

From: [Salina Amey](#)
To: [*CI-StPaul_LegislativeHearings](#)
Cc: [#CI-StPaul_Ward7](#); [*CI-StPaul_CC-Ward6](#); [#CI-StPaul_Ward5](#); [#CI-StPaul_Ward4](#); [#CI-StPaul_Ward3](#); [#CI-StPaul_Ward2](#); [#CI-StPaul_Ward1](#); [Erick Kaardel](#); [Martin, Lisa \(CI-StPaul\)](#); [Hesse, Daniel \(CI-StPaul\)](#); [Ekobena, Richard \(CI-StPaul\)](#); [Miller, Jeremy \(CI-StPaul\)](#); [Zimny, Joanna \(CI-StPaul\)](#); [Tierney, Rachel \(CI-StPaul\)](#); [Upper Midwest Law Center](#); [Harrington, Stephanie \(CI-StPaul\)](#); [Jeff Meitrodt](#); [Albornoz, Carlos \(CI-StPaul\)](#); [Her, Kaohly \(CI-StPaul\)](#); [Xiong, ThaoMee \(CI-StPaul\)](#); [Erick Kaardel](#); [Scott McKown](#); [Salina Amey](#)
Subject: Appeal of Condemnation and Order to Vacate RLH VO 21-34 (forwarded email to DSI dated 10-8-2021)
Date: Sunday, August 29, 2021 6:11:36 PM
Attachments: [Salina.pdf](#)
[PictureSalina"sHouseDec.1998.pdf](#)

Think Before You Click: This email originated **outside** our organization.

Dear Legislative Hearing Staff, City Council Members, and all others,

Please consider the photos and text from this forwarded email in my appeal of the decision of Marcia Moermond to recommend the condemnation of my home and the retroactive order to vacate my home by Friday, August 27, 2021.

Sincerely,

Salina Amey

From: Salina Amey <salina_amey@hotmail.com>
Sent: Monday, October 8, 2012 8:52 PM
To: Dave Tank <david.tank@ci.stpaul.mn.us>
Cc: Steve Magner <steve.magner@ci.stpaul.mn.us>; Steve Ubl <stephen.ubl@ci.stpaul.mn.us>; Greg Schroeder <greg.schroeder@ci.stpaul.mn.us>; steve.schiller@ci.stpaul.mn.us <steve.schiller@ci.stpaul.mn.us>; Jim Bloom <jim.bloom@ci.stpaul.mn.us>; patricia.lindgren@ci.stpaul.mn.us <patricia.lindgren@ci.stpaul.mn.us>; elena@wsco.org <elena@wsco.org>
Subject: Unsightly Spite Fence Built By Residents of 279 Curtice Street East

Hi Dave,

The last time I saw you was the day that you used a measuring tape and measured from the center of Woodbury Avenue, past three home lots including mine, and put two pebbles in the alley, and instructed my neighbor, Ben Brown, that he could use the pebbles as a survey marker in order to put up a fence. You told him he could put up a high tension line between the pebbles, and the utility survey marker that is next to the front sidewalk between our houses. You told me that prior to allowing Ben Brown to put up a fence, that you would come out and inspect the high tension line that he was to put up. You assured me that the fence would have to meet code requirements.

Ben Brown chopped down major portions of my lilac bushes, and moved the

two little pebbles that you placed in the alley, further away from his home. Ben Brown then chopped down major portions of my lilac bushes, and took all the brush and foliage from one of them. There never was a high tension line put up. Ben Brown constructed an unsightly fence out of orange plastic mesh, and it is on my property.

I have enclosed two pictures from 1998, which show the existing fences that were the property boundary for decades. They also clearly show the side wall of my old retaining wall system.

The fence that Ben Brown constructed is clearly at a diagonal, and due to it being a minimum of one foot over my property line behind my house, effectively seizes the side wall of my retaining wall system. Last fall Ben Brown and his friend Hakim destroyed a portion of this side wall by digging out the blocks underneath it until it collapsed downwards.

