

Moermond, Marcia (CI-StPaul)

From: Moermond, Marcia (CI-StPaul)
Sent: Wednesday, September 27, 2017 5:32 PM
To: Ubl, Stephen (CI-StPaul)
Cc: Warner, Peter (CI-StPaul); Wagner, Steve (CI-StPaul); Dornfeld, Matt (CI-StPaul); Karpen, Brian (CI-StPaul)
Subject: 25 Elizabeth St E
Attachments: 25 Elizabeth St E.Photos.6-14-17.pdf; 25 Elizabeth St E.Aerial Map.9-26-17.pdf

Hi Steve,

Thanks for talking with me yesterday afternoon about the landslide at the back of 25 Elizabeth St E. As we discussed, the May 23 Summary Abatement Order to address this was appealed and the owner was given to August 1 by the City Council. Here is a link to that record. <https://stpaul.legistar.com/LegislationDetail.aspx?ID=3099371&GUID=6AB75B24-1867-4F97-816B-AFA1820B7177>

Our practice is to follow-up and determine whether or not the nuisance condition has been abated. I have been following up on this for nearly 2 months and the owners (Jonathan and Lacey Guitierrez) have come forward with a plan whereby a deep retaining wall would be built which would require a 3-foot variance and also use of several feet of their neighbor's property (619 Gorman Ave. owned by Erasto A Perez). They have not been able to secure an arrangement with their neighbor to access the work area or use part of the property for the wall itself. I'm not sure if they have had direct communication with the neighbor at all. Lacey Guitierrez seemed to be under the impression yesterday in Legislative Hearing that the City could require or facilitate access to the Gorman property. Matt Dornfeld and I clarified this is a role we cannot play. Here is a link to the record of this file, although the minutes of yesterday's case are not yet complete.

<https://stpaul.legistar.com/LegislationDetail.aspx?ID=3145979&GUID=4F121C92-1680-4CA8-B0F0-5C559A081A9C>

Ideally, the Guitierreses will come up with a solution and execute it before winter. However, I think we/the city need to come up with a Plan B. Peter Warner and I discussed the "lateral support doctrine" which requires that the owner of the property with the higher surface elevation have an obligation to ensure their property does not slide, sink or subside into the lower elevation property. While this is generally a private matter between property owners, there is a concern in this case about significant damage to a building at the Gorman property, which arguably has a public safety component. Also, the newly constructed garage (not just soils) on the Elizabeth property could slide into the Gorman property and possibly a building there.

Because there is a significant likelihood of subsidence if the Elizabeth Street property is not stabilized, I need an evaluation of the situation to inform my recommendation to Council. We may well have to step in and shore the property. You indicated you would go out to the site with Brian Karpen to review this case. I laid the matter over to Legislative Hearing on October 10. I then need to report to Council on October 18. I am hopeful you will have feedback for me at or before that time, as winter is coming. Steve Wagner will potentially be in a position of hiring a contractor to shore this property, and beating the freeze would be helpful.

Thank you so much for your help, Marcia