



Roll Call Number

Agenda Item Number

43B

Date September 11, 2023

ABATEMENT OF PUBLIC NUISANCE AT 1453 CAPITOL AVE.

WHEREAS, the property located at 1453 Capitol Ave., 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 a public nuisance; and

WHEREAS, the Titleholder, George M. Clayton, 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 15 in Block 42 in STEWART'S ADDITION to the City of Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 1453 Capitol 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

Timestamp
Camera ENT



Network: Jun 5, 2023 at 3:11:35 PM CDT
Des Moines

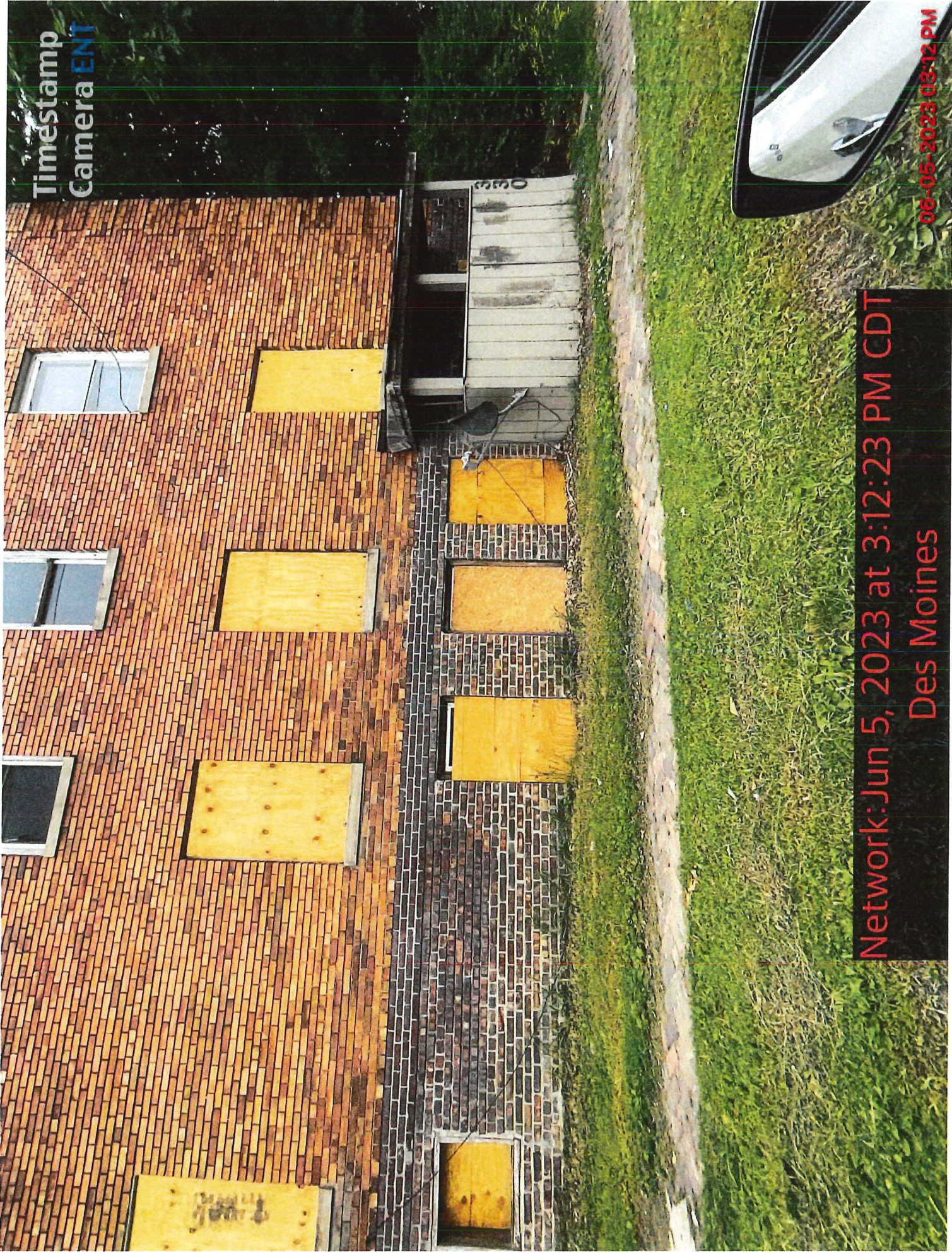
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437B

