



Roll Call Number

Agenda Item Number

30 B

Date November 20, 2023

ABATEMENT OF PUBLIC NUISANCE AT 2317 E. 16th ST.

WHEREAS, the property located at 2317 E. 16th St., 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 Titleholders, Nyandwi Josephine and Minani Esta, and the Mortgage Holders, Mortgage Electronic Registration Systems, Inc., and Guild Mortgage Company, were notified more than thirty days ago to repair or demolish the main 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 main structure on the real estate legally described Lot 5 in JAMES PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2317 E. 16th St., 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				
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

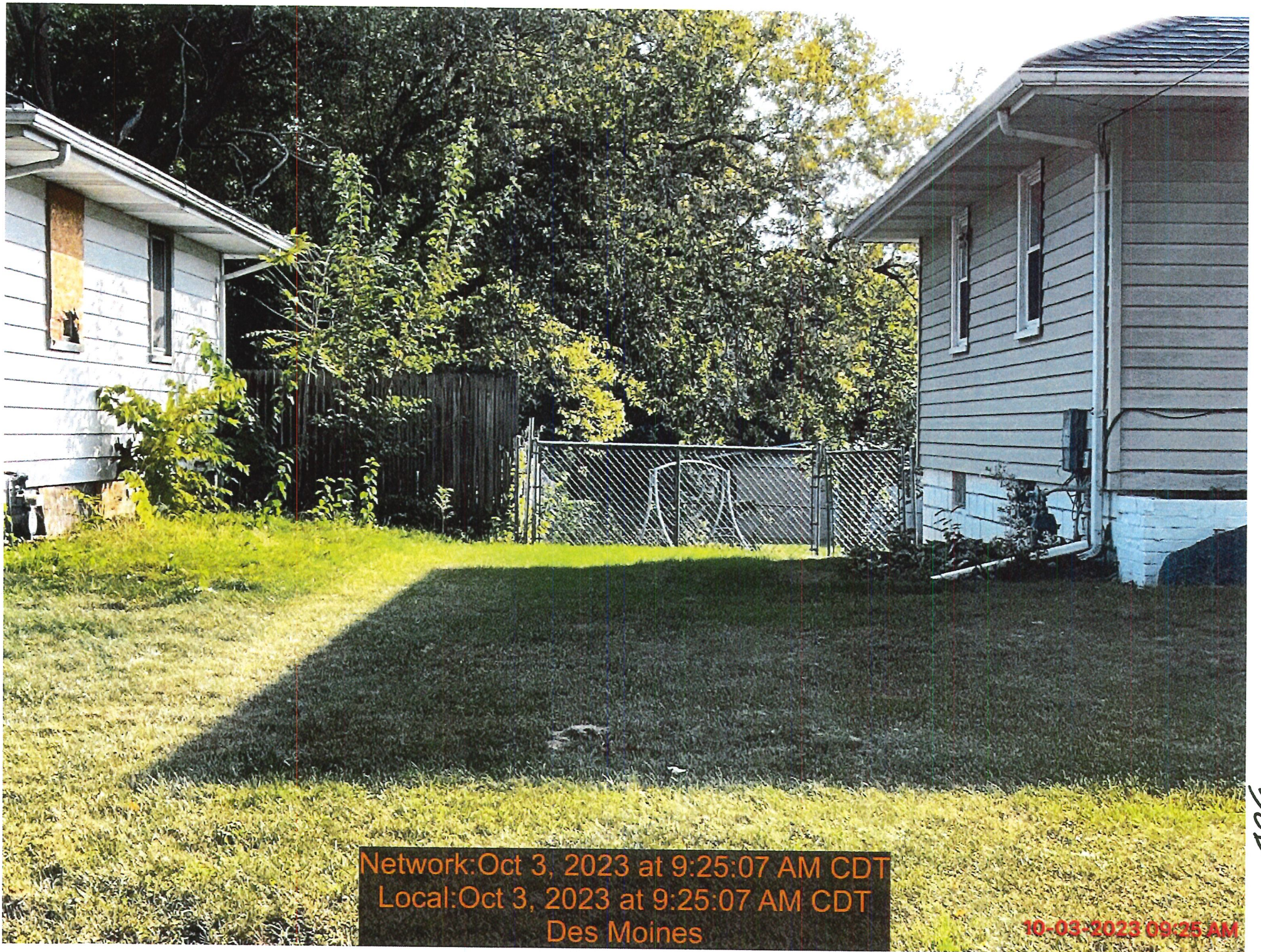
City Clerk



Network: Oct 3, 2023 at 9:24:50 AM CDT
Local: Oct 3, 2023 at 9:24:50 AM CDT
Des Moines

