

SHOEMAKER & SHOEMAKER, PLLC

ATTORNEYS AT LAW
A PROFESSIONAL LIMITED LIABILITY COMPANY, INCLUDING PROFESSIONAL CORPORATIONS

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7900 INTERNATIONAL DRIVE
MINNEAPOLIS, MINNESOTA 55425

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www.shoemakerlaw.com

JOHN R. SHOEMAKER
PAUL F. SHOEMAKER

JOHN R. SHOEMAKER, P.A.
PAUL F. SHOEMAKER, P.A.

February 19, 2013

Sara Grewing
City Attorney
400 City Hall and Courthouse
15 Kellogg Blvd., West
St. Paul, MN 55102
Attorney for City of St. Paul

Shari Moore, City Clerk
310 City Hall
15 Kellogg Blvd., West
St. Paul, MN 55102

RECEIVED
FEB 19 2013
CITY CLERK

Re: Alex Jerome, et al., Petitioners vs. City of Saint Paul, Respondent
Minnesota Court of Appeals
Petition for Writ of Certiorari, Filed February 19, 2013
Re: City Council Resolution # 12-68

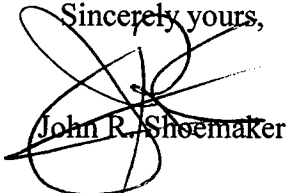
Dear Ms. Grewing:

Dear Ms. Moore:

Enclosed and hereby served upon you please find the following documents:

- (1) PETITION FOR WRIT OF CERTIORARI;
- (2) City Council Resolution # 12-68;
- (3) STATEMENT OF CASE OF PETITIONERS;
- (4) WRIT OF CERTIORARI; and
- (5) COST BOND (original bond to Ms. Grewing).

Sincerely yours,


John R. Shoemaker

JRS/hs
Encls.

COPY

STATE OF MINNESOTA
COURT OF APPEALS
CITY OF SAINT PAUL

Alex Jerome and
Ameena Samatar,
Relators,

**COST BOND
FOR
CERTIORARI**

vs.

City of Saint Paul,
Respondent.

FILE NO. _____

KNOW ALL BY THESE PRESENTS, in consideration of the annual premium paid and the underwriting conditions agreed to, That we, Alex Jerome and Ameena Samatar, as Principals and WESTERN NATIONAL MUTUAL INSURANCE COMPANY of Edina, MN, as Surety are held and firmly bound unto the Court of Appeals in the sum of (\$500.00) Five Hundred and No/100 Dollars for which payment well and truly to be made we jointly and severally bind ourselves and each of our heirs and legal representatives, firmly by these presents.

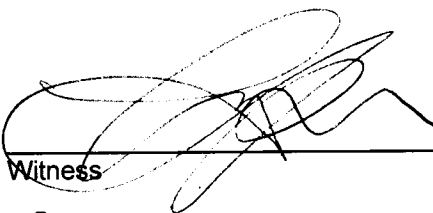
That the undersigned will at all times indemnify the Surety and save it harmless from and against any and all claims, demands, judgments, liabilities, loss, damage, or expense of every kind and nature, including court costs and attorney fees, which it shall sustain or incur in consequence of it having executed said bond.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above named Alex Jerome and Ameena Samatar, shall pay all costs and disbursements that may be adjudged against them in said action, this obligation shall become void; otherwise it shall be and remain in full force and effect.

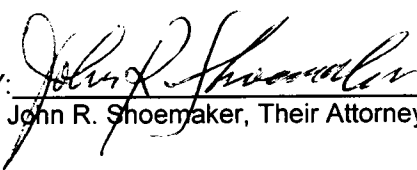
IN WITNESS WHEREOF, We have hereunto set our hands and seal this 19th day of February, 2013.