Network: Jun 5, 2023 at 3:12:16 PM CDT
Des Moines

06-05-2023 03:12 PM





Timestamp
Camera ENT

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Des Moines

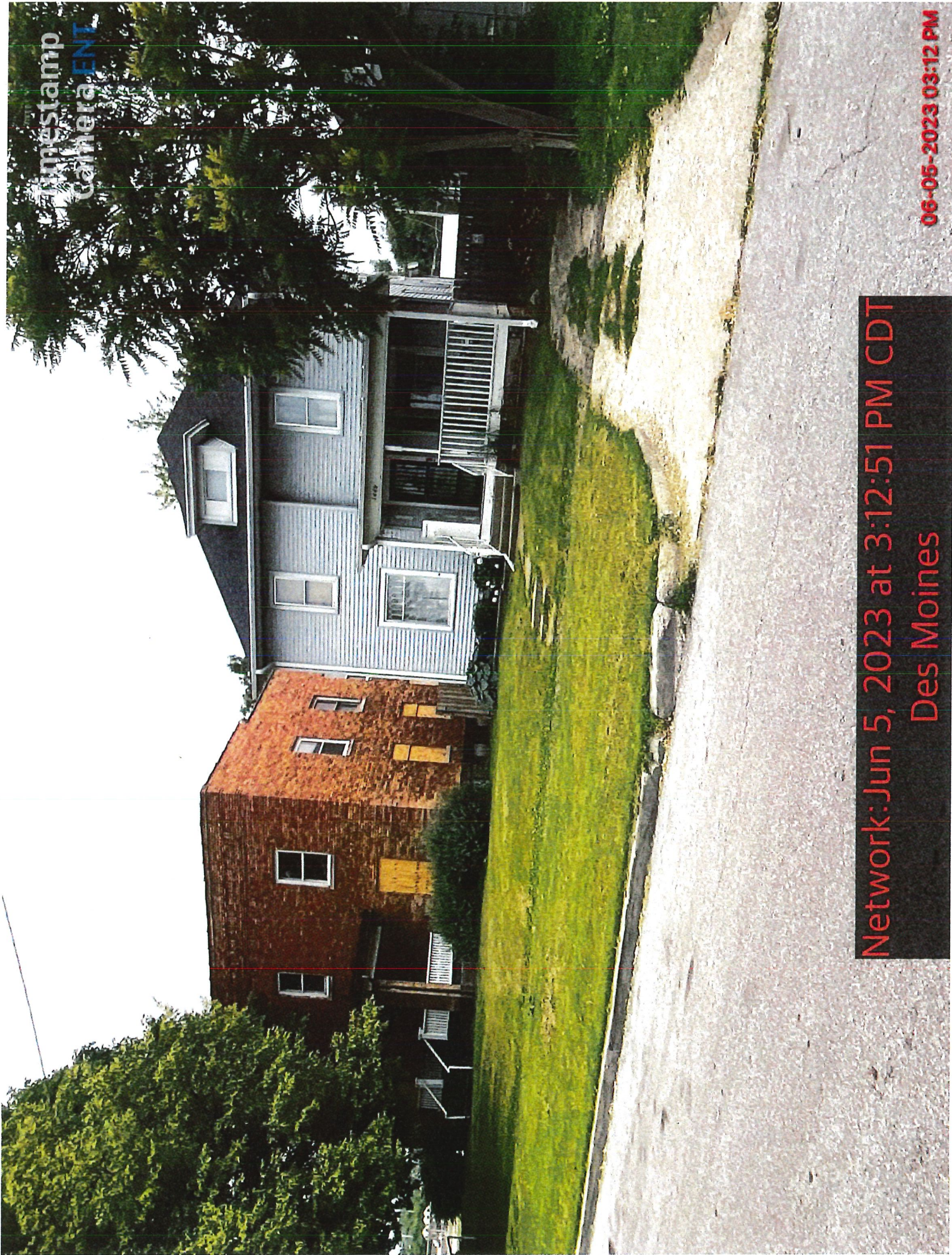
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TimeStamp
Camera



