



## Legislation Details (With Text)

**File #:** RLH RR 23-7 **Version:** 5

**Type:** Resolution LH Substantial Abatement Order **Status:** Passed

**In control:** City Council

**Final action:** 9/13/2023

**Title:** Ordering the rehabilitation or razing and removal of the structures at 901 FULLER AVENUE within fifteen (15) days after the March 22, 2023, City Council Public Hearing. (Amend to remove only)

**Sponsors:** Russel Balenger

**Indexes:** Substantial Abatement Orders, Ward - 1

**Code sections:**

**Attachments:** 1. 901 Fuller Ave.OTA 11-28-22, 2. 901 Fuller Ave.PH 1-13-23, 3. 901 Fuller Ave.SHPO Form 12-13-22, 4. 901 Fuller Ave.Fire Incident Report 10-24-21, 5. 901 Fuller Ave.Fire Investigation Report 10-24-21, 6. 901 Fuller Ave.Photos 10-27-21, 7. 901 Fuller Ave.Photos 11-10-22, 8. 901 Fuller Ave.Photo 11-29-22, 9. 901 Fuller Ave.Photos 1-17-23, 10. 901 Fuller Ave.Summary.pdf, 11. 901 Fuller Ave.L S 2-10-23.pdf, 12. 901 Fuller Ave.Ray R-R Ltr.2-17-23, 13. 901 Fuller Ave.Ray R-R Ltr.3-17-23, 14. 901 Fuller Ave.Greenfield R-R Ltr.4-14-23, 15. 901 Fuller Ave.Greenfield R-R Ltr.4-28-23, 16. 901 Fuller Ave.email chain & Revocation of Assign of Mtg 5-8-23.pdf, 17. 901 Fuller Ave.Fire report Summary 5-9-23.pdf, 18. 901 Fuller Ave.Fire Photos 10-24-21.pdf, 19. 901 Fuller Ave.Greenfield R-R Ltr.5-12-23, 20. 901 Fuller. SPS response.5-15-23, 21. 901 Fuller Ave.Greenfield Zimny email.5-16-23, 22. 901 Fuller Ave.Zeletes R-R Ltr.6-16-23, 23. 901 Fuller Ave.Zeletes R-R Ltr.7-14-23, 24. 901 Fuller Ave.Zimny email.8-2-23, 25. 901 Fuller Ave.Zeletes R-R Ltr.8-11-23, 26. 901 Fuller Ave.Zong Vang email 8-21-23.pdf, 27. 901 Fuller Ave.Certificate of Title.8-8-23, 28. 901 Fuller Ave.Zeletes R-R Ltr.8-25-23, 29. 901 Fuller Ave.Select Portfolio letter to City.8-30-23, 30. 901 Fuller Ave Certified mail cards 9-21-23, 31. 901 Fuller Ave.Certified Mails 11-16-23.pdf, 32. 901 Fuller Ave.Affidavit of Service 12-1-23.pdf

Date	Ver.	Action By	Action	Result
9/14/2023	5	Mayor's Office	Signed	
9/13/2023	5	City Council	Adopted As Amended	Pass
8/22/2023	4	Legislative Hearings	Referred	
8/8/2023	4	Legislative Hearings	Laid Over	
8/2/2023	4	City Council	Referred	
7/12/2023	3	City Council	Continue Public Hearing	
7/11/2023	3	Legislative Hearings	Referred	
6/13/2023	2	Legislative Hearings	Referred	
5/9/2023	2	Legislative Hearings	Laid Over	
4/25/2023	2	Legislative Hearings	Laid Over	
4/11/2023	2	Legislative Hearings	Laid Over	
3/22/2023	2	City Council	Referred	
3/14/2023	1	Legislative Hearings	Referred	
2/14/2023	1	Legislative Hearings	Laid Over	

Ordering the rehabilitation or razing and removal of the structures at 901 FULLER AVENUE within fifteen (15) days after the March 22, 2023, City Council Public Hearing. (Amend to remove only)

**AMENDED 9/13/23**

WHEREAS, the Department of Safety and Inspections has determined that 901 FULLER AVENUE is a nuisance building pursuant to Saint Paul Legislative Code §45.02 as 1) it is a vacant building as defined in §43.02; and 2) it has multiple housing code or building code violations or it has conditions constituting material endangerment as defined in §34.23, or it has a documented and confirmed history as a blighting influence in the community; and