Signed, Sealed and Delivered in Presence of:

Alex Jerome and Ameena Samatar

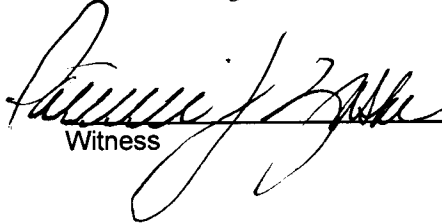


Witness


BY: 

John R. Shoemaker, Their Attorney

WESTERN NATIONAL MUTUAL INSURANCE
COMPANY



Witness

BY: 

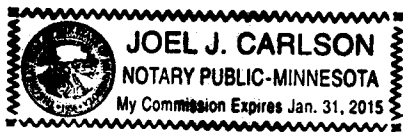
Richard H. Davies, Attorney-in-Fact

ACKNOWLEDGMENT OF PRINCIPAL(S)

STATE OF MINNESOTA)
)ss.
COUNTY OF Hennepin)

BE IT KNOWN, that on the 19th day of Feb, 2013, personally appeared before me, John R. Shoemaker to me well known to be the person who executed the foregoing bond, and has acknowledged the same to be his own free act and deed, and that he executed the same for the uses and purposes therein expressed.

(SEAL)



[Signature]

Notary Public

ACKNOWLEDGMENT OF SURETY

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

On this 19th day of February, 2013, before me personally appeared Richard H. Davies to me personally known, who being sworn did say that he is the Attorney-In-Fact of the WESTERN NATIONAL MUTUAL INSURANCE COMPANY, that the seal affixed to the foregoing instrument is the corporate seal of that corporation, and that said instrument was executed on behalf of the corporation by authority of its Board of Directors; he acknowledged said instrument to be the free act and deed of said corporation.

(SEAL)



[Signature]

Notary Public

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Western National Mutual Insurance Company, a Minnesota mutual insurance company, does make, constitute and appoint: **Richard H. Davies; Matthew W. Davies; Jonathan S. Davies; Patricia J. Zaske (Patrick J. Thomas Agency, Inc. - #9188)**

Its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the Company as surety, to execute and deliver and affix the seal of the Company thereto (if a seal is required) bond, undertakings recognizances or other written obligations in the nature thereof, (other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, asbestos abatement contract bonds, waste management bonds, hazardous waste remediation bonds or black lung bonds), as follows:

All written instruments in an amount not to exceed an aggregate of Five-Million Dollars (\$5,000,000.00) for any single obligation, regardless of the number of instruments issued for the obligation.

and to bind Western National Mutual Insurance Company thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a meeting held on September 28, 2010. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of Western National Mutual Insurance Company on September 28, 2010:

RESOLVED that the president, any vice president, or assistant vice president in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds, and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

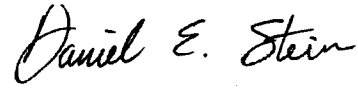
- RESOLVED FURTHER that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company
- (i) when signed by the present, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
 - (ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
 - (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the Company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, Western National Mutual Insurance Company has caused these presents to be signed by its proper officer and its corporate seal to be affixed this 17th day of October, 2011.



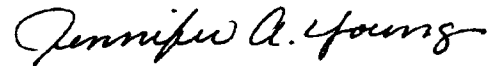
Joseph Pingatore, Secretary



Daniel E. Stein, Vice-President

STATE OF MINNESOTA, COUNTY OF HENNEPIN

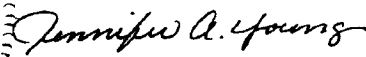
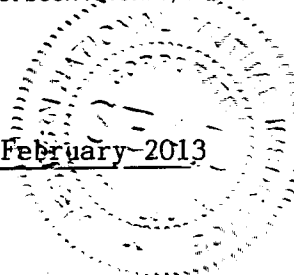
On this 17th day of October, 2011, personally came before me, **Daniel E. Stein** and **Joseph Pingatore** to me known to be the individuals and officers of the Western National Mutual Insurance Company who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally dispose and say; that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.



Jennifer A. Young, Notary Public
My commission expires January 31, 2016

CERTIFICATE
I, the undersigned, assistant secretary of the Western National Mutual Insurance Company, a Minnesota corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.

Signed and sealed at the City of Edina, MN this 19 day of February 2013



Jennifer A. Young, Assistant Secretary



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A PROFESSIONAL LIMITED LIABILITY COMPANY, INCLUDING PROFESSIONAL CORPORATIONS

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JOHN R. SHOEMAKER
PAUL F. SHOEMAKER

JOHN R. SHOEMAKER, P.A.
PAUL F. SHOEMAKER, P.A.