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Des Moines

06-05-2023 03:11 PM



Timestamp
Camera: ENT

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Des Moines

06-05-2023 03:12 PM

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Polk County Assessor

111 Court Avenue #195
Des Moines, IA 50309-0904

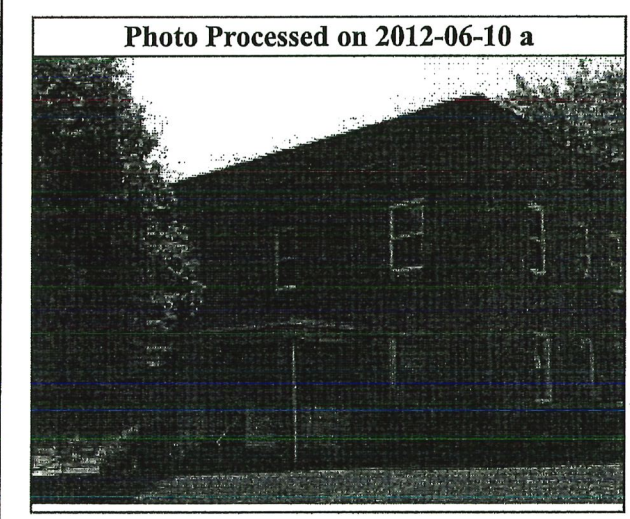
(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	1453 CAPITOL AVE				
City	DES MOINES	Zip	50316	Jurisdiction	Des Moines
District/Parcel	040/05070-000-000	Geoparcels	7824-02-155-007	Status	Active
School	Des Moines	Nbhd/Pocket	DM15/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northeast Des Moines	Appraiser	Cary Halfpop, ICA 515-286-2279		

Map and Current Photos - 1 Record

Click on parcel to get a new listing

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



Historical Photos

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	CLAYTON, GEORGE M	2013-05-08	14776/683

Legal Description and Mailing Address

LOT 15 BLK 42 STEWARTS ADDITION	GEORGE M CLAYTON 14455 UNIVERSITY AVE WAUKEE, IA 50263-8100
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Current Values

Type	Class	Kind	Land	Bldg	Total
2022 Value	Residential 3+	Full	\$24,200	\$156,800	\$181,000

Unadjusted Cost Report

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
NX3	NX3 Neighborhood Mix District		Residential

Land					
Square Feet	8,550	Acres	0.196	Frontage	50.0
Depth	171.0	Topography	Blank	Shape	Rectangle
Vacancy	Blank	Unbuildable	Blank		
Commercial Summary					
Occupancy	Apartment	Age, Weighted	1912	Total Story Height	2
Land Area	8,550	Gross Area	3,960	Finished Area	3,960
Unfinished Bsmt Area	1,980	Finished Bsmt Area	800	Number of Units	5
Primary Group	Apartment	Percent Primary Group	66.67	Percent Secondary Group	0.00
Grade, Weighted	4/Grade 4	Bldg Class, Weighted	2/Brick or Masonry	Condition, Weighted	BN/Below Normal
Ground Floor Area	1,980	Perimeter	178		
Commercial Sections - 1 Record					
Commercial Section #101					
Section Multiplier	1	Occupancy	Apartment	Foundation	Brick Stone
Submerged	No	Exterior Wall	Brick on Masonry	Insulation	Yes
Roof	Flat	Roof Material	Built-up	Covered Area	136
Covered Quality	Normal	Entrance Square Foot	196	Entrance Quality	Normal
Wiring	Adequate	Plumbing	Adequate	Total Story Height	2
Frame Type	Frame	Fireproof Construction	No	Bldg Class	Brick or Masonry
Total Section Area	5,940	Ground Floor Area	1,980	Perimeter	178
Grade	4-10	Year Built	1912	Condition	Below Normal
Comment	P1=OP, Q,T=2ST EP,R,S=2ST STAIRS				

