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Enivid Realty Corporation

Legislative Hearing Officer
310 City Hall
15 West Kellogg Blvd.
St. Paul, MN 55102

October 30, 2017

Re: License Application Notification
Walmart Inc, dba Tiffany's Lounge

Dear Sirs,

Enivid recently received a notice from the City of St. Paul regarding a license application from Tiffany's Sports Lounge to expand their business into the adjacent space that used to be Jimmy John's sandwich shop and to expand their outdoor service area to include the sidewalk in front of the added storefront. While we have no objections to the expansion that will add 1600 square feet to the interior of the tavern, we believe that the additional seating outside will only exacerbate the problems that already exist.

According to Sec. 106.01, *Sidewalk Café Exemptions*, (5) "the license holder shall...ensure that alcoholic beverages served to patrons remain on the licensed premises." The proprietor of this establishment allows open beer bottles to leave the premises and many of these open containers are left in the parking lot of our property next door. This constitutes an ongoing nuisance to our tenant.

Sec. 246.01, (b) states: "Notwithstanding the prohibitions of section 246.01, the sale and service of alcoholic beverages within a sidewalk café by a food establishment, which is in compliance with the provisions of section 106.01 of the Legislative Code, is permitted." Our position is that Tiffany's is not in compliance with section 106.01 of the Legislative Code and therefore should not be granted the additional license nor the obstruction permit that has been requested.

We look forward to attending the public hearing to present our case to the committee.

Respectfully,



Perry Divine
Enivid Realty Corporation

CC: Debi Brewer, VP
Ruben Divine, Director

Enivid Realty Corporation

Legislative Hearing Officer
310 City Hall
15 West Kellogg Blvd.
St. Paul, MN 55102

November 29, 2017

Re: License Application Notification
Walmart Inc, dba Tiffany's Lounge

Dear Sirs,

Enivid recently received a notice from the City of St. Paul regarding a license application from Tiffany's Sports Lounge to expand their business into the adjacent space that used to be Jimmy John's sandwich shop and to expand their outdoor service area to include the sidewalk in front of the added storefront.

Our original objection must be amended. There was an incident that took place at our property located at 2041 Ford Parkway since our original objection letter. Please note that we must now object to any expansion of the tavern.

We look forward to attending the public hearing to present our case to the committee.

Respectfully,



Perry Divine
Enivid Realty Corporation

CC: Debi Brewer, VP
Ruben Divine, Director

From: ps8854@yahoo.com
Sent: Saturday, November 25, 2017 10:42 AM
To: lqdebi@gmail.com
Subject: Fwd: Hi

HEARING.

Begin forwarded message:

From: Darrin Walker <dwalker@halfpricebooks.com>
Date: October 29, 2015 at 8:14:25 AM PDT
To: "'ps8854@yahoo.com'" <ps8854@yahoo.com>
Subject: RE: Hi

OK, see you then!

From: ps8854@yahoo.com [<mailto:ps8854@yahoo.com>]
Sent: Thursday, October 29, 2015 10:11 AM
To: Darrin Walker
Subject: Re: Hi

Darrin,

I'll see you at noon tomorrow at your St. Louis Park store.

Perry

On Oct 29, 2015, at 9:55 AM, Darrin Walker <dwalker@halfpricebooks.com> wrote:

Hi Perry,

Yes, that should work. Should we say noon at the store?

Darrin

From: ps8854@yahoo.com [<mailto:ps8854@yahoo.com>]
Sent: Thursday, October 29, 2015 9:30 AM
To: Darrin Walker
Subject: Re: Hi

Darrin,

I will be leaving this weekend.

I will be happy to meet you for lunch in St Louis Park tomorrow if that would work for you.

Please let me know.

Perry

On Oct 29, 2015, at 8:40 AM, Darrin Walker
<dwalker@halfpricebooks.com> wrote:

Hi Perry,

I am glad to hear that the meeting went well. I will be at our Northtown store today and our St. Louis Park store tomorrow so won't be available for lunch. Not sure if you will be around next week yet or not, but maybe then.

Darrin

From: ps8854@yahoo.com
[<mailto:ps8854@yahoo.com>]
Sent: Thursday, October 29, 2015 7:26 AM
To: Darrin Walker
Subject: Re: Hi

Hi Darrin,

I met with councilman Chris Tolbert yesterday afternoon. I explained to him about the parking issue and bottles that have to be picked up in the mornings (and that this is without a patio). We also talked about closing off the alley from Ford Parkway would interfere with deliveries. I think the discussion went well.

