



APPLICATION FOR APPEAL

RECEIVED
AUG 06 2010
CITY CLERK

Saint Paul City Clerk
310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8560

The City Clerk needs the following to process your appeal:

Date and Time of Hearing:

- \$25 filing fee payable to the City of Saint Paul
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

Tuesday, 9/7/10

Time 3:00 pm

Location of Hearing:
Room 330 City Hall/Courthouse

Appellant/Applicant: Mark E. Tobin-Cortez

Address: 605 Iglehart Ave City: St. Paul State: MN Zip: 55103

Phone Numbers: Business 612-349-5427 Residence 651-224-3990 Cellular _____

Signature: Mark E. Tobin-Cortez Date: Aug 06-2010

Name of Owner (if other than Appellant): Lenore E. Cortez

Address: 605 Iglehart Ave City: St. Paul State: MN Zip: 55103

Phone Numbers: Business _____ Residence 651-224-3990 Cellular _____

State specifically what is being appealed and why (use an attachment if necessary):

My wife Lenore and I feel we should not have to move the fence because it was put in place to separate our dogs from our neighbors at 603 Iglehart because of the threats they have made against us and our dogs. ~~The~~ My wife bought the house at 605 (cont.)

NOTE: Any person unsatisfied by the final decision of the City Council may obtain judicial review by timely filing an action as provided by law in District Court or Court of Appeals

Fee Received: 25.00 Receipt Number: _____

Iglehart in June of 2001 and has had dogs ever since.

Arthur (now dead) started living at 603 Iglehart in 2004. On May 26-2006 Arthur threatened to decapitate our dog Hershey. To protect our dogs and ourselves as well as any and all guests of 603 we had a fence installed.

Prior to putting the fence in, Arthur built a storage shed in our backyard. The property may look large. But after you get the true picture.

The orange section is 80 feet deep and our side is 70 feet long which is Deeded Rec. Area to be used by both households.

The front of 605 was Deeded as Easement for 603 Iglehart.

Which leaves 34 feet by 70 feet for 605 to call their own and have outside room for our dogs, as well as us. We have an active Order of Protection against Delise Porter AKA Delise Anderson.

We have a photo of the pink substance that was thrown into our yard. Delise told us that it has been ant freeze each time. This has happened three different times.

St. Paul Police were called each time no reports were made. Arthurs shed was in our yard for over a year before he moved it.

The fence in question has two of our dogs pictured in it. The White Westie is Diva, and the Brown one is Hershey.

Sincerely,

Mark E. Tobin-Cortez



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

August 2, 2010

Lenore E. Cortez
605 Iglehart Avenue
Saint Paul MN 55103-2421

Re: Fence property line encroachment (permit # 2007 184882)

Dear Ms. Cortez:

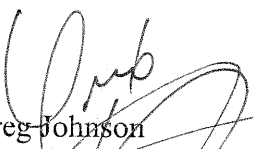
A recent inspection of the referenced fence reveals it to have been constructed over the property line in the area immediately east of the garage for the property at 603 Iglehart.. This violates Section 33.07 (b) of the city legislative code and the conditions of the issued fence permit.

To achieve compliance you are ordered to remove all portions of the fence that have been constructed outside of the boundaries of your property.

These orders must be complied with before September 20, 2010. Appeals of these orders must be filed before August 20, 2010.

To appeal you may contact the City Clerk at (651) 266-8560 to request a hearing before the Legislative Hearing Officer. For other matters you may contact me at (651) 266-9029.

Sincerely,



Greg Johnson
Building Inspector
City of Saint Paul

Cc

Statement of Lenore Cortez

May 26, 2006

On the evening of May 26, 2006 (Friday), my dog, Hershey, went after "Doc" when he was returning from the garden to my neighbor's half of the house. Hershey tore a small hole in his pants near his knee, but did not connect with his flesh or draw blood. Doc kicked at the dog to defend himself, but otherwise it was unprovoked. Hershey was probably trying to defend what he thought was his territory. When Mark called Hershey back to the house, he returned immediately.

Art was extremely upset at the situation. Mark called me at work to explain what had happened. When I arrived home I went to the backyard, and apologized to Doc. Art was there, and threatened to decapitate Hershey with a shovel if Hershey got too close to him, and then bury him in a pile of dog poop. Art went so far as to say that if Hershey survived the first blow (which Art gestured as to exactly how he would deliver the lethal blow by the edge of the shovel), he would follow Hershey into my house and finish the job if necessary. He repeated this threat several times in front of two witnesses that evening.