Commercial Groups - 3 Records

Commercial Group #101 1

Use Code	Apartment	Base Story	1	Number Stories	2
Total Group Area	3,960	Base Floor Area	1,980	Number Units	4
Heating	Central	Air Conditioning	None	Exhaust System	No

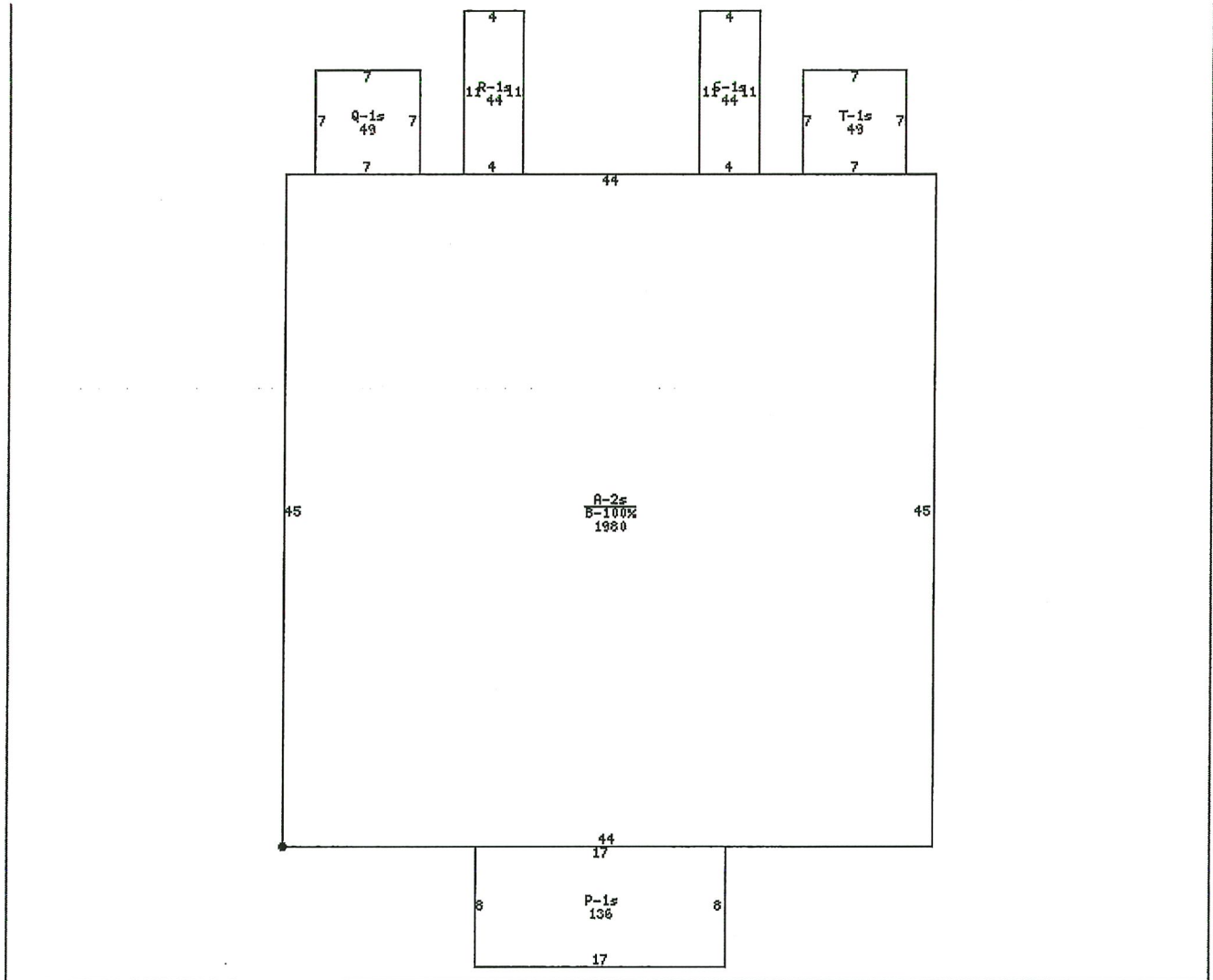
Commercial Group #101 2

Use Code	Basement Finished	Number Stories	1	Total Group Area	800
Base Floor Area	800	Number Units	1	Heating	Central
Air Conditioning	None	Exhaust System	No	Condition	Below Normal

Comment BSMT LEVEL APT.

Commercial Group #101 3

Use Code	Basement Entire	Number Stories	1	Total Group Area	1,980
Base Floor Area	1,980	Heating	None	Air Conditioning	None
Exhaust System	No	Condition	Below Normal		



Sales - 3 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
GRAY, JANICE	CLAYTON, GEORGE M	<u>2013-05-02</u>	\$99,000	Deed	<u>14776/683</u>
HIGHTSHOE, DORATHA J ESTATE	GRAY, JANICE	<u>2001-10-31</u>	\$88,000	Deed	<u>9065/497</u>
CAROL SUE ANN SCHULTE	BOB LEE & DORATHA JOAN HIGHTSHOE	<u>1989-12-27</u>	\$67,500	Contract	<u>6194/504</u>

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
GRAY, JANICE _____ GRAY, JEFF	CLAYTON, GEORGE M	2013-05-02	2013-05-08	Warranty Deed	<u>14776/683</u>

Permits - 3 Records

Year	Type	Permit Status	Application	Reason	Reason1
Current	Permit	Pass	2022-01-13	Addition	FENCE
2007	Permit	No Add	2006-06-07	Fix Damage	FIRE
2002	Pickup	Complete	2002-01-14	Review Value	REVAL

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<u>Assessment Roll</u>	Multi-Residential	Full	\$24,200	\$156,800	\$181,000