What days are you in highland? We can have lunch.

Perry Divine

On Oct 28, 2015, at 10:23 AM, Darrin Walker
<dwalker@halfpricebooks.com> wrote:

Hi Perry,

I hope all is well in California.

Just curious when your meeting with the city about Tiffany's.

Also, I wanted to let you know, that our painter will be touching up the parking lot wall and the front of the store next week along with staining the interior side door.

Thanks,

Darrin

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number

5253766

Reference CN

Date and Time of Report

11/26/2015 09:18:00

Primary offense:

CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER \$500)

Primary Reporting Officer: Gilsrud, Jeffrey S
Primary squad: 158
Location of incident: 2041 FORD PA
ST PAUL, MN 55101
Secondary reporting officer: Lenarz, Michael J
Approver: Lewis, Jeffrey
District: Western
Date & time of occurrence: 11/25/2015 21:00:00 to
11/26/2015 08:56:00
Site:

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:
Crime Scene Processed:
Police Officer Assisted Suicide:

OFFENSE DETAILS

CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER \$500)

Attempt Only:

Appears to be Gang Related:

Crime Scene
Type: Retail
Description: Specialty store
Method & Point of Entry
Force used:
Point of entry:
Method:
Hid Inside:

NAMES

Complainant

Walker, Darrin
2041 FORD PA
ST PAUL, MN 55101

Nicknames or Aliases

Nick Name:
Alias:
AKA First Name:
AKA Last Name:

Details

Sex: Male
Race: White
Hispanic:
DOB:
Age:
from
to
Resident Status:

Phones

Home:
Work:
Cell: 651-639-1700
Contact:
Pager:

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number: 5253766
Reference CN: 11/26/2015 09:18:00
Primary offense: CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER \$500)

Employment
Occupation: DISTRICT MANAGER
Employer: HALF PRICE BOOKS

Identification
SSN:
License or ID#: License State:

Suspect
UNKNOWN

Nicknames or Aliases
Nick Name:
Alias:
AKA First Name:
AKA Last Name:

Details
Sex: Race: DOB: Age: from to Resident Status:
Hispanic:

Phones
Home: Cell: Contact:
Work: Fax: Pager:
Employment
Occupation: Employer:

Identification
SSN: License or ID#: License State:

Physical Description
US: Metric:
Height: to Build: Hair Length: Hair Color:
Weight: to Skin: Facial Hair: Hair Type:
Teeth: Eye Color: Blood Type:

Offender Information
Arrested: Pursuit engaged: Violated Restraining Order:
DUI: Resistance encountered:
Condition: Taken to health care facility: Medical release obtained:

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Reference CN

Date and Time of Report

11/26/2015 09:18:00

Complaint Number

15253766

Primary offense:

CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER \$500)

Victim

HALF PRICE BOOKS

2041 FORD PA

ST PAUL, MN 55101

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Race: Hispanic: DOB: Age: from to Resident Status:

Phones

Home:

Cell: 651-639-1700

Contact:

Work:

Fax:

Pager:

Employment

Occupation:

Employer:

Identification

SSN:

License or ID#:

License State:

Victim Information

Type: Business

Can Identify Offender: No

Willing to Press Charges: No

Condition:

Taken to health care facility: No

Medical release obtained: No

SOLVABILITY FACTORS

Suspect can be identified: No

By:

Photos Taken:

Stolen Property Traceable:

Evidence Turned In:

Property Turned In:

Related Incident:

Lab

Biological Analysis:

Fingerprints Taken:

Narcotic Analysis:

Items Fingerprinted:

Lab Comments:

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number 15253766
Reference CN
Date and Time of Report 11/26/2015 09:18:00

Primary offense:
CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER \$500)

PROPERTY

ITEM #1	Type of Loss: Damaged	Date of Loss: 11/26/2015	Location Lost: 2041 Ford
Owner: HALF PRICE BOOKS	Date Recovered:	Location Recovered:	
Model #:	Quantity:	Serial #:	
Article Type / Item: Other property / Miscellaneous items	Total value: \$500.00		
Description: Front window smashed out.			
Turned In at:	Locker ID #:	Lab exams:	

Participants:

Person Type:	Name:	Address:	Phone:
Complainant	Walker, Darrin	2041 FORD PA ST PAUL, MN 55101	
Suspect			
Victim	HALF PRICE BOOKS	2041 FORD PA ST PAUL, MN 55101	

NARRATIVE

We were driving Sqd 1580, and do not have ICC footage.