10-03-2023 09:24 AM

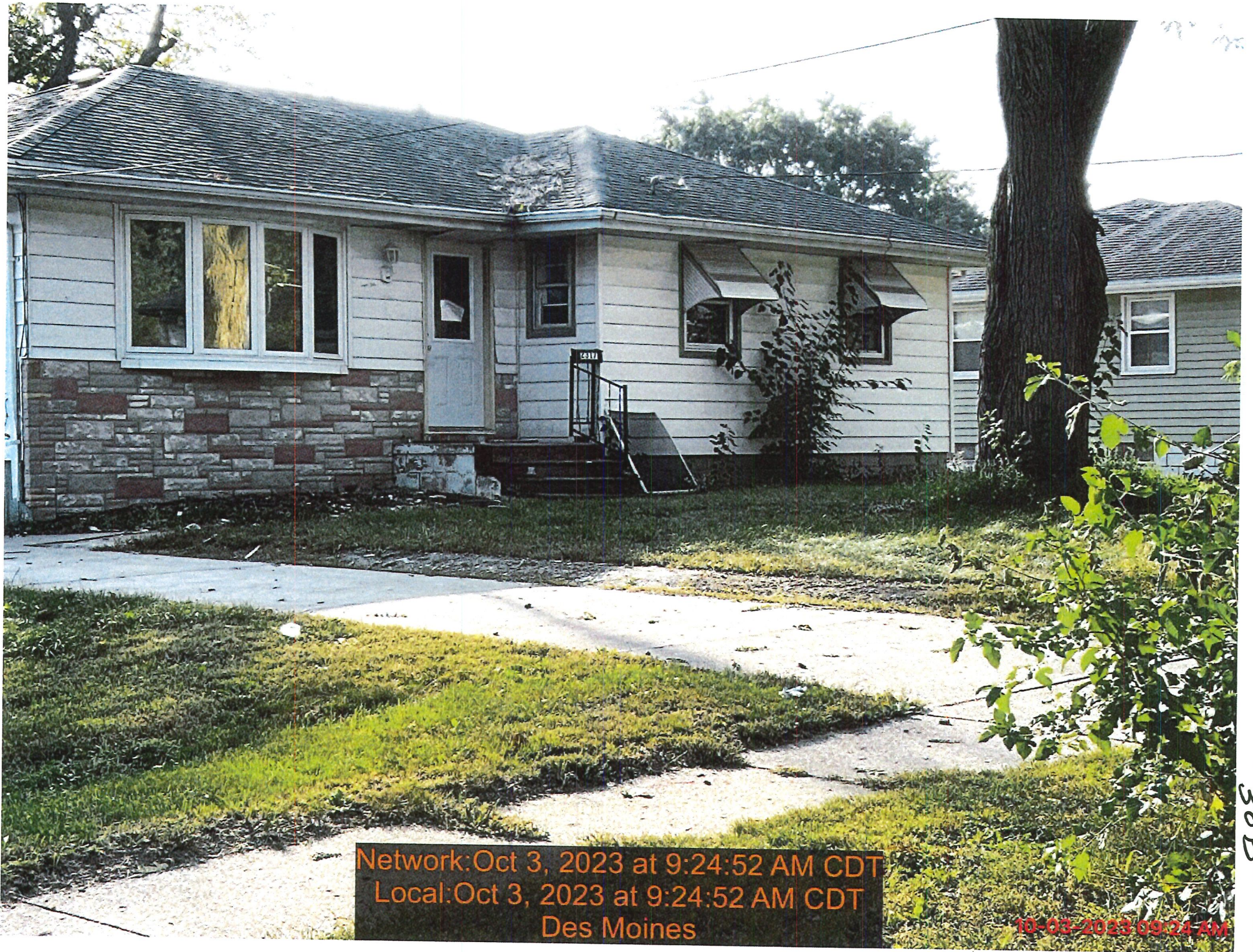
308



Network: Oct 3, 2023 at 9:25:07 AM CDT
Local: Oct 3, 2023 at 9:25:07 AM CDT
Des Moines

10-03-2023 09:25 AM

30B



Network: Oct 3, 2023 at 9:24:52 AM CDT
Local: Oct 3, 2023 at 9:24:52 AM CDT
Des Moines