This seems like a premeditated threat against my animals, which are never allowed out without a leash. Steps have been taken so that the person who was at the other end of Hershey's leash that evening will not be allowed to handle Hershey outside again. I have lived at 605 Iglehart Avenue since May of 2001, and this is the first incident of this type. Hershey is not a vicious dog, but he is protective of his property.

If Art enters my home without permission, I will consider it as breaking and entering. If he enters in a rage or with a weapon, criminal charges will be filed against him. If Art forces his way into my home against my will, attempting to kill one of my pets, I will defend them with all that is at my disposal. He will have me battling him, and there will be two dogs inside that will defend me too. This would not be a wise move on Art's part. Hopefully he reconsiders his premeditated plot and allows my pets and family to live in peace.



Delise Porter's Claim #3:

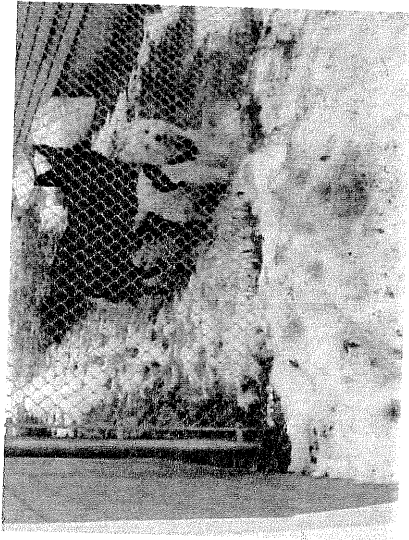
2-9-09 Calling the police on 603 Iglehart because there was a pink substance in the yard.

Mark/Lenore Cortez's Claim:

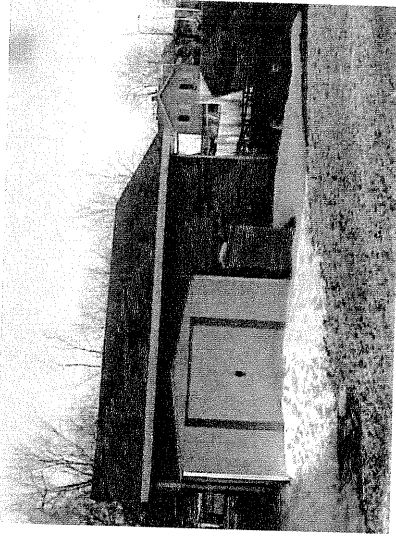
Jan. 16, 2009 – I called the police because someone threw a large amount of pink liquid into our yard, through the fence, where our dogs had easy access to it. The police did not take a sample, but did talk to the Andersons.

Exhibit H – 3 -- CN 09010865

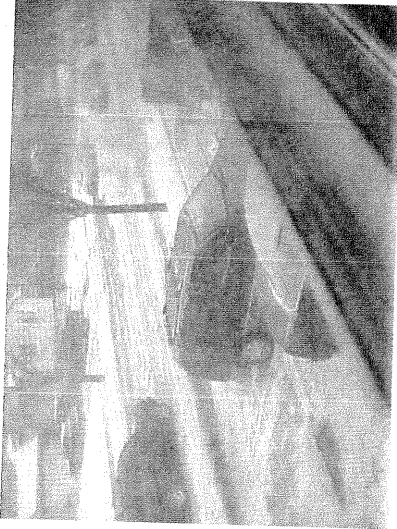
Police were called, no report was made.