2019	<u>Assessment Roll</u>	Multi-Residential	Full	\$22,000	\$126,000	\$148,000
2017	<u>Assessment Roll</u>	Multi-Residential	Full	\$22,000	\$101,000	\$123,000
2015	<u>Assessment Roll</u>	Multi-Residential	Full	\$18,500	\$92,500	\$111,000
2013	<u>Board Action</u>	Multi-Residential	Full	\$18,500	\$80,500	\$99,000
2013	<u>Assessment Roll</u>	Multi-Residential	Full	\$18,300	\$113,200	\$131,500
2011	<u>Assessment Roll</u>	Multi-Residential	Full	\$18,300	\$113,200	\$131,500
2009	<u>Assessment Roll</u>	Multi-Residential	Full	\$18,300	\$113,200	\$131,500
2007	<u>Board Action</u>	Multi-Residential	Full	\$18,300	\$113,200	\$131,500
2007	<u>Assessment Roll</u>	Multi-Residential	Full	\$18,300	\$141,700	\$160,000
2006	<u>Assessment Roll</u>	Multi-Residential	Full	\$16,500	\$143,500	\$160,000
2005	<u>Assessment Roll</u>	Multi-Residential	Full	\$16,500	\$122,500	\$139,000
2003	<u>Assessment Roll</u>	Multi-Residential	Full	\$14,500	\$94,000	\$108,500
2002	<u>Assessment Roll</u>	Multi-Residential	Full	\$13,700	\$73,100	\$86,800
2001	<u>Assessment Roll</u>	Multi-Residential	Full	\$13,680	\$59,000	\$72,680
1999	Assessment Roll	Multi-Residential	Full	\$9,100	\$59,000	\$68,100
1995	Assessment Roll	Multi-Residential	Full	\$8,800	\$57,300	\$66,100
1993	Assessment Roll	Multi-Residential	Full	\$8,400	\$54,600	\$63,000
1991	Assessment Roll	Multi-Residential	Full	\$8,100	\$52,500	\$60,600
1991	Was Prior Year	Multi-Residential	Full	\$8,100	\$46,190	\$54,290

