

**RESOLUTION  
CITY OF SAINT PAUL, MINNESOTA**

Presented by \_\_\_\_\_

1 WHEREAS, Department of Safety and Inspections has requested the City Council to  
2 hold public hearings to consider the advisability and necessity of ordering the repair or wrecking  
3 and removal of a two story wood frame commercial building located on property hereinafter  
4 referred to as the "Subject Property" and commonly known as **1559 - 1563 UNIVERSITY**  
5 **AVENUE WEST**. This property is legally described as follows, to wit:

6  
7 Lyman D Bairds Addition E 2o Ft Of Lot 14 And All Of Lot 15 Blk 4  
8

9 WHEREAS, based upon the records in the Ramsey County Recorder's Office and  
10 information obtained by Department of Safety and Inspections on or before **November 16, 2009**,  
11 the following are the now known interested or responsible parties for the Subject Property: RKL  
12 Landholdings Inc, 110 Bank St Se Unit 1904, Minneapolis MN 55414-3901; US Bank, NA, 400  
13 City Center, Oshkosh, WI 54901; Mansfield Tanick & Cohen PA, 1700 US Bank Plaza S., 220  
14 South Sixth Street, Minneapolis, MN 55402; Hamline Midway Coalition; and  
15

16 WHEREAS, Department of Safety and Inspections has notified the known interested or  
17 responsible parties of the "Order to Abate Nuisance Building(s)" dated **February 23, 2010** as  
18 provided for in Chapter 45 of the Saint Paul Legislative Code; and  
19

20 WHEREAS, this order informed the then known interested or responsible parties that the  
21 structure located on the Subject Property is a nuisance building(s) pursuant to Chapter 45; and  
22

23 WHEREAS, this order informed the interested or responsible parties that they must repair  
24 or demolish the structure located on the Subject Property by **March 24, 2010**; and  
25

26 WHEREAS, the enforcement officer has posted a placard on the Subject Property  
27 declaring this building(s) to constitute a nuisance condition; subject to demolition; and  
28

29 WHEREAS, this nuisance condition has not been corrected and Department of Safety  
30 and Inspections requested that the City Clerk schedule public hearings before the Legislative  
31 Hearing Officer of the City Council and the Saint Paul City Council; and  
32

33 WHEREAS, the interested and responsible parties have been served notice in accordance  
34 with the provisions of Chapter 45 of the Saint Paul Legislative Code, of the time, date, place and  
35 purpose of the public hearings; and  
36

37 WHEREAS, a hearing was held before the Legislative Hearing Officer of the Saint Paul  
38 City Council on **Tuesday, April 27, 2010** to hear testimony and evidence, and after receiving  
39 testimony and evidence, made the recommendation to approve the request to order the interested

40 or responsible parties to make the Subject Property safe and not detrimental to the public peace,  
41 health, safety and welfare and remove its blighting influence on the community by rehabilitating  
42 this structure in accordance with all applicable codes and ordinances, or in the alternative by  
43 demolishing and removing the structure in accordance with all applicable codes and ordinances.  
44 The rehabilitation or demolition of the structure to be completed within **fifteen (15)** days after  
45 the date of the Council Hearing; and

46  
47 WHEREAS, a hearing was held before the Saint Paul City Council on **Wednesday, May**  
48 **19, 2010** and the testimony and evidence including the action taken by the Legislative Hearing  
49 Officer was considered by the Council; now therefore

50  
51 BE IT RESOLVED, that based upon the testimony and evidence presented at the above  
52 referenced public hearings, the Saint Paul City Council hereby adopts the following Findings and  
53 Order concerning the Subject Property at **1559 - 1563 UNIVERSITY AVENUE WEST**.

- 54
- 55 1. That the Subject Property comprises a nuisance condition as defined in Saint Paul  
56 Legislative Code, Chapter 45.
  - 57
  - 58 2. That the costs of demolition and removal of this building(s) is estimated to exceed  
59 five thousand dollars (\$5,000.00).
  - 60
  - 61 3. That there now exists and has existed multiple Housing or Building code  
62 violations at the Subject Property.
  - 63
  - 64 4. That an Order to Abate Nuisance Building(s) was sent to the then known  
65 responsible parties to correct the deficiencies or to demolish and remove the  
66 building(s).
  - 67
  - 68 5. That the deficiencies causing this nuisance condition have not been corrected.
  - 69
  - 70 6. That Department of Safety and Inspections has posted a placard on the Subject  
71 Property which declares it to be a nuisance condition subject to demolition.
  - 72
  - 73 7. That this building has been routinely monitored by Department of Safety and  
74 Inspections, Vacant/Nuisance Buildings.
  - 75
  - 76 8. That the known interested parties and owners are as previously stated in this  
77 resolution and that the notification requirements of Chapter 45 have been fulfilled.
  - 78