February 19, 2013

Clerk of Appellate Courts
Minnesota Court of Appeals
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Re: **Alex Jerome and Ameena Samatar, Petitioners**
vs. City of Saint Paul, Respondent
Petition for Writ of Certiorari, Filed February 19, 2013
Re: **City Council Resolution # 12-68**

Dear Clerk of Appellate Courts:

Enclosed herein for filing please find the following documents:

- (1) PETITION FOR WRIT OF CERTIORARI (original and 2 copies) with:
 - (a) attached copy of **City Council Resolution # 12-68**
 - (b) attached copy (2 copies) of STATEMENT OF CASE OF PETITIONER;
 - (c) attached original of STATEMENT OF CASE OF PETITIONER;
- (2) WRIT OF CERTIORARI;
- (3) Check for the filing fee of \$550.00; and
- (4) Copy of the cost bond filed with the City of Saint Paul today pursuant to Rule 115.03 and 107, Minn.R.Civ.App.P.

Sincerely yours,

John R. Shoemaker

JRS/hs
Encls.

COPY

STATE OF MINNESOTA
IN COURT OF APPEALS

~~~~~

**PETITION FOR WRIT OF CERTIORARI**

Alex Jerome and  
Ameena Samatar,

Petitioners,

COURT OF APPEALS NUMBER:  
  
\_\_\_\_\_

vs.

City of Saint Paul,

Respondent.

AGENCY OR BODY NUMBER:  
Saint Paul City Council Resolution  
Council File # 12-68  
DATE OF DECISION:  
December 21, 2012

DATE AND DESCRIPTION OF EVENT  
TRIGGERING APPEAL TIME  
Adoption of Resolution, executed by  
City Mayor on December 21, 2012;

TO: Court of Appeals of the State of Minnesota:

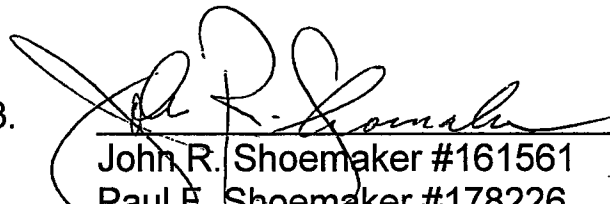
The above-named petitioners hereby petition the Court of Appeals for a Writ of Certiorari to review the decision of the City of Saint Paul, acting through the City Council and Mayor, issued as a final resolution decision on the date noted above upon the grounds that Respondent's decision: (1) was arbitrary and capricious; (2) was oppressive and unreasonable in light of evidence presented to said body; (3) is unsupported by the evidence in view of the entire record; (4) was reached by Respondent's inexplicably deviation from its own legislative code, policies, procedures, practices, and

precedents; (5) is in violation of Petitioners' constitutional rights of due process; and (6) the evidence before the deciding body did not provide a reasonable and substantial basis for the determination.

This Petition is made pursuant to Rule 115 of the Minnesota Rules of Civil Appellate Procedure and is made pursuant to Minnesota Statute Section 606.01. A copy of the Respondent's decision and Petitioners' Statement of the Case are attached to this Petition in accordance with the Rule 115.03, Subd. 1.

RESPECTFULLY SUBMITTED,

Dated: 2/19, 2013.



John R. Shoemaker #161561  
Paul F. Sheemaker #178226  
7900 International Drive  
International Plaza, Suite 200  
Minneapolis, MN 55425  
Telephone: (952) 224-4600  
Attorneys for Petitioners



# City of Saint Paul

City Hall and Court  
House  
15 West Kellogg  
Boulevard  
Phone: 651-266-8560

## Signature Copy

### Resolution LH Substantial Abatement Order: RLH RR 12-68

**File Number: RLH RR 12-68**

Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012 City Council Public Hearing.  
[Amended to remove or repair within 30 days of the passage of the resolution]

**Amended for 12/05/2012**

WHEREAS, the Department of Safety and Inspections has determined that 601 WESTERN AVENUE NORTH 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: Smiths Sub Of Stinsns Div B 2 Lots 14 & 15 Blk 8; 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 July 13, 2012: Bayview Loan Servicing Llc, 4425 Ponce De Leon Blvd 5th Fl, Coral Gables FL 33146-1873; Internal Revenue Service, United States Treasury Dept, 30 E 7th Street, Saint Paul MN 55101; Murnane Brandt, 30 E 7th Street #3200, Saint Paul, MN 55101; and Frogtown Neighborhood Association; and

WHEREAS, each of these parties was served a written order dated June 1, 2012 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 July 1, 2012; and

