



**Roll Call Number**

**Agenda Item Number**

45 B

Date November 21, 2022

**ABATEMENT OF PUBLIC NUISANCE AT 120 E TITUS AVENUE**

WHEREAS, the property located at 120 E Titus Avenue, 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, David P. Allen and Linda D. Allen, were notified more than thirty days ago to repair or demolish the garage structure 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 garage structure on the real estate legally described as the Southwest ¼ of the West ½ of Lot 3 in SECOND ADDITION TO THOMAS HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 120 E Titus Avenue, has previously been declared a public nuisance;

The City Legal Department 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 garage structure.

Moved by \_\_\_\_\_ to adopt.

Second by \_\_\_\_\_

FORM APPROVED:

  
\_\_\_\_\_  
Judy K. Parks-Kruse, Assistant City Attorney

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

**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.

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



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

Case Number: NUIS-2022-000194	
<b>Notice of Violation</b>	Case Type: Public Nuisance
	Case Opened: 09/09/2022
	Date of Notice: 09/14/2022
	Date of Inspection: 09/09/2022

LINDA D ALLEN  
120 E TITUS AVE  
DES MOINES IA 50315

Address of Property: 120 E TITUS AVE, DES MOINES IA 50315  
Parcel Number: 782427101023  
Legal Description: W 82.5F S 305.3F LOT 3 THOMAS HEIGHTS 2ND ADD

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
<p><b>60-191 - Vacation and Abatement</b> Any structure, dwelling, mobile home, equipment, or premise declared to be a public nuisance and unfit for human habitation or use, and so designated by the administrator, shall immediately be vacated and the nuisance shall be abated. The owner(s) shall be responsible for the vacation and abatement of the nuisance at such owner's expense. If not complied by such owner(s), then the nuisance may be abated by the city at the owner's expense. As indicated by section 60-19, the owner of land upon which a mobile home sits is a responsible owner in the event that mobile home is declared to be a public nuisance. Both the owner of the mobile home and the owner of the land upon which the mobile home sits shall be responsible for vacation and abatement of the public nuisance.</p>	<p>Vacate the structure until nuisance has been abated and is no longer declared a public nuisance.</p> <p>GARAGE THROUGHOUT</p> <p>*UNABLE TO GAIN ACCESS INTO ALL AREAS OF THE STRUCTURE, IT IS POSSIBLE MORE VIOLATIONS EXIST.</p> <p>*IF CHOSEN TO DEMOLISH, PERMIT MUST BE PULLED AND FINALIZED.</p>	10/21/2022

**60-192(1) - Dangerous Structure or Premise - Door, Stairway, Exit**

For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:

(1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

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.

10/21/2022

**GARAGE THROUGHOUT**

\*REPAIR AND REPLACE ANY AND ALL DAMAGED EXTERIOR DOORS AND DOOR JAMS AND MUST BE IN GOOD WORKING ORDER. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

\*REPAIR OR REPLACE DAMAGE DECKING, RAILING, JOIST, BEAMS, HANDRAIL, AND STAIRS. PERMIT REQUIRED FOR REPLACEMENT OF ALL STRUCTURAL COMPONENTS.

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

For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:

(3) 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.

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.

10/21/2022

**GARAGE THROUGHOUT**

\*REPAIR/REPLACE ANY MISSING, ROTTED OR DAMAGED WINDOWS/WINDOW FRAMES. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.

\*SCRAPE LOOSE PAINT, REPAIR WHERE NEEDED AND PAINT TO MATCH.

\*REPAIR/REPLACE ANY BROKEN, MISSING, DAMAGED OR ROTTED DRYWALL/PANELING/WALL COVERING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.

\*REPAIR/REPLACE ALL DAMAGED AND/OR MISSING GUTTERS, SOFFITS AND FASCIA.

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

For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:

(4) 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.

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.

10/21/2022

**GARAGE THROUGHOUT**

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

\*REPAIR/REPLACE ANY BROKEN, MISSING, DAMAGED OR ROTTED SIDING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT.