There is a property stake between that is on the other side of my side wall of my retaining wall system. It is clearly a property stake, and there was one next to the alley, which mysteriously disappeared. I have shown this property stake to several city of St Paul inspectors, and have been told that because it was not put in by a utility company it would not be honored. This is unreasonable. NSP built the high-bridge plant in 1923, the same year that my house was built, and decades after my neighbor's house was built. How could they be the ultimate authority of a property line that existed before they did?

As it turns out, the utility pin is adjacent to the footing of the chain link fence that separates our front yards. The chain link fence is where it should be, and yet Ben Brown has constructed the obnoxious orange plastic fence further over on my property. Why have you allowed this?

Steve Schiller, of Property Code Enforcement is aware that this sidewall was destroyed, as due to a complaint by Ben Brown earlier last fall, I was ordered to replant the area following construction work that had happened earlier.

Ben Brown never put up a high tension line between the two points, and yet he constructed a fence.

This was the second unsightly spite fence that was put up on my property. The first one was illegally constructed last fall, and not removed until July, despite my repeated requests that your department enforce your policies and order the removal of the illegal fence. This never happened. For almost a year I have been mystified by the lack of response of personnel in your department to address my concerns.

The fence permit that Ben Brown was given on 6/25/2012 was given due to his claiming that it would be of a value of \$1,000.00. I alerted your department to the fact that he had purchased more wooden garden stakes and orange plastic mesh. The value of these materials is negligible, not \$1,000.00.

The city of St Paul is supposed to be "*The Most Livable City*" in America. This is not my experience, nor that of all my neighbors and visitors to my neighborhood who have to see this ugly spite fence, day after day after day.

Besides the unsightly and flimsily built fence, there has been almost a year of garbage and refuse on the property line and adjacent to it. Why?

I have sent emails to you and other personnel of the City of St. Paul requesting that codes be enforced with regards to the actions of Ben Brown, and yet it seems that all of you bend over backwards to let him do whatever he wants. Recently I learned that he works for the City of St Paul Attorney's Office. My hope is that you would not accord him special privileges for this reason, and yet it seems that you do.

I sent information regarding spite fence ordinances and regarding case law that says that there is a fifteen year statute of limitations in order to change an existing property border. My house was built in 1923 and Ben Brown's house was built in the 1800's.

Why did you not instruct Ben Brown to hire a surveyor, prior to changing the existing property boundary? This seems more than reasonable. Why did you act as surveyor with your measuring tape and pebbles?

Have you seen what he constructed? The fence is unsightly and flimsy. It is resting on top of my retaining wall, and is attached to the roof of his garage. The fence is ridiculous.

I have attached some pictures of the fence. I have many, many more pictures that show that garbage has been on the property border since late last fall, and yet it is still there.

https://www.stpaulonestop.com/AMANDA5/eNtraprise/StPaul/m3list/e_web_listsubmit.jsp?pagename=a_PickProperty.jsp

Although I have sent these links previously to several inspectors, here they are again:

Spite Fence Statute, MN: <https://www.revisor.leg.state.mn.us/statutes/?id=561.02>

Fence Requirements St Paul: <http://www.tcfence.com/pdf/Fence-Code-St-Paul.pdf>

Code Requirements for Fences, St Paul: <http://www.stpaul.gov/index.aspx?NID=1732>

<https://www.revisor.mn.gov/statutes/?id=541.02>

<http://mercatorgroup.com/professional-services/boundary-surveys/>

In addition to City of St Paul Inspection's employees, I have copied this email to Patricia Lindgren, Legislative Aide to Ward 2 City Council Member Dave Thune, and Elena Gaarder, Executive Director of West Side Community Organization.

Thank you for responding to my concerns. I want my property to be restored to me, the trash on the property line hauled away, and the unsightly spite fence removed.

With regards,
Salina Amey

patricia lingren works with dave thune elena Gaarder is executive director of west side citizens organization

send to city of st paul and cc to them

