Pink substance thrown on property

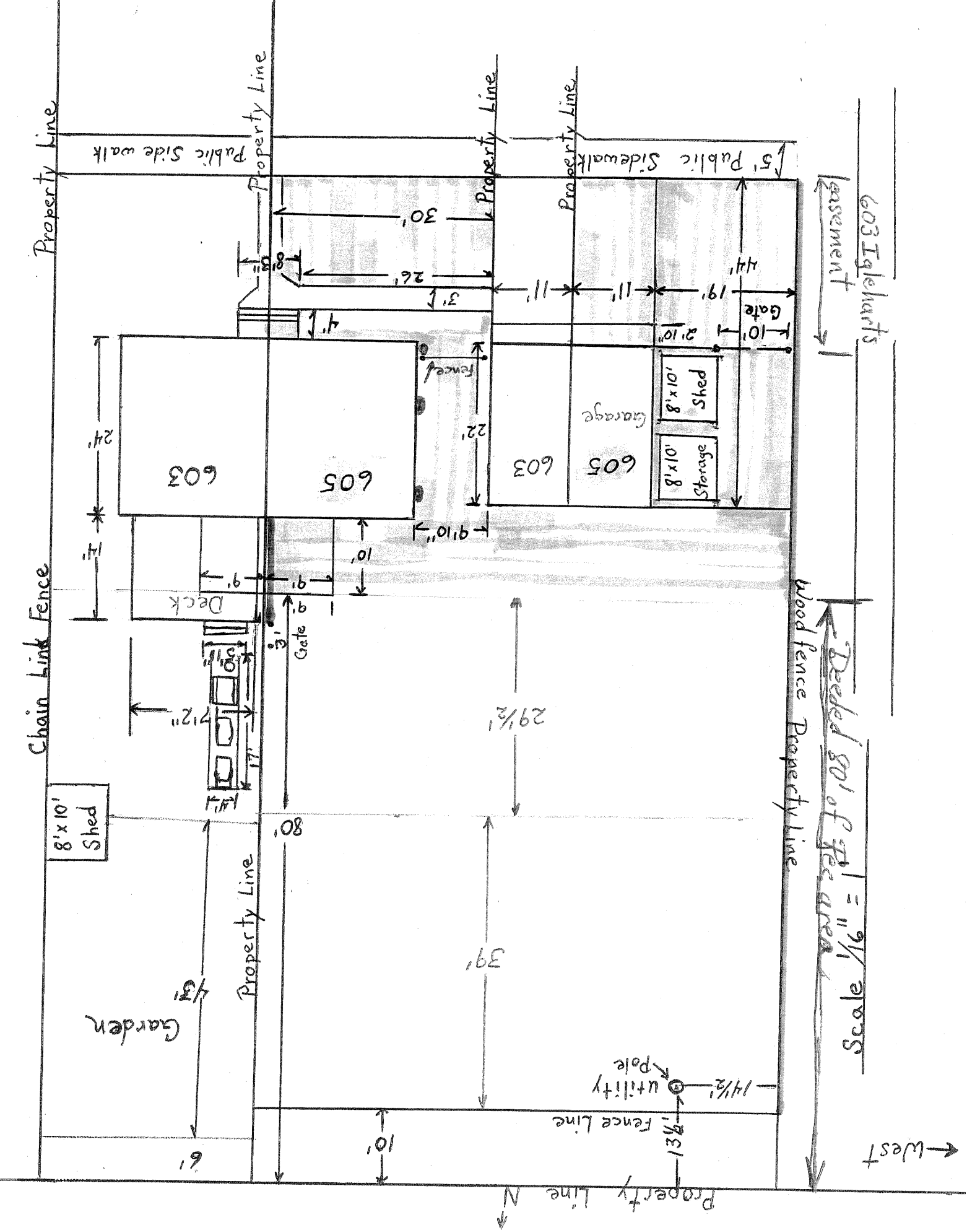


Arthur's storage shed behind garage



Anderson guests using blocking our drive

These photos show the pink substance that was thrown, within easy access, partially through our fence; the Anderson's storage shed which was located behind his garage and extended well into our property and behind our garage; and a guest of the Anderson home using our driveway and blocking entrance or exit of our two cars and garage.



603 Tgleharts
Leasement

Deeded 80' of fence area
Scale 1/16" = "1" = 9' across

West

October 23, 2007

Hello Mark & Lenore,

Here are 3 maps to help you determine your property lines. These are not a legal survey. You can measure yourself, or you may have to hire a survey company to stake the property boundaries. The City does not survey private property. I have also checked to see if we have any surveys on file and we do not.

The dimensions for your property according to my records are as follows: starting at the SW corner moving north it is 139.5 feet from the sidewalk to the back line, then move east 71.8 feet, then south to Iglehart 139.5 feet, next go west 28.8 feet to approximately in line with the house/garage joint, from there go north again 50 feet to the back of the garage, west 12 feet and then south 50 feet back to the street, finish by going west 31 feet to your start point at the SW corner. The SW corner of your lot appears to be 130.5 feet East of the corner point on Dale & Iglehart. Please note that Iglehart Street is 66 feet wide, 33 feet from centerline to edge of right-of-way (approximately the north line of the sidewalk).

The phone number for the Water Utility is 651-266-6350. They should be able to tell you if they have any water easements on your property.