Officer Lenarz and I, Officer Gilsrud, were sent to 2041 Ford Pkwy, Half Price Books, for a criminal damage to property report. A front window was smashed out.

Upon arrival, I spoke to DARRIN WALKER who stated he is a District Manager for the business. Walker stated the damaged occurred between 2100 hours on 11-25-15 and 0240 hours this date. He stated he received a call from the Ramsey County ECC at 0240 hours notifying him. He stated when he arrived this morning the window was already boarded up. Estimated cost to replace window is \$500.00.

No suspect/witness information.

No further information at this time:

PUBLIC NARRATIVE

On 11-26-15 at 0856 hours, we were sent to 2041 Ford Pkwy, Half Price Books, for a criminal damage to property report. A front window was smashed out.

Saint Paul Police Department

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number: 5253766
Reference CN: 11/30/2015 09:38:00
Date and Time of Report

CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER \$500)

Primary Reporting Officer: Gray, James R
Primary squad: 2041 FORD PA
Location of Incident: ST PAUL, MN 55101
Secondary reporting officer:
Approver:
District: Western
Date & time of occurrence: 11/25/2015 21:00:00 to 11/26/2015 08:56:00
Site:
Arrest made:
Secondary offense:

Police Officer Assaulted or Injured:
Crime Scene Processed:
Police Officer Assisted Suicide:

NARRATIVE

While assigned to this case, I reviewed the original report and learned the Responding Officer spoke with a victim of a C.D.T.P. According to the victim, Darrin Walker, an unknown suspect damaged the front window at 2041 Ford Parkway - Half Price Books.

At this point, a letter was mailed to Walker which stated this incident would be closed because there were no witnesses, suspects or physical evidence.

Case File Closed - Pending
Property - None Recovered

PUBLIC NARRATIVE

From: ps8854@yahoo.com
Sent: Saturday, November 25, 2017 10:44 AM
To: lqdebi@gmail.com
Subject: Fwd: Broken Front Window

HEARING.

Begin forwarded message:

From: ps8854@yahoo.com
Date: December 11, 2015 at 9:59:52 AM PST
To: Darrin Walker <dwalker@halfpricebooks.com>
Subject: Re: Broken Front Window

Darrin,

Thank you.

Perry

On Dec 11, 2015, at 9:54 AM, Darrin Walker <dwalker@halfpricebooks.com> wrote:

Hi Perry,

Yes, I will email you a copy either later today or tomorrow

Darrin

On Dec 11, 2015, at 11:49 AM, "ps8854@yahoo.com" <ps8854@yahoo.com> wrote:

Darrin,

Would you be able to send me a copy of the incident report and the police report.

Thank you.

Perry

On Dec 10, 2015, at 1:40 PM, Darrin Walker <dwalker@halfpricebooks.com> wrote:

Hi Perry,

Unfortunately, I was the one here to clean up and I forgot to take any photos.

Sorry,

Darrin

On Dec 10, 2015, at 3:18 PM,
"ps8854@yahoo.com"
<ps8854@yahoo.com> wrote:

Hi Darrin,

I'm sorry to hear about the broken window. Would you please send me the photos of the broken window and beer bottles that were in the parking lot.

Thank you for the update.

Hope all is well.

Perry

On Dec 10, 2015, at 9:18 AM, Darrin Walker <dwalker@halfpricebooks.com> wrote:

Hi,
Perry,

I hope all is well in California.

I wanted to let you know that someone broke one of the front window s at the store recently. It was most likely a patron from Tiffany s since it occurred around 2:30AM. There were also numero us beer bottles in our parking lot. The window was quickly replaced. Unfortunately, we were unable

to find
out
who
did it
Thanks,
Darrin

From: ps8854@yahoo.com
Sent: Saturday, November 25, 2017 10:46 AM
To: lqdebi@gmail.com
Subject: Fwd: Police Report Letter

HEARING.

Begin forwarded message:

From: Darrin Walker <dwalker@halfpricebooks.com>
Date: December 11, 2019 at 1:10:23 PM PST
To: "ps8854@yahoo.com" <ps8854@yahoo.com>
Cc: Darrin Walker <dwalker@halfpricebooks.com>
Subject: Police Report Letter

Hi Perry,

I have attached a letter from the police department informing us that there is insufficient information to solve the case (#15-253-766).