\*OBTAIN FINAL ON PERMIT TO REPAIR OR REPLACE OF ANY DAMAGED OR MISSING EXTERIOR WALLS.

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

For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:

(5) The building or structure, or part of a structure, 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, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

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.

10/21/2022

**GARAGE THROUGHOUT**

\*FOUNDATION NEEDS ENGINEERS REPORT. REPAIR PER ENGINEER'S REPORT. BUILDING PERMIT MAY BE REQUIRED.

**60-194 - Defacing and Removing Placard**

No person shall deface or remove the placard, except as authorized by the administrator.

Replace or restore defaced or removed placard.

10/21/2022

**60-195 - Emergency Measures to Vacate**

If one or more of the following exists, the administrator is hereby authorized and empowered to order and require the owner(s) and/or occupant(s) to vacate the premises immediately:

- (1) There is imminent danger of failure of collapse of a building or structure that endangers life;
- (2) Any structure or part of a structure has fallen and life is endangered by occupation of the structure; or
- (3) There is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

Immediately vacate the building or structure. 10/21/2022

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,

NUIS-2022-000194



Scott Clauson  
Neighborhood Inspector  
Neighborhood Services  
602 Robert D. Ray Drive, Des Moines, IA 50309  
SAClauson@dmgov.org



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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.

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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,



Scott Clauson  
Neighborhood Inspector  
Neighborhood Services  
602 Robert D. Ray Drive, Des Moines, IA 50309  
SAClauson@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](mailto:polkweb@assess.co.polk.ia.us)

Location					
<b>Address</b>	120 E TITUS AVE				
<b>City</b>	DES MOINES	<b>Zip</b>	50315	<b>Jurisdiction</b>	Des Moines
<b>District/Parcel</b>	120/05823-000-000	<b>Geoparcel</b>	7824-27-101-023	<b>Status</b>	<a href="#">Active</a>
<b>School</b>	Des Moines	<b>Nbhd/Pocket</b>	DM41/Z	<b>Tax Authority Group</b>	DEM-C-DEM-77131
<b>Submarket</b>	South Des Moines	<b>Appraiser</b>	Andrew Rand 515-286-3368		

### Map and Current Photos - 1 Record

Click on parcel to get a new listing

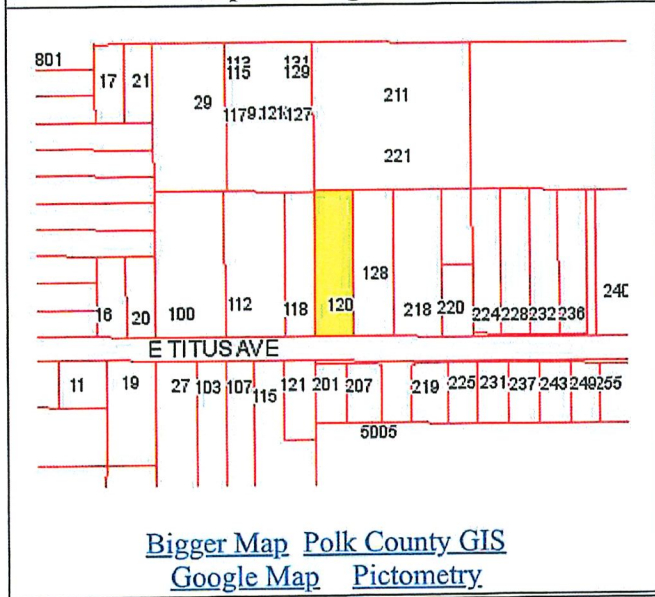


Photo Processed on 2015-04-30 a



### Historical Photos

### Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	ALLEN, DAVID P	1993-12-23	<a href="#">6932/266</a>
Title Holder	2	ALLEN, LINDA D		

### Legal Description and Mailing Address

W 82.5F S 305.3F LOT 3 THOMAS HEIGHTS 2ND ADD	DAVID P ALLEN 120 E TITUS AVE DES MOINES, IA 50315-4141
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### Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential	Full	\$37,400	\$60,400	\$97,800

