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**Mailing Address:**

MET Law Group  
Saint Paul, MN 55102  
500 Laurel Avenue

**Contact Us:**

www.metlawmn.com  
info@metlawmn.com  
(651) 998-9529

19 July 2012

Marcia Moermond  
Legislative Hearing Officer  
Office of the City Council  
310 City Hall  
15 West Kellogg Boulevard  
Saint Paul, Minnesota 55102-1615

Re: Orders to Remove or Repair at 461 Sherburne Avenue and 435 Thomas Avenue

Ms. Moermond,

My firm has been retained by David Busch and DRB #24, LLC, the owner of the properties at 461 Sherburne and 435 Thomas, to help facilitate the renovation of those properties and restore them to code-compliant status. At a legislative hearing on July 10 of this year, you informed Mr. Busch that you would recommend to the City Council that those properties be demolished. Mai Vang, the legislative hearing coordinator, also sent a letter to Mr. Busch indicating that he had ten days to comply with conditions of rehabilitation, which include requirements that he pay \$5,000 as a performance bond, obtain a new code compliance inspection, obtain funds for and dedicate the total cost of repairs on each building to the project, and maintain the property.

Mr. Busch is dedicated to renovating the properties, as he has done with 21 other properties in the area, but because of the City's determination on the status of the property, is unable to get the work permits necessary to continue repairs. The process of rehabbing so many properties is a slow one, but he is committed to ensuring that the properties at a minimum do not constitute a danger to the public, while continuing the process of bringing them fully code-

compliant. This process requires that he know what deficiencies constitute dangerous conditions and need to be immediately fixed, and which are habitability which can be placed second on the list of priority fixes. However, the list of deficiencies he has received has not allowed him to do this.

As a result, Mr. Busch's attempts to completely renovate his properties one at a time has lead to the current situation, where two of his properties are facing demolition, without any information as to what repairs need to be done to avoid this. He has asked me to open a dialog with the City to try and accomplish the goal both sides want: that the properties be restored. Given quickly approaching August 1 hearing, we have begun a declaratory judgment action to ask the court to look into the legal status of the property, so that we can keep that option open, but Mr. Busch feels it would be much preferable to both sides to try and resolve this without resorting to judicial remedies if possible. For that reason, he has asked me to contact you, and the contractor in charge of the project has also spoken to Reid Soley at the Inspections Department and provided him with a status report on the properties and the expected budget and timeframe for completion of renovations to both properties. Enclosed is a copy of that letter.

If you or someone from the City was willing to explain to him the repairs necessary to avoid demolition, and postpone any Council on this issue long enough to give him reasonable time to complete those repairs, he would be happy to ensure that those repair necessary to ensure that the buildings are safe structures. He believes this can be completed most quickly and efficiently through an open dialog with the City and the Inspections Department, and is hopeful that the matter can be resolved in the best interests of all involved.

I will contact your office to follow up on this letter, but in the meantime, please feel free to contact me with any questions about this matter. I can be reached at the addresses below, and my direct line is (651) 587-5123.

Regards,

A handwritten signature in black ink, appearing to read 'Michael Kemp', with a stylized flourish at the end.

Michael Kemp

MET Law Group  
500 Laurel Avenue  
Saint Paul, MN 55102  
(651) 998-9529  
mkemp@metlawmn.com

River Valley Builders  
13640 30<sup>th</sup> Street South  
Afton, MN. 55001

7/18/12

TO: Reid Soley  
City of St. Paul  
Department of Safety and Inspections  
RE: 461 Sherburne Ave.  
435 Thomas Ave

Dear Reid,

Thank You for spending time with me last Friday explaining, in detail, the status of the two referenced vacant buildings that are owned by Dave Busch, DRB #24, LLC. I have completed my inspection of these two properties and have outlined my results below:

461 Sherburne Ave

- 1) The structural integrity of this building is in good condition. The previous contractor pulled the proper permits, began renovation, but never completed the task.
- 2) The exterior of the building is in good condition. A new roof was installed and new soffit and fascia. There are a few small pieces of siding missing and can be properly repaired and a new coat of painting can be applied.
- 3) The interior work completed has taken the entire unit down to the framing members, new bearing footings and posts installed. No other work was performed after this task.
- 4) We discussed the situation with the existing Code Compliance Report that has apparently expired and that the building has been moved to a Category 3. The buildings mechanical systems, heating, plumbing, and electrical, have been removed and new systems will be installed. I do not believe that it is necessary to go through the process of completing a new Code Compliance Report by the City of St. Paul. Some framing needs to be completed and inspected, new mechanicals need to be installed and inspected, and then the building can be completed to code and gain occupancy status.

River Valley Builders  
13640 30<sup>th</sup> Street South  
Afton, MN. 55001

- 5) To complete the renovation that was previously started is estimated to cost \$47,100.00.
- 6) The scope of work will take 60 days to complete and work will be started as soon as we receive approval from the city.

435 Thomas Ave

- 1) The structural integrity of this building is in good condition. The previous contractor pulled the proper permits, began renovation, but never completed the task.
- 2) The exterior of the building is in good condition. New windows were installed and some siding needs to be repaired. The roof is in good condition.
- 3) The interior work has been completed through the installation of new drywall, with a few sheets of drywall left to be installed. Drywall taping has not started.
- 4) We discussed the situation with the existing Code Compliance Report that has apparently and that the building has been moved to a Category 3. This building was also previously approved as a Duplex, even though the zoning has since changed to a zone 4.
- 5) To complete the renovation that was previously started, at a cost so far of \$60,000.00, without the purchase price included, is estimated to cost \$28,000.00.
- 6) The scope of work will take 45 days to complete and work will be started as soon as we receive approval from the city.

I appreciate the time that you have taken to explain and work through the approval process. I have taken photos of the 2 properties and would like to meet with you again to discuss the status of these two buildings further. I have met with Dave Busch and reported my conclusions and he is eager to commence renovation and work with the City to complete the task. Please contact me to discuss further.

Thank You,

Scott Peters  
River Valley Builders  
651-492-7260