WHEREAS, this property is legally described as follows, to wit: MILTON ADDITION LOT 20 BLK 2; and

WHEREAS, based upon the records in the Ramsey County Recorder's Office and information on file or obtained by the Department of Safety and Inspections, the following are the owners, interested or responsible parties for the subject property as of January 13, 2023: Joseph and Tauriette Ray, 901 Fuller Ave, St Paul MN 55104-4742; Towd Point Mortgage Trust, US Bank NA, as trustee, c/o Select Portfolio Servicing, 3217 Decker Lake Dr, West Valley City UT 84119-23284; Amber Leonard, Greenfield Law Group, PA, 2255 Glades Rd, Suite 324-A, Boca Raton FL 33431; Center for Energy and Environment, 212 3rd Street N Suite 560, Minneapolis MN 55401; Safeguard Properties, 7887 Safeguard Circle, Valley View OH 44125; and Summit-University Planning Council; and

WHEREAS, each of these parties was served a written order dated November 28, 2022 advising them of the basis for the determination that the subject property was a nuisance, and that the nuisance building was to be repaired or razed and removed by December 23, 2022; and

WHEREAS, this order informed the interested or responsible parties that they must repair or raze and remove the structure(s) located on the Subject Property by December 23, 2022; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on November 29, 2022 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by December 23, 2022, and therefore an abatement hearing was scheduled before the City Council on March 22, 2023 and the owner or his duly authorized representative and any interested parties or their duly authorized representatives were properly notified of the time, date and place of the hearing; and

WHEREAS, the Legislative Hearing Officer provided the owner and other interested parties an opportunity to discuss the matter at legislative hearings on February 14, 2023, March 14, 2023, April 11 and 25, 2023, May 9, and June 13, 2023, July 11, August 8 and August 22, 2023; and

WHEREAS, a public hearings were held on March 22, 2023 and July 12, 2023, August 2, 2023, and September 9, 2023 and the City Council reviewed the record, which included the exhibits from the Department of Safety and Inspections, the minutes and recommendation of the Legislative Hearing Officer and any testimony at the hearing. Now, Therefore Be It

RESOLVED, that the Saint Paul City Council hereby finds:

1. That the structure(s) at 901 Fuller Avenue is a nuisance building pursuant to Saint Paul Legislative Code §45.02, as 1) it is a vacant building as defined in §43.02; and 2) it has multiple housing code or building code violations or it has conditions constituting material endangerment as defined in §34.23, or it has a documented and confirmed history as a blighting influence in the community; and 3) these nuisance conditions have not been corrected after notice of the same to the owner.

2. That the Department of Safety and Inspections has complied with all of the procedural requirements of the Saint Paul Legislative Code Chapter 45.

3. That the owners, interested parties or responsible parties have not presented a plan acceptable to the Legislative Hearing Officer and Department of Safety and Inspections staff to repair the structure(s) and correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code Compliance report and to make the structure(s) safe and code compliant within 15 days. And, Be It Further

RESOLVED, that the Saint Paul City Council determines that if the \$5,000 Performance Deposit is made with the City's Department of Safety and Inspections, per Saint Paul Legislative Code Chapter 33.03(f)(1) in order to receive a grant of time for the abatement of the nuisance condition by repairing the building per the requirements set forth in a Code Compliance Inspection Report, and no such grant of time is made by the City Council, the entity posting the performance deposit may request in writing that it be returned and it will be processed to be returned within 6-8 weeks of the request; And Be It Further

~~RESOLVED, that the City Council orders that the owners, interested parties or responsible parties shall repair the structure, correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code Compliance report and to make the structure(s) safe and code compliant, or shall raze and remove the structure(s) within 15 days after the City Council Public Hearing. And, Be it Further~~

RESOLVED, that if the necessary corrective action has not been taken within the time allotted, the Department of Safety and Inspections is authorized to take those steps necessary to raze and remove this structure and to charge the costs incurred in accordance with Saint Paul Legislative Code §45.12(4). Any personal property or fixtures of any kind shall be removed by the owners, interested parties or responsible parties prior to the resolution compliance date or it will be considered to be abandoned and the City of Saint Paul shall remove and dispose of such property as it deems appropriate. And, Be It

FINALLY RESOLVED, that this resolution shall be served on any of the parties required to be notified in Saint Paul Legislative Code §45.12(4).