Gopher State One Call would be another to call for private utility lines they can be reached at 651-454-0002 or 800-252-1166. Be sure to specifically request that they mark telephone, cable, gas, and any other utilities that you suspect exist.

Please feel free to contact me if there is anything else I can help you with. Have a good day and best of luck with your fence.

Corrine Karsten

City of Saint Paul

Technical Services

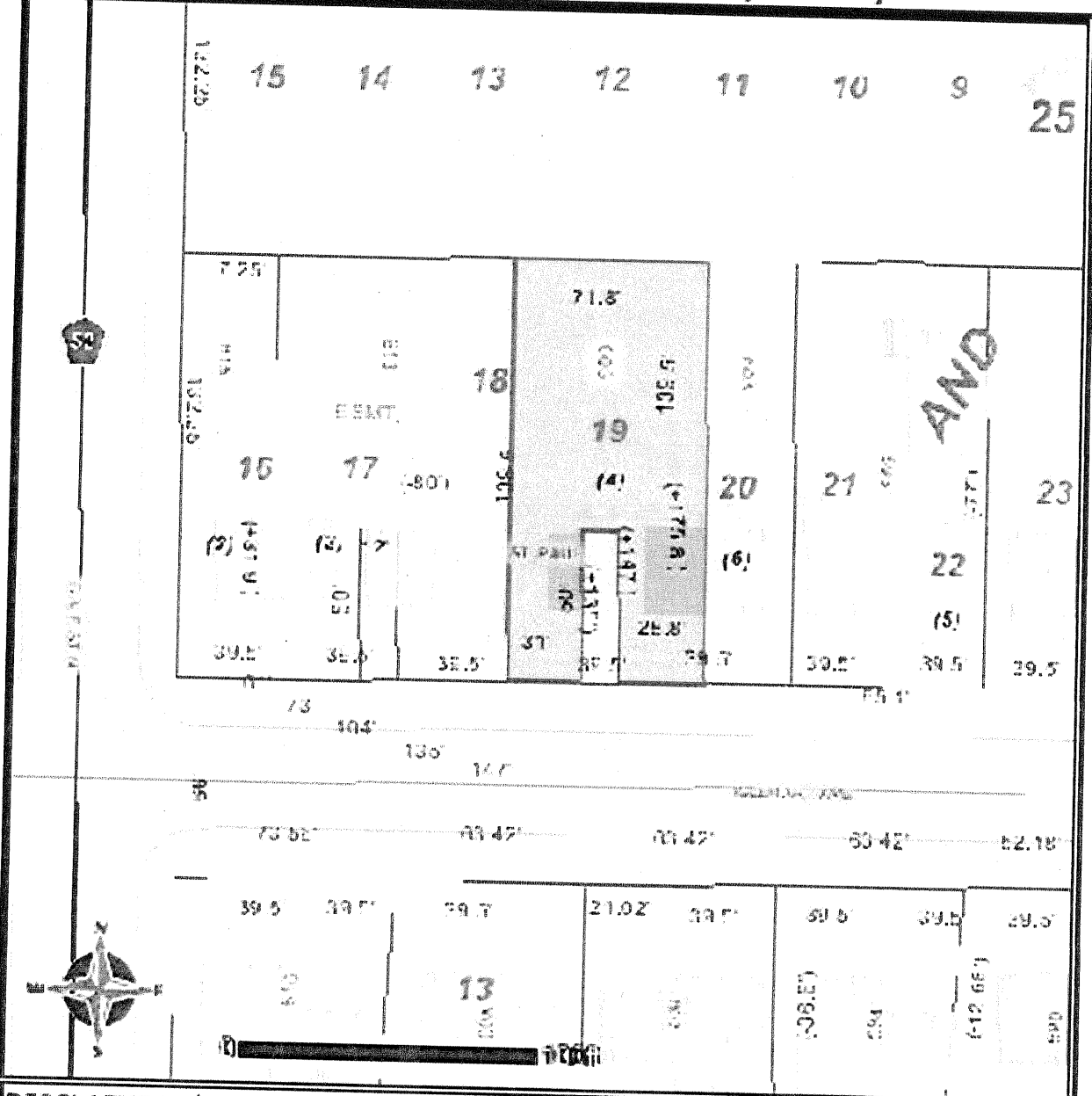
1000 City Hall Annex

Ph: 651.266.6156

Fax: 651.266.8855

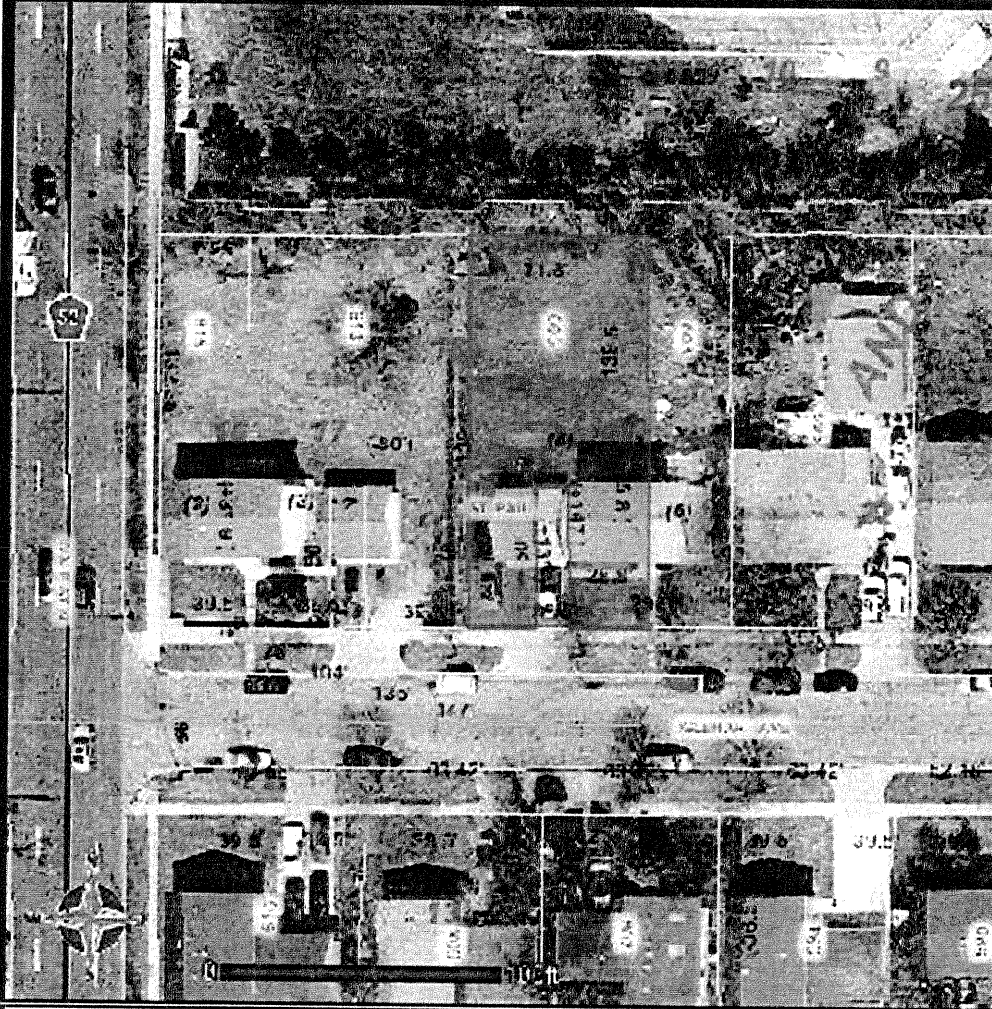
corrine.karsten@ci.stpaul.mn.us
















Ramsey County



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

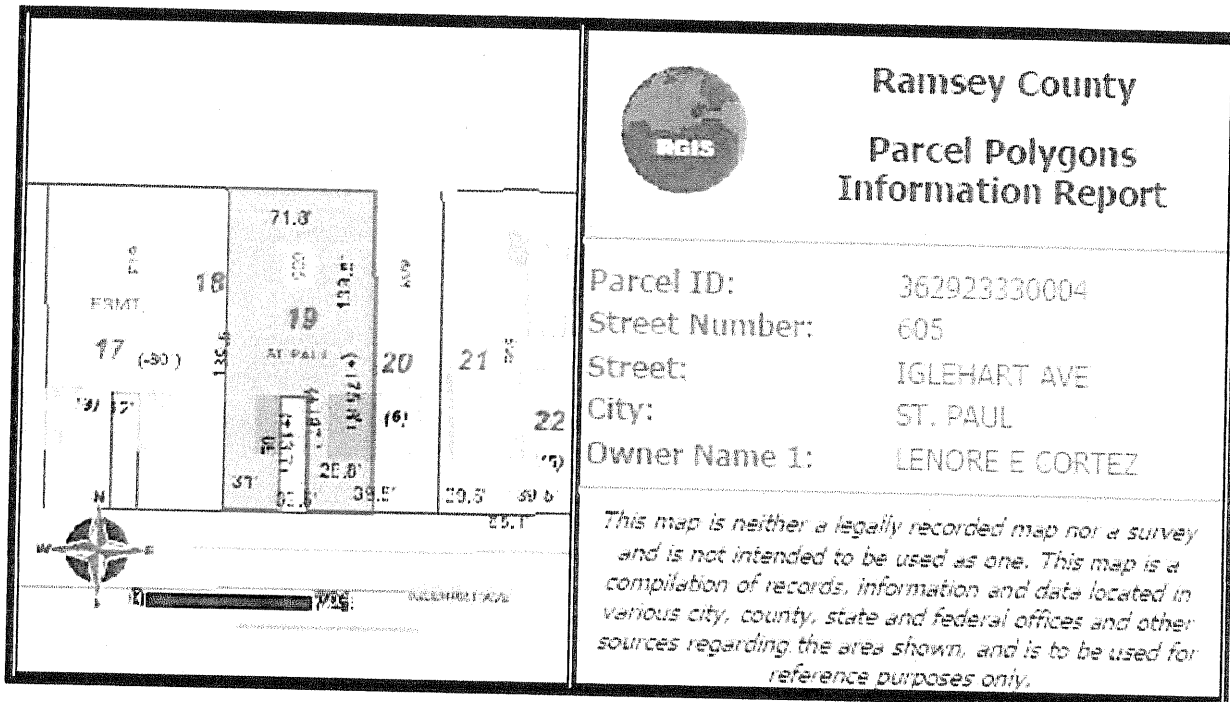
Ramsey County



-  Selected Features
-  Municipalities
-  Road Centerlines (County)
-  County Road
-  Interstate Hwy
-  State Hwy
-  Roads
-  Pavement Edge