### Market Adjusted Cost Report

### Auditor Adjustments to Value

Category	Name	Information
<a href="#">2022 Homestead Credit</a>	ALLEN, DAVID P	Application #5168

**Zoning - 1 Record**

Zoning	Description	SF	Assessor Zoning
N3A	N3a Neighborhood District		Residential
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>			

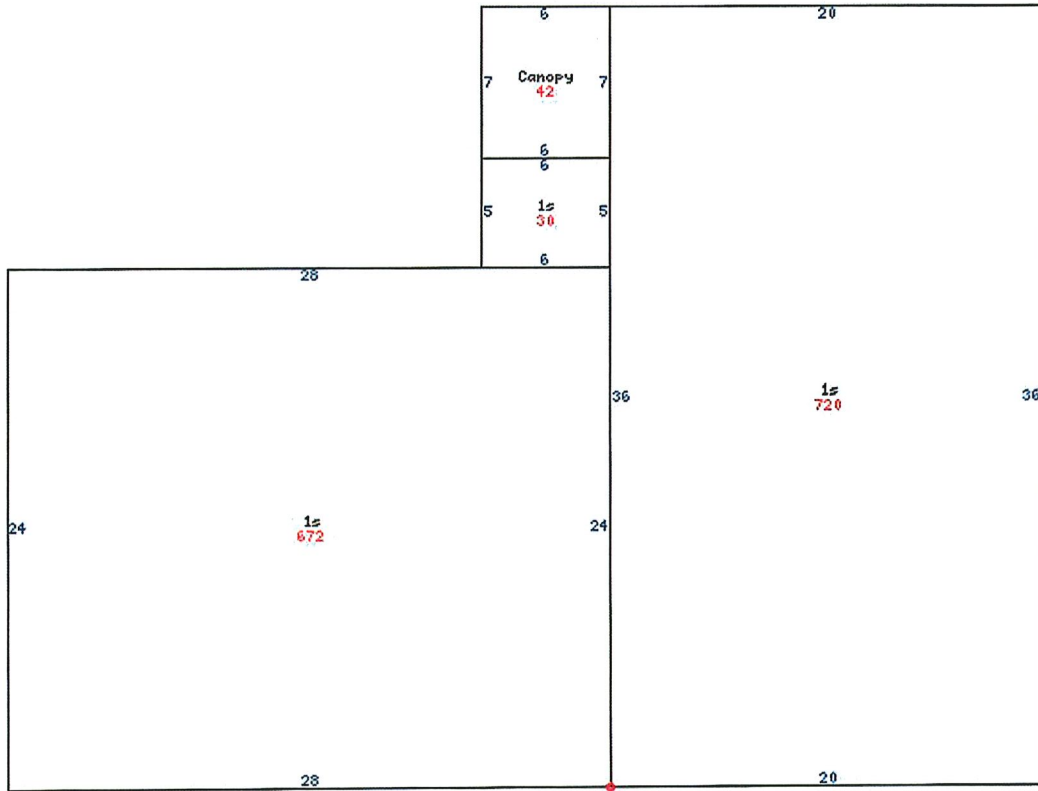
**Land**

<b>Square Feet</b>	25,162	<b>Acres</b>	0.578	<b>Frontage</b>	82.0
<b>Depth</b>	305.0	<b>Topography</b>	Normal	<b>Shape</b>	Rectangle
<b>Vacancy</b>	No	<b>Unbuildable</b>	No		

**Residences - 1 Record**

**Residence #1**

<b>Occupancy</b>	Single Family	<b>Residence Type</b>	1 Story	<b>Building Style</b>	Ranch
<b>Year Built</b>	1949	<b>Number Families</b>	1	<b>Grade</b>	4-05
<b>Condition</b>	Below Normal	<b>Total Square Foot Living Area</b>	1422	<b>Main Living Area</b>	1422
<b>Canopy Square Foot</b>	42	<b>Foundation</b>	Poured Concrete	<b>Exterior Wall Type</b>	Hardboard
<b>Roof Type</b>	Gable	<b>Roof Material</b>	Asphalt Shingle	<b>Heating</b>	Gas Forced Air
<b>Air Conditioning</b>	100	<b>Number Bathrooms</b>	1	<b>Bedrooms</b>	2
<b>Rooms</b>	5				



