Residential	Full	\$11,070	\$29,450	\$40,520
1999	Assessment Roll	Residential	Full	\$6,730	\$29,990	\$36,720
1997	Assessment Roll	Residential	Full	\$6,250	\$27,850	\$34,100
1995	Assessment Roll	Residential	Full	\$5,510	\$24,570	\$30,080
1993	Assessment Roll	Residential	Full	\$4,750	\$21,180	\$25,930
1991	Assessment Roll	Residential	Full	\$4,750	\$20,380	\$25,130
1991	Was Prior Year	Residential	Full	\$4,750	\$16,460	\$21,210

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