-  Water
-  Structures
-  Parcel Polygons
-  Parcel Map Labels
-  2006 Color Aerials
-  Highway Shields
-  Street Name Labels

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SOURCES: Ramsey County (October 1, 2007), The Lawref Group



Ramsey County Parcel Polygons Information Report

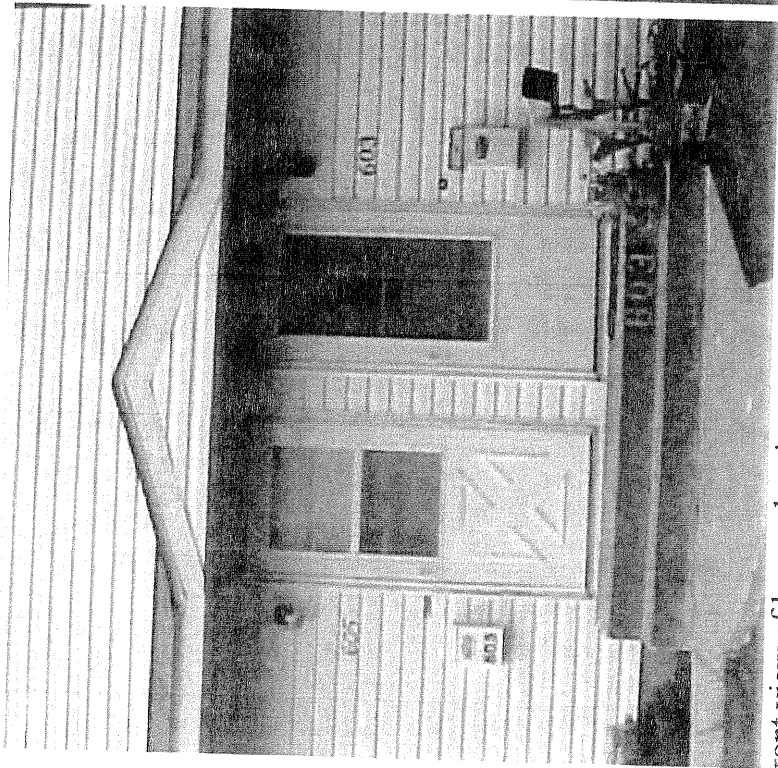
Parcel ID: 362923330004
 Street Number: 605
 Street: IGLEHART AVE
 City: ST. PAUL
 Owner Name 1: LENORE E CORTEZ