I received a phone call on Thursday, November 26th at 2:45AM (Thanksgiving). I didn't hear the phone so didn't get the message until around 7AM. I went to the store to find that someone had broken one of the front windows. The police had already boarded up the spot. Other than the window, nothing else was damaged. Nothing was taken either. There were several beer bottles in the parking lot. I cleaned up the glass and waited for an officer to take a report. He arrived within 15 minutes and let me know that it was doubtful that the crime would be solved.

Thanks,

Darrin

Enivid Realty Corporation

Councilmember Chris Tolbert
310-C City Hall
15 Kellogg Blvd. West
St. Paul, MN 55102

February 11, 2016

Dear Councilmember Tolbert,

Happy New Year!

I am writing to you so you are aware that my family's property located at 2041 Ford Parkway was vandalized on November 25th, 2015 at 2:30 in the morning. The district manager of Half Price Books notified me shortly after the incident and reported to me that the front window was smashed and there were numerous beer bottles in our parking lot. There was no robbery.

When I met with you last fall to discuss my concerns regarding the proposed closure of the alley to Ford Parkway and the addition of a patio for Tiffany's, this was precisely what I was talking about. A patio will only exacerbate these kinds of incidences. Our tenant has to pick up beer bottles left in our parking lot and on our window sills as well as cleaning up vomit and urine. Tiffany's customers have been taking open containers out of the bar and this will only become a larger problem with a patio. I know first hand what my tenant is experiencing as I was the person that had the clean up duty when this was my father's business (Divine's Men's Shop) many years ago. My family and I have always been members of this community, in good standing, and have been tolerant of these issues.

When I learned that our property was going to be assessed \$75,000.00 to improve our streets and sidewalks, I was immediately on board and happy to pay. It does not make me happy, nor our tenant, to see the mess next door and the mess left on our property by the people coming from Tiffany's. I am all for expanding business in Highland but it should not be at the expense of a neighboring business that will have to contend with the continued disregard for property.

I recall sharing with you that Blake cited O'Gara's as a model for Tiffany's expansion but the dynamics are totally different. O'Gara's has a dedicated parking lot that gives enormous separation from the community and businesses. Tiffany's has no such separation.

Last fall you suggested that I "work something out" with Tiffany's. Are you suggesting that Blake compensate me for granting access to our parking lot? I am not interested in allowing them to encroach on our tenant.

Highland Park has the privilege of having a national tenant with Half Price Books; they own 125 stores throughout the country, 7 stores in the twin cities and have been at this location in Highland since 1991. Corporate has indicated to me that they are unhappy with the current situation and expressed their concerns over the expansion of the tavern next door. Should they terminate their lease in Highland Park it could take some time to find another tenant willing to occupy this beautiful free-standing building with a dedicated parking lot because it is right next to a tavern with a history of negligence regarding their responsibility in these matters.

Respectfully,



Perry Divine
President
enivid2041@yahoo.com

Enivid Realty Corporation

Our Neighbors
2018 Pinehurst Avenue
St. Paul, MN 55116

February 29, 2016

Dear Neighbor,

My name is Perry Divine and I am the landlord for the Half Price Books store located at 2041 Ford Parkway. I spoke with some of you last fall regarding the proposed closure of the alley that runs between Half Price Books and Tiffany's to accommodate a permanent patio for the tavern.

Many of you have probably already experienced some inconvenience having to do with the delivery truck traffic along the alley. Should this section of alleyway (between Half Price Books and Tiffany's) close, it will require delivery trucks to navigate down the east/west alley and exit onto Pinehurst; trucks will no longer be able to enter or exit onto Ford Parkway. My concern is that this will affect the resale value of the properties located along the south side of Pinehurst as well as my property on Ford Parkway.

It is imperative that we collectively voice our objection to this project otherwise we can be sure that the city will close the alley that exits onto Ford Parkway and issue permits for the patio. I urge you to contact your councilman:

Councilmember Chris Tolbert
310-C City Hall
15 Kellogg Blvd. West
St. Paul, MN 55102
651 269-4786
Email: chris@christolbert.org

I know that if we make our voices heard we can keep the Ford Parkway exit open; it worked on Grand Avenue when the city wanted to install parking meters. Because concerned citizens like you voiced their opposition, there will be no parking meters along Grand Avenue!

I will be in the Twin Cities from March 4th through the 12th and would be happy to meet with you should you have any questions. Or you may email me at:

enivid2041@yahoo.com

Thank you for your interest and concern.

Sincerely,



Perry Divine
President
Enivid Realty Corporation
(A Minnesota Company since 1959)