WHEREAS, this order informed the interested or responsible parties that they must repair or raze and remove the structures(s) located on the Subject Property by July 1, 2012; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on June 4, 2012 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by July 1, 2012 and, therefore, an abatement hearing was scheduled before the City Council on September 5, 2012 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 a legislative hearing on August 14, 2012; and

WHEREAS, a public hearing was held on September 5, 2012 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 601 WESTERN AVENUE NORTH 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; and 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

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 ~~45~~ thirty (30) 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 demolition 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).

At a meeting of the City Council on 12/19/2012, this Resolution LH Substantial Abatement Order was Passed.

Yea: 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune, and Councilmember Tolbert


Nay: 0

Vote Attested by  
Council Secretary

  
\_\_\_\_\_  
Trudy Moloney

Date 12/19/2012

Approved by the Mayor

  
\_\_\_\_\_  
Chris Coleman

Date 12/21/2012

STATE OF MINNESOTA  
IN COURT OF APPEALS

\*\*\*\*\*

Alex Jerome and  
Ameena Samatar,

Petitioners,

vs.

**STATEMENT OF THE CASE  
OF PETITIONERS**

City of Saint Paul,

Respondent.

**City of St. Paul Council Resolution  
Number: 12-68**

**Appellate Court Case No: \_\_\_\_\_**

\*\*\*\*\*

**1. Court or Agency of case origination and name of judge or hearing officer who presided.**

City of Saint Paul, City Council, Resolution #12-68, adopted by the City Council on December 19, 2012 and signed by the Mayor of the City on December 21, 2012.

**2. Jurisdictional Statement.**

Statute, rule or other authority authorizing certiorari appeal. Authority fixing time limit for obtaining certiorari appeal.

Petitioners seek review, by writ of certiorari, of a resolution adopted by the City of Saint Paul on December 19, 2012, and signed by the Mayor of the City on December 21, 2012, pursuant to Minnesota Statute §606.01 and Rule 115 of the Minnesota Rules of Civil Appellate Procedure. Certiorari jurisdiction is claimed based on the "quasi-judicial" nature of the council investigative decisions. This petition is filed within 60 days of the date the adverse decision was adopted by the Saint Paul City Council and the

Mayor of the City of Saint Paul and is timely pursuant to Minnesota Statute Section 606.01.

**3. State type of litigation and designate any statutes at issue.**

Abatement of "nuisance" property taken pursuant to Saint Paul Legislative Code chapter 45; specifically, Sections 45.02, 43.02 (vacant building), and 34.23 (material endangerment) of the Saint Paul Legislative Code. Petitioner asserts the provisions of Chapters 33 and 34 of the Saint Paul Legislative Code also apply to the instant proceeding.

**4. Brief description of claims, defenses, issues and results.**

Petitioners are the legal owners of real property in the City of Saint Paul located at 601 Western Avenue, North, and have been adversely affected by the actions, determination and final decisions of the Legislative Hearing Officer ("LHO") and the City Council and Mayor. The Saint Paul City Council approved the resolution recommended by the legislative hearing officer and ordered that the Petitioners repair the structure located at 601 Western Avenue, North, correct all the deficiencies listed in the Order to Abate Nuisance Building and the Code Compliance report and to make the structure safe and code compliant, or raze and remove the structure within 30 days after the council hearing of December 19, 2012. The purported basis for the Respondent's decision was that the subject property constituted a "nuisance building because it is a vacant building defined within Section 43.02, and it has multiple housing code or building code violations or it has conditions constituting