



## Legislation Text

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**File #:** RES 11-231, **Version:** 3

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Ordering the razing and removal of the structures at 803 - 805 YORK AVE within fifteen (15) days after the March 16, 2011 City Council Public Hearing.

WHEREAS, the Department of Safety and Inspections has requested the City Council to hold public hearings to consider the advisability and necessity of ordering the repair or wrecking and removal of a two story, wood frame duplex located on property hereinafter referred to as the "Subject Property" and commonly known as 803 - 805 YORK AVE . This property is legally described as follows, to wit:

Arlington Hills Add B4045 49 Lots 14 And Lot 15 Blk 30

WHEREAS, based upon the records in the Ramsey County Recorder's Office and information obtained by the Department of Safety and Inspections on or before August 16, 2010, the following are the now known owners, interested or responsible parties for the subject property: GMAC Mortgage Corp, 500 Enterprise Rd Suite 150, Horsham PA 19044-0969; George Farkas, ReMax Assoc Plus , 480 Highway 96 W Suite 200, Shoreview MN 55126; David Mortensen, Wilford & Geske, 8425 Seasons Pkwy #105, Woodbury MN 55125 Payne Phalen District 5 Planning Council; and

WHEREAS, the Department of Safety and Inspections has notified the known owners, interested or responsible parties of the "Order to Abate Nuisance Building(s) pursuant to Saint Paul Legislative Code Chapter 45; and

WHEREAS, this order informed the interested or responsible parties that they must repair or wreck and remove the structures(s) located on the Subject Property by January 18, 2011; and

WHEREAS, the enforcement officer has posted on December 17, 2010 a placard on the Subject Property declaring this building(s) to constitute a nuisance condition, subject to demolition; and

WHEREAS, this nuisance condition has not been corrected and the Department of Safety and Inspections requested the City Clerk schedule public hearings before the Legislative Hearing Officer and the Saint Paul City Council; and

WHEREAS, the interested and responsible parties have been served notice in accordance with the provisions of Chapter 45 of the Saint Paul Legislative Code, of the time, date, place and purpose of the public hearings; and

WHEREAS, a hearing was conducted before the Legislative Hearing Officer of the City of Saint Paul City Council on February 22, 2011 at which the staff put the following information into the record;

1. This is a two-story wood frame duplex on a lot of 4,792 square feet and has been vacant since December 8, 2008.
2. The owner is listed as GMAC Mortgage Corporation per Ramsey County Property records.
3. There have been thirteen (13) Summary Abatement Notices since 2008 resulting in fifteen (15) Work Orders for boarding and securing, garbage and rubbish removal, tall grass and weeds removal, snow and ice removal, and removal of a shed.
4. On October 27, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a

nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on December 16, 2010 with a compliance date of January 18, 2011. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

5. Taxation has placed an estimated market value of \$18,500 on the land and \$20,200 on the building. Real Estate taxes for the second half of 2010 are delinquent in the amount of \$114.36.
6. A Code Compliance Inspection was done on February 2, 2011. As of February 18, 2011, the \$5,000 performance deposit has not been posted.
7. Code Enforcement officers estimate the cost to repair this structure between \$50,000 and \$60,000; the cost for demolition between \$9,000 and \$11,000.
8. Department of Safety and Inspections (DSI), Division of Code Enforcement recommends removing this structure within fifteen (15) days.
9. Heritage Preservation Commission (HPC), reported that this house was built in 1961. The integrity of the building is nearly gone and the context of the original neighborhood is also in demise; there are already a couple of vacant lots next to it. Across the street is a large development. Demolition would have no adverse effect.

WHEREAS, after reviewing testimony and evidence, the Legislative Hearing Officer made the recommendation to approve the request to order the owners, interested or responsible parties to make the Subject Property safe and not detrimental to the public peace, health, safety and welfare and remove its blighting influence on the community by wrecking and removing the structure in accordance with all applicable codes and ordinances, which is to be completed within fifteen (15) days after the date of the Council Hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on March 16, 2011, and the testimony and evidence including the action taken by the Legislative Hearing Officer was considered by the Council; now, therefore, be it

RESOLVED, that based upon the testimony and evidence presented at the above referenced public hearings, the Saint Paul City Council hereby adopts the following Findings and Order concerning the Subject Property at 803 - 805 YORK AVE:

1. The Subject Property comprises a nuisance condition as defined in the Saint Paul Legislative Code;
2. That costs of wrecking and removal of this building(s) is estimated to exceed \$5,000;
3. That there now exists and has existed multiple Housing or Building Code violations at the Subject Property;
4. That an Order to Abate Nuisance Building(s) was sent to the then known owners, interested and responsible parties to correct the deficiencies or to wreck and remove the building(s);
5. That the deficiencies causing this nuisance condition have not been corrected;
6. That the Department of Safety and Inspections has posted a placard on the Subject Property which declares it to be a nuisance condition, subject to wrecking and removal;
7. That this building(s) has been routinely monitored by Department of Safety and Inspections Vacant/Nuisance Buildings staff; and
8. That the known interested parties and owners are as previously stated in this resolution and that the notification requirements of Saint Paul Legislative Code Chapter 45 have been fulfilled.

and be it

RESOLVED, that the Saint Paul City Council hereby makes the following order:

1. The above-referenced owners, interested or responsible parties shall make the Subject Property safe and not detrimental to the public peace, health, safety and welfare and remove its blighting influence on the community by wrecking and removing this structure(s) and correcting all deficiencies as prescribed in the above-referenced Order to Abate Nuisance Building(s) in accordance with all applicable codes and

ordinances. The wrecking and removal of the structure must be completed within fifteen (15) days after the date of the Council Hearing;

2. If the above corrective action is not completed within this period of time, the Department of Safety and Inspections is hereby authorized to take whatever steps are necessary to wreck and remove this structure, fill the site and charge the costs incurred against the Subject Property pursuant to the provisions of Chapter 45 of the Saint Paul Legislative Code;

3. In the event the building is to be wrecked and removed by the City of Saint Paul, all personal property or fixtures of any kind which interfere with the wrecking and removal shall be removed from the Subject Property by the owners or responsible parties by the end of this time period. If all personal property is not removed, it shall be considered to be abandoned and the City of Saint Paul shall remove and dispose of such property as provided by law; and

4. It is further ordered that a copy of this resolution be mailed to the owners, interested and responsible parties in accordance with Chapter 45 of the Saint Paul Legislative Code.