43B



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

Case Number: NUIS-2023-000019	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 02/06/2023
	Date of Notice: 03/22/2023
	Date of Inspection: 12/16/2022

GEORGE M CLAYTON
14455 UNIVERSITY AVE
WAUKEE IA 50263

Address of Property: 1453 CAPITOL AVE, DES MOINES IA 50316
Parcel Number: 782402155007

Legal Description: LOT 15 BLK 42 STEWARTS ADDITION

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
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Violation	Corrective Action	Compliance Due Date
<p>60-191 - Vacation and Abatement 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 by repair, rehabilitation, demolition, or any other City-approved corrective action. 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>	Vacate the structure.	04/25/2023
<p>60-192(2) - Unsafe and Dangerous Structure or Premise 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.</p>	Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.	04/25/2023
<p>60-192(3) - Unsafe and Dangerous Structure or Premise The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.</p>	Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.	04/25/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(4) - Unsafe and Dangerous Structure or Premise The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, 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.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required. Secure and keep the structure secured against entry.</p>	04/25/2023
<p>60-192(6) - Unsafe and Dangerous Structure or Premise Whenever the condition or maintenance of the premise creates a nuisance that endangers the health and safety of the residents or public.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	04/25/2023
<p>60-192(7) - Unsafe and Dangerous Structure or Premise Any structure that the administrator determines is unfit for human occupancy meaning that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p> <p>*ANY UNSANITARY CONDITIONS SHOULD BE CORRECTED AND STRUCTURE CLEANED TO ENSURE HEALTH AND SAFETY OF OCCUPANTS BEFORE STRUCTURE IS REOCCUPIED.</p>	04/25/2023
<p>60-192(9) - Unsafe and Dangerous Structure or Premise Siding and masonry joints, including joints between the building envelope and the perimeter of window, doors and skylights are not maintained weather resistance or watertight.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	04/25/2023
<p>60-192(13) - Unsafe and Dangerous Structure or Premise Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load affects.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	04/25/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(17) - Unsafe and Dangerous Structure or Premise Roof or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is fatigued or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	04/25/2023
<p>60-192(21) - Unsafe and Dangerous Structure or Premise Stairs, decks, porches, balconies, walking systems, landings, and all similar appurtenances attached thereto, including guards and handrails are not structurally sound, not properly anchored or that anchored with connections not capable of supporting all nominal loads and resisting all load effects.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	04/25/2023
<p>60-192(22) - Unsafe and Dangerous Structure or Premise Surfaces, including windows and doors, shall be maintained in good clean and sanitary conditions. Peeling chipping flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood or other defective surface conditions shall be corrected.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	04/25/2023
<p>60-192(23) - Unsafe and Dangerous Structure or Premise Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or incapable of supports all nominal loads and resisting all load effects.</p>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	04/25/2023
<p>60-194 - Defacing and Removing Placard No person shall deface or remove the placard, except as authorized by the administrator.</p>	<p>Replace or restore defaced or removed placard.</p>	04/25/2023

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