10-03-2023 09:24 AM

303

303

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	2317 E 16TH ST				
City	DES MOINES	Zip	50316	Jurisdiction	Des Moines
District/Parcel	110/03565-005-000	Geoparcels	7924-25-381-013	Status	Active
School	Des Moines	Nbhd/Pocket	DM07/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northeast Des Moines	Appraiser	Joseph Peterson 515-286-3011		

Map and Current Photos - 1 Record

Click on parcel to get a new listing

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

Photo Processed on 2005-02-09 a

Historical Photos

Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	JOSEPHINE, NYANDWI	2020-03-18	17741/16
Title Holder	2	ESTA, MINANI	2020-03-18	17741/16

Legal Description and Mailing Address

LOT 5 JAMES PLACE	NYWANDI JOSEPHINE 2317 E 16TH ST DES MOINES, IA 50316-1807
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Current Values

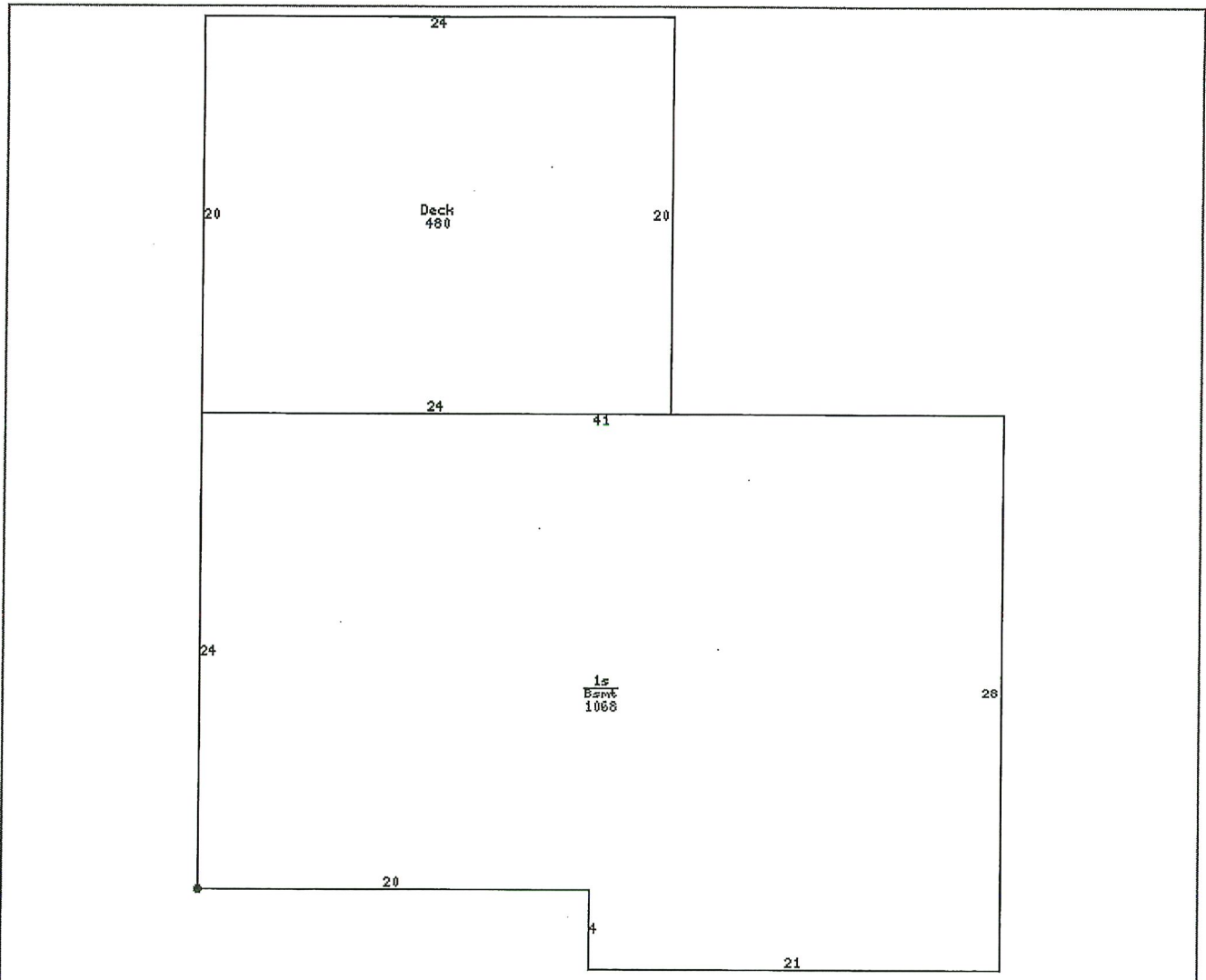
Type	Class	Kind	Land	Bldg	Total
2023 Assessment Roll	Residential	Full	\$26,400	\$172,200	\$198,600
2022 Value	Residential	Full	\$22,000	\$136,900	\$158,900