**Detached Structures - 3 Records**

**Detached Structure #101**

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	14	Measure 2	20	Story Height	1
Grade	4	Year Built	1949	Condition	Very Poor

**Detached Structure #201**

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	35	Measure 2	30	Grade	5
Year Built	1960	Condition	Very Poor		
Comment	AGE EST				

**Detached Structure #202**

Occupancy	Lean-to Closed on All Sides	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	18	Measure 2	20	Grade	5
Year Built	1960	Condition	Very Poor		
Comment	AGE EST				

**Permits - 7 Records**

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	To Work	2022-10-19	Alterations	GARAGE
2010	Pickup	Complete	2009-07-06	Correct Data	GARAGE
1992	Permit	No Add	1987-02-23		Addition
1991	Permit	Partial	1987-02-23		Addition
1990	Permit	Partial	1987-02-23		New Garage
1989	Permit	Pass	1987-02-23		New Garage
1988	Permit	Partial	1987-02-23		New Garage

#### Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<a href="#">Assessment Roll</a>	Residential	Full	\$37,400	\$60,400	\$97,800
2019	<a href="#">Board Action</a>	Residential	Full	\$32,800	\$53,900	\$86,700
2019	<a href="#">Assessment Roll</a>	Residential	Full	\$32,800	\$59,400	\$92,200
2017	<a href="#">Board Action</a>	Residential	Full	\$28,900	\$53,000	\$81,900
2017	<a href="#">Assessment Roll</a>	Residential	Full	\$28,900	\$53,000	\$81,900
2015	<a href="#">Board Action</a>	Residential	Full	\$26,200	\$49,500	\$75,700
2015	<a href="#">Assessment Roll</a>	Residential	Full	\$26,200	\$49,500	\$75,700
2013	<a href="#">Assessment Roll</a>	Residential	Full	\$24,300	\$47,100	\$71,400
2011	<a href="#">Assessment Roll</a>	Residential	Full	\$25,500	\$49,800	\$75,300
2010	<a href="#">Assessment Roll</a>	Residential	Full	\$27,200	\$53,000	\$80,200
2009	<a href="#">Board Action</a>	Residential	Full	\$27,200	\$50,700	\$77,900
2009	<a href="#">Assessment Roll</a>	Residential	Full	\$27,200	\$64,500	\$91,700
2007	<a href="#">Assessment Roll</a>	Residential	Full	\$28,200	\$49,300	\$77,500
2005	<a href="#">Assessment Roll</a>	Residential	Full	\$24,500	\$46,700	\$71,200
2003	<a href="#">Board Action</a>	Residential	Full	\$22,160	\$42,530	\$64,690
2003	<a href="#">Assessment Roll</a>	Residential	Full	\$22,160	\$48,450	\$70,610
2001	<a href="#">Board Action</a>	Residential	Full	\$17,260	\$42,730	\$59,990
2001	<a href="#">Assessment Roll</a>	Residential	Full	\$17,260	\$42,730	\$59,990
1999	Assessment Roll	Residential	Full	\$6,650	\$24,700	\$31,350
1997	Board Action	Residential	Full	\$6,180	\$22,960	\$29,140
1997	Assessment Roll	Residential	Full	\$6,180	\$22,960	\$29,140
1995	Assessment Roll	Residential	Full	\$5,440	\$20,200	\$25,640
1993	Assessment Roll	Residential	Full	\$4,730	\$17,560	\$22,290
1991	Board Action	Residential	Full	\$4,730	\$16,700	\$21,430
1991	Assessment Roll	Residential	Full	\$4,730	\$16,700	\$21,430
1990	Assessment Roll	Residential	Full	\$4,730	\$14,200	\$18,930

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