material endangerment as defined in Section 34.23, or it has a documented and confirmed history as a blighting influence in the community and these conditions have not been corrected after notice to the owners. Petitioners presented evidence that the subject commercial building is suitable for renovation and rehabilitation, is structurally sound and not unsafe, not otherwise a hazard or a material endangerment to or blight on the community, and not a "nuisance" as defined by the City Code, that the code compliance conditions set by the City could be substantially completed within a reasonable period of time, that Petitioners had substantially complied with the reasonable conditions set by the City, that Petitioners had a plan of rehabilitation, had the necessary funding or would acquire such complete funding within a reasonable period of time, and had the wherewithal to complete the

renovation, and that Petitioners had already made progress in removing any claimed "nuisance" conditions and were making additional progress to meet the City's demands.

**5. Issues proposed to be raised on appeal.**

- I. Whether or not the decision of the City Council was arbitrary and capricious and contrary to controlling law;
- II. Whether or not the decision of the City Council was oppressive and unreasonable in light of the evidence presented to said body;
- III. Whether or not the governing body deviated from its own legislative code, practices, policies, and precedents such that the procedure employed by the City towards the subject property was made upon unlawful procedure and otherwise constituted irregular proceeding; and
- IV. Whether or not the actions of the City Council and the governing legislative code violated the petitioner's right of due process.

**6. Related Appeals.** This matter is not related to any pending appeal.

**7. Contents of record.**

The record before the City Council consisted of records of historical action taken related to the subject real property, resolutions, photographs and the recommendations by the LHO, transcripts of LHO meetings on the subject property, materials submitted by the Petitioners to the LHO, records of materials submitted by Petitioners to the City Council related to the public hearings on October 17, 2012, December 5, 2012 and December 19, 2012, all related legislative hearings and submissions by the parties, and the transcripts and video tapes of such hearings. The record of said meetings/hearings also includes the agenda and minutes of action.

Is a transcript necessary to review the issues on appeal? Yes (X)  
No ( ).

If yes, full (X) or partial ( ) transcript?

Has the transcript already been delivered to the parties and filed with the trial court administrator? Yes ( ) No (X)

If not, has it been ordered from the court reporter? Yes ( ) No (X)

In lieu of the record as defined in Rule 110.01, have the parties agreed to prepare a statement of the record pursuant to Rule 110.04? Yes ( ) No (X)

8. **Is oral argument requested?** Yes (X) No ( ).

If so, is argument requested at a location other than that provided in Rule 134.09, subd. 2? Yes ( ) No (X)

9. **Identify the type of brief to be filed.**

Formal brief under Rule 128.02.

10. **Names, addresses, zip codes and telephone numbers of attorney for Appellant and Respondent.**

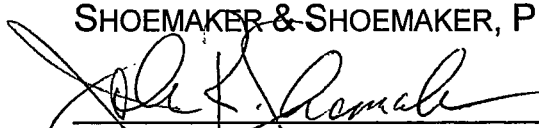
John R. Shoemaker  
Paul F. Shoemaker  
7900 International Drive  
Suite 200  
Minneapolis, MN 55425  
(952) 224-4600  
Atty ID No.: 161561  
Atty ID No.: 178226  
Attorney for Petitioners

Sara Grewing, City Attorney  
400 City Hall  
15 West Kellogg Boulevard  
St. Paul, MN 55101  
(651) 266-8710  
Atty ID No.: Unknown

Attorneys for Respondent

Dated: February 19, 2013.

SHOEMAKER & SHOEMAKER, PLC

  
\_\_\_\_\_  
John R. Shoemaker #161561  
Paul F. Shoemaker #178226  
7900 International Drive, Suite 200  
Minneapolis, MN 55425  
Telephone: (952) 224-4600  
Attorneys for Petitioners

FEB 19 2013

STATE OF MINNESOTA  
IN COURT OF APPEALS