[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Zoning - 1 Record

30B

Zoning	Description		SF	Assessor Zoning	
N3B	N3b Neighborhood District			Residential	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	10,490	Acres	0.241	Topography	Normal
Shape	L or T Shape Apex Street	Vacancy	No	Unbuildable	No
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Ranch
Year Built	1959	Number Families	1	Grade	4+05
Condition	Above Normal	Total Square Foot Living Area	1068	Main Living Area	1068
Basement Area	1068	Finished Basement Area 1	600	Finished Basement Quality 1	Low
Total Basement Finish	600	Deck Area	480	Foundation	Concrete Block
Exterior Wall Type	Mixed Frame	Roof Type	Hip	Roof Material	Asphalt Shingle
Heating	Gas Forced Air	Air Conditioning	100	Number Bathrooms	1
Bedrooms	3	Rooms	6		



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	20	Measure 2	20	Story Height	1
Grade	4	Year Built	1984	Condition	Normal

Sales - 5 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
NDABARAMIYE, PATRICK	NYANDWI, JOSEPHINE	<u>2020-03-13</u>	\$150,000	Deed	<u>17741/16</u>
TRI STATE VENTURES INC	NDABARAMIYE, PATRICK	<u>2017-10-03</u>	\$138,000	Deed	<u>16677/927</u>
NATIONSTAR MORTGAGE LLC	TRI STATE VENTURES INC	<u>2017-04-17</u>	\$79,850	Deed	<u>16524/33</u>
BAKER, KARELYN G	VONGSAPHAY, SAMPHONE	<u>2010-11-09</u>	\$122,900	Deed	<u>13674/643</u>
LOSEE, COLEEN E	BAKER, KARELYN G	<u>2005-05-12</u>	\$103,000	Deed	<u>11069/406</u>

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
NDABARAMIYE, PATRICK J <hr/> NYABIGONDO, IMMACULEE	JOSEPHINE, NYANDWI <hr/> ESTA, MINANI	2020-03-12	2020-03-18	Warranty Deed	<u>17741/16</u>
TRI STATE VENTURES INC	NDABARAMIYE, PATRICK <hr/> NYABIGONDO, IMMACULEE	2017-10-03	2017-10-09	Warranty Deed Corporate	<u>16677/927</u>
NATIONSTAR MORTGAGE LLC	TRI STATE VENTURES INC	2017-04-17	2017-06-15	Quit Claim Deed	<u>16524/33</u>
MCCARTHY, BILL (Sheriff) <hr/> VONGSAPHAY, SAMPHONE (Defendant) <hr/> VONGSAPHAY, CHANTHIDA (Defendant)	NATIONSTAR MORTGAGE LLC	2017-03-21	2017-03-31	Sheriffs Deed	<u>16423/353</u>

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	<u>Assessment Roll</u>	Residential	Full	\$22,000	\$136,900	\$158,900
2019	<u>Assessment Roll</u>	Residential	Full	\$19,300	\$119,900	\$139,200
2017	<u>Assessment Roll</u>	Residential	Full	\$17,900	\$115,100	\$133,000
2015	<u>Assessment Roll</u>	Residential	Full	\$16,200	\$105,600	\$121,800
2013	<u>Assessment Roll</u>	Residential	Full	\$16,000	\$107,200	\$123,200
2011	<u>Assessment Roll</u>	Residential	Full	\$16,000	\$107,400	\$123,400
2009	<u>Assessment Roll</u>	Residential	Full	\$16,400	\$109,700	\$126,100
2007	<u>Assessment Roll</u>	Residential	Full	\$16,400	\$109,700	\$126,100
2005	<u>Assessment Roll</u>	Residential	Full	\$19,100	\$96,000	\$115,100
2003	<u>Assessment Roll</u>	Residential	Full	\$17,430	\$88,630	\$106,060
2001	<u>Assessment Roll</u>	Residential	Full	\$14,750	\$67,410	\$82,160
1999	Assessment Roll	Residential	Full	\$15,380	\$65,280	\$80,660
1997	Assessment Roll	Residential	Full	\$14,720	\$65,280	\$80,000
1995	Assessment Roll	Residential	Full	\$12,990	\$57,600	\$70,590
1993	Assessment Roll	Residential	Full	\$11,510	\$51,020	\$62,530
1991	Assessment Roll	Residential	Full	\$11,510	\$48,790	\$60,300
1991	Was Prior Year	Residential	Full	\$11,510	\$44,610	\$56,120