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

Ramsey County
 Property (RRINFO) [Search by Parcel ID](#)
 Search
 Parcel ID 362923330004
 Street Number 605
 Unit
 Street IGLEHART AVE
 City ST. PAUL
 ZIP 55103-2421
 Owner Name 1 LENORE E CORTEZ
 Owner Name 2
 Owner Street Address 605 IGLEHART AVE
 Owner City/State/Zip ST PAUL MN 55103-2421
 Homesteader Name 1 LENORE E CORTEZ
 Homesteader Name 2
 Homesteader Street Address 605 IGLEHART AVE
 Homesteader City/State/Zip ST PAUL MN 55103-2421
 Deeded Acres 0.22
 Deeded Area (sq.ft.) 9583.2
 Approximate Lot Frontage (ft) 72

Tax Description

MACKUBIN AND MARSHALL'S ADDITION TO ST. PAUL SUBJ TO & WITH ESMT, THE FOL DESC: COM AT THE SW COR OF BLK 25. TH E ALONG THE S LINE OF BLK 25 FOR 104 FT TO THE POINT OF BEG, TH N PAR WITH THE W LINE OF BLK 25 FOR 139.5 FT. TH E PAR WITH THE S LINE OF BLK



Front view of house showing steps & Anderson easement

The front doors are almost the same width when open as the front steps. Because of this, it is extremely difficult to enter or exit our home when the Andersons and their guests are gathered on their front steps smoking. They have a beautiful back deck behind their home that they could gather on without infringing on our right to enter or exit our home. When we ask them to let us pass, they sometimes mumble under their breath defamatory comments.

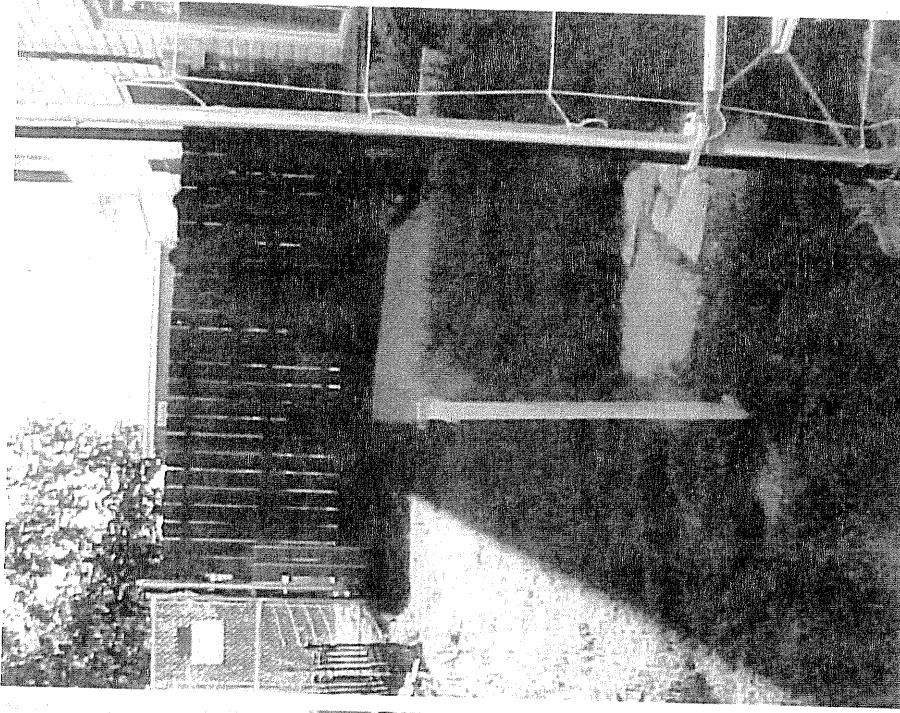


Full front view of 603/605 w/ garage, drive, & sides

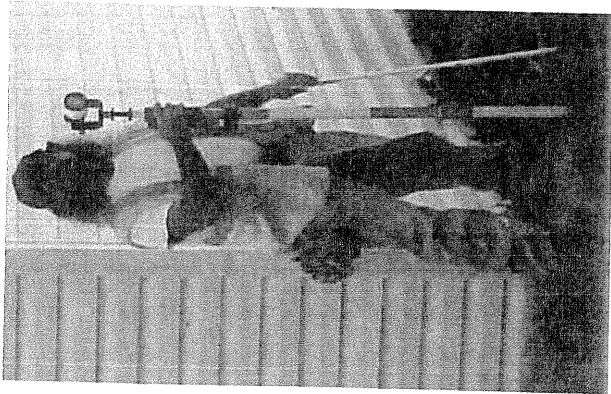


Back of 603/605 showing Anderson (603) side easement & patio

This is a view of the Anderson's back deck. On three separate occasions their grandkids have been spitting over the privacy fence, with Delise sitting on the deck watching. On many other occasions they have had BBQ parties and they (and their guests) have threatened our dogs and said many loud derogatory remarks about us.