~~~~~

FILED #

PETITION FOR WRIT OF CERTIORARI

Alex Jerome and
Ameena Samatar,

Petitioners,

COURT OF APPEALS NUMBER:

vs.

City of Saint Paul,

Respondent.

AGENCY OR BODY NUMBER:
Saint Paul City Council Resolution

Council File # 12-68

DATE OF DECISION:

December 21, 2012

DATE AND DESCRIPTION OF EVENT
TRIGGERING APPEAL TIME

Adoption of Resolution, executed by
City Mayor on December 21, 2012;

TO: Court of Appeals of the State of Minnesota:

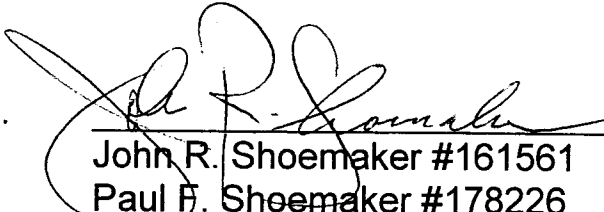
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precedents; (5) is in violation of Petitioners' constitutional rights of due process; and (6) the evidence before the deciding body did not provide a reasonable and substantial basis for the determination.

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RESPECTFULLY SUBMITTED,

Dated: 2/19, 2013.



John R. Shoemaker #161561
Paul F. Shoemaker #178226
7900 International Drive
International Plaza, Suite 200
Minneapolis, MN 55425
Telephone: (952) 224-4600
Attorneys for Petitioners



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Resolution LH Substantial Abatement Order: RLH RR 12-68

File Number: RLH RR 12-68

Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012 City Council Public Hearing.
[Amended to remove or repair within 30 days of the passage of the resolution]

Amended for 12/05/2012

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WHEREAS, this property is legally described as follows, to wit: Smiths Sub Of Stinsns Div B 2 Lots 14 & 15 Blk 8; 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 July 13, 2012: Bayview Loan Servicing Llc, 4425 Ponce De Leon Blvd 5th Fl, Coral Gables FL 33146-1873; Internal Revenue Service, United States Treasury Dept, 30 E 7th Street, Saint Paul MN 55101; Murnane Brandt, 30 E 7th Street #3200, Saint Paul, MN 55101; and Frogtown Neighborhood Association; and

WHEREAS, each of these parties was served a written order dated June 1, 2012 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 July 1, 2012; and

WHEREAS, this order informed the interested or responsible parties that they must repair or raze and remove the structures(s) located on the Subject Property by July 1, 2012; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on June 4, 2012 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by July 1, 2012 and, therefore, an abatement hearing was scheduled before the City Council on September 5, 2012 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 a legislative hearing on August 14, 2012; and

WHEREAS, a public hearing was held on September 5, 2012 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 601 WESTERN AVENUE NORTH 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; and 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

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 ~~45~~ thirty (30) 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 demolition 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

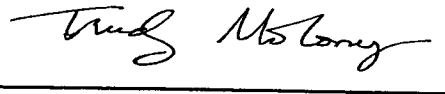
FINALLY RESOLVED, that this resolution shall be served on any of the parties required to be notified in Saint Paul Legislative Code §45.12(4).

At a meeting of the City Council on 12/19/2012, this Resolution LH Substantial Abatement Order was Passed.

Yea: 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune, and Councilmember Tolbert

Nay: 0


Vote Attested by
Council Secretary



Trudy Moloney

Date 12/19/2012

Approved by the Mayor



Chris Coleman

Date 12/21/2012

FEB 19 2013

FILED

STATE OF MINNESOTA
IN COURT OF APPEALS

Alex Jerome and
Ameena Samatar,

WRIT OF CERTIORARI

Relators,

vs.

COURT OF APPEALS NUMBER:

City of Saint Paul,

Respondent,

CITY COUNCIL RESOLUTION
NUMBER FILE NO: 12-68

DATE OF DECISION:
December 21, 2012

TO: City of Saint Paul, City Council and Mayor Chris Coleman.

You are hereby ordered to return to the Court of Appeals and serve on all parties in accordance with Rule 115.04, subdivision 3, within 30 days after service of the petition or 14 days after delivery of a transcript, whichever is later, an itemized statement of the record, exhibits and proceedings in the above-entitled matter so that this court may review the decision of the City Council of the City of Saint Paul issued on the date noted above.

You are further directed to retain the actual record, exhibits, and transcript of proceedings until requested by the clerk of the appellate courts to deliver them in accordance with Rule 115.04, subdivision 5.

Copies of this Writ and accompanying Petition shall be served forthwith either personally or by mail upon the Respondent City of Saint Paul and upon the Respondent or its attorney at:

Sara Grewing
City Attorney
400 City Hall and Courthouse
15 Kellogg Blvd., West
St. Paul, MN 55102
Attorney for City of St. Paul

Shari Moore, City Clerk
310 City Hall
15 Kellogg Blvd., West
St. Paul, MN 55102

Proof of service of the writ and of the itemized statement shall be filed with the clerk of the appellate courts.

DATED: February 19, 2013.

Clerk of Appellate Courts

(Clerk's File Stamp)

By: Melissa Honey
Assistant Clerk