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

Case Number: NUIS-2023-000083	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 03/20/2023
	Date of Notice: 08/18/2023
	Date of Inspection: 08/18/2023

GUILD MORTGAGE COMPANY
C/O CT CORPORATION SYSTEM
400 E COURT AVE
DES MOINES IA 50309

Address of Property: **2317 E 16TH ST, DES MOINES IA 50316**
Parcel Number: **792425381013**

Legal Description: **LOT 5 JAMES 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
135-2 C - Outbuilding and Detached Garage A fully enclosed building on a lot the is detached from the principal structure on the same lot. A principal structure is required, unless otherwise stated.	Remove the outbuilding and/or detached garage should the primary structure be removed.	09/28/2023

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.	09/28/2023
<p>60-192(1) - Unsafe and Dangerous Structure or Premise 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>	Repair or replace all building components damaged to the point to effectively create a nuisance or a violation. All work must be done in a workmanlike manner with all required permits.	09/28/2023
<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>	Repair or replace all deficient roof components to provide a sound, weathertight condition that provides positive drainage. All work must be done in a workmanlike manner with all required permits.	09/28/2023

Violation	Corrective Action	Compliance Due Date
<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 all stairs, decks, porches, landings and similar elements of building egress, including guards and handrails to a sound and properly anchored condition. All work must be done in a workmanlike manner with all required permits.</p>	09/28/2023
<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>	09/28/2023
<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>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	09/28/2023
<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>	09/28/2023

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.

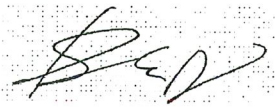
If you no longer own this property, please let us know.

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,

A handwritten signature in black ink, appearing to read 'Kevin Pyles', is written over a light gray dotted grid background.

Kevin Pyles
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4122
KEPyles@dmgov.org



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

Case Number: NUIS-2023-000083	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 03/20/2023
	Date of Notice: 08/18/2023
	Date of Inspection: 08/18/2023

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC
11819 MIAMI ST STE. 100
OMAHA NE 68164

Address of Property: 2317 E 16TH ST, DES MOINES IA 50316
Parcel Number: 792425381013

Legal Description: LOT 5 JAMES PLACE

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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,

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Kevin Pyles
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4122
KEPyles@dmgov.org

30B



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

Case Number: NUIS-2023-000083	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 03/20/2023
	Date of Notice: 06/26/2023
	Date of Inspection: 06/15/2023

MINANI ESTA
2317 E 16TH ST
DES MOINES IA 50316

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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,

A handwritten signature in black ink, appearing to read 'Kevin Pyles', written over a light blue horizontal line.

Kevin Pyles
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4122
KEPyles@dmgov.org

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

Case Number: NUIS-2023-000083	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 03/20/2023
	Date of Notice: 06/26/2023
	Date of Inspection: 06/15/2023

NYANDWI JOSEPHINE A/K/A NYWANDI JOSEPHINE
2814 DOUGLAS AVE #10
DES MOINES IA 50310

Address of Property: **2317 E 16TH ST, DES MOINES IA 50316**
Parcel Number: **792425381013**

Legal Description: **LOT 5 JAMES 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
135-2 C - Outbuilding and Detached Garage A fully enclosed building on a lot that is detached from the principal structure on the same lot. A principal structure is required, unless otherwise stated.	Remove the outbuilding and/or detached garage should the primary structure be removed.	08/04/2023

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.	08/04/2023
<p>60-192(1) - Unsafe and Dangerous Structure or Premise 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>	Repair or replace all building components damaged to the point to effectively create a nuisance or a violation. All work must be done in a workmanlike manner with all required permits.	08/04/2023
<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>	Repair or replace all deficient roof components to provide a sound, weathertight condition that provides positive drainage. All work must be done in a workmanlike manner with all required permits.	08/04/2023

Violation	Corrective Action	Compliance Due Date
<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 all stairs, decks, porches, landings and similar elements of building egress, including guards and handrails to a sound and properly anchored condition. All work must be done in a workmanlike manner with all required permits.</p>	08/04/2023
<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>	08/04/2023
<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>	<p>Repair or replace to eliminate conditions that create a nuisance or a violation in a workmanlike manner with permits as required.</p>	08/04/2023
<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>	08/04/2023

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