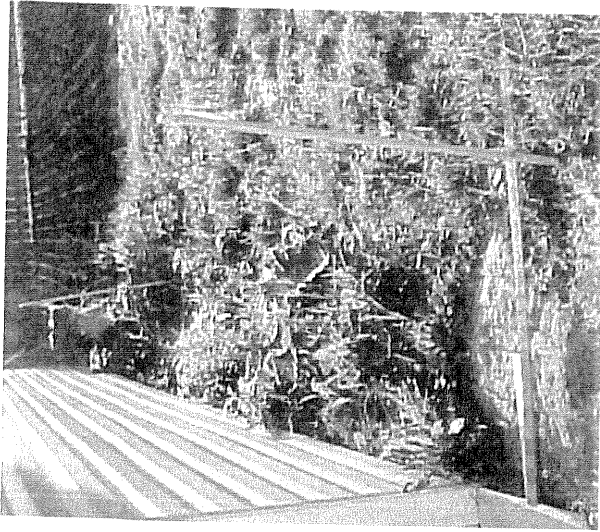
Back of 605 (Cortez) showing patio blocks



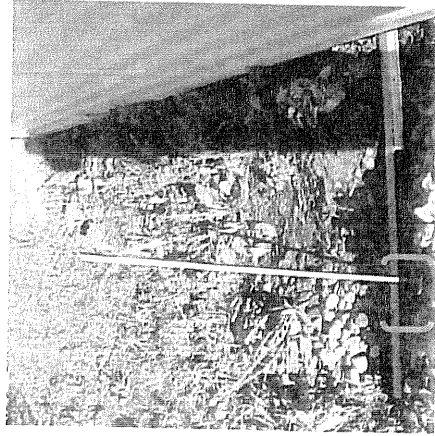
Surveyor Cmr Mkr Mkr



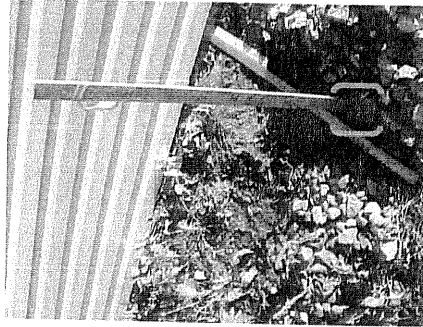
Surveyor Mid Garage Mkr



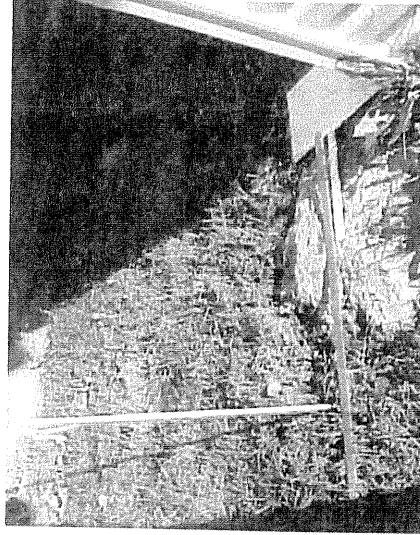
2 Bk Gar Mkrs Not Equal (24" - 27")



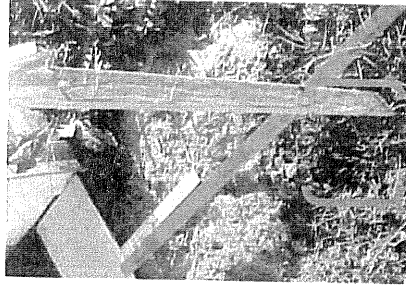
MdGarMkr 24"



MdGarMkr 24" Orange



CmrMkr 27"? No Mkr



CmrMkr NoMkr 27"

Arthur has an easement section of 24" behind his garage. It would be impossible for him to have his storage shed (10 feet across and 7 feet deep) in his 2 ft easement section? The property deed states that the area is for repairs.