79 ORDER

80  
81 The Saint Paul City Council hereby makes the following order:  
82

- 83 1. The above referenced interested or responsible parties shall make the Subject Property  
84 safe and not detrimental to the public peace, health, safety and welfare and remove its  
85 blighting influence on the community by rehabilitating this structure and correcting all  
86 deficiencies as prescribed in the above referenced Order to Abate Nuisance Building(s) in  
87 accordance with all applicable codes and ordinances, or in the alternative by demolishing  
88 and removing the structure in accordance with all applicable codes and ordinances. The  
89 rehabilitation or demolition and removal of the structure must be completed within  
90 **fifteen (15)** days after the date of the Council Hearing.  
91
- 92 2. If the above corrective action is not completed within this period of time Department of  
93 Safety and Inspections is hereby authorized to take whatever steps are necessary to  
94 demolish and remove this structure, fill the site and charge the costs incurred against the  
95 Subject Property pursuant to the provisions of Chapter 45 of the Saint Paul Legislative  
96 Code.  
97
- 98 3. In the event the building is to be demolished and removed by the City of Saint Paul, all  
99 personal property or fixtures of any kind which interfere with the demolition and removal  
100 shall be removed from the property by the responsible parties by the end of this time  
101 period. If all personal property is not removed, it shall be considered to be abandoned  
102 and the City of Saint Paul shall remove and dispose of such property as provided by law.  
103
- 104 4. It is further ordered, that a copy of this resolution be mailed to the owners and interested  
105 parties in accordance with Chapter 45 of the Saint Paul Legislative Code.

|         | Yeas | Nays | Absent |
|---------|------|------|--------|
| Bostrom |      |      |        |
| Carter  |      |      |        |
| Harris  |      |      |        |
| Helgen  |      |      |        |
| Lantry  |      |      |        |
| Stark   |      |      |        |
| Thune   |      |      |        |
|         |      |      |        |

Requested by Department of:  
Safety and Inspections

By: \_\_\_\_\_

Form Approved by City Attorney  
By: \_\_\_\_\_

Form Approved by Mayor for Submission to Council  
By: \_\_\_\_\_

Adopted by Council: Date \_\_\_\_\_

Adoption Certified by Council Secretary  
By: \_\_\_\_\_

Approved by Mayor: Date \_\_\_\_\_  
By: \_\_\_\_\_



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street., Suite 220  
Saint Paul, MN 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-1919  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

March 26, 2010

## NOTICE OF PUBLIC HEARINGS

Council President and  
Members of the City Council

Department of Safety and Inspections, Vacant/Nuisance Buildings Enforcement Division has requested the City Council schedule public hearings to consider a resolution ordering the repair or removal of the nuisance building(s) located at:

**1559 - 1563 UNIVERSITY AVE W**

The City Council has scheduled the date of these hearings as follows:

**Legislative Hearing – Tuesday, April 27, 2010**

**City Council Hearing – Wednesday, May 19, 2010**

The owners and responsible parties of record are:

| <u>Name and Last Known Address</u>   | <u>Interest</u>          |
|--|--------------------------|
| RKL Landholdings Inc<br>110 Bank St Se Unit 1904<br>Minneapolis MN 55414-3901                              | Fee Owner and Tax Owner  |
| Mansfield Tanick & Cohen PA<br>1700 US Bank Plaza S.<br>220 South Sixth Street<br>Minneapolis, MN 55402    | Attorneys                |
| US Bank, NA<br>400 City Center<br>Oshkosh, WI 54901  | Mortgage                 |
| Hamline Midway Coalition<br><a href="mailto:michaeljon@hamlinemidway.org">michaeljon@hamlinemidway.org</a> | District Council Contact |

1559 - 1563 UNIVERSITY AVE W

March 26, 2010

page 2

The legal description of this property is:

**Lyman D Bairds Addition E 2o Ft Of Lot 14 And All Of Lot 15 Blk 4**

With the following Historic Preservation information: NONE

The Department of Safety and Inspections has declared this building(s) to constitute a "nuisance" as defined by Legislative Code, Chapter 45. The Department of Safety and Inspections has issued an order to the then known responsible parties to eliminate this nuisance condition by correcting the deficiencies or by razing and removing this building(s).

The property was re-inspected on **March 24, 2010**. There was no compliance and the nuisance condition remains unabated, the community continues to suffer the blighting influence of this property. It is the recommendation of the Department of Safety and Inspections that the City Council pass a resolution ordering the responsible parties to either repair, or demolish and remove this building in a timely manner, and failing that, authorize the Department of Safety and Inspections to proceed to demolition and removal, and to assess the costs incurred against the real estate as a special assessment to be collected in the same manner as taxes.

Sincerely,

***Steve Magner***

Steve Magner

Manager of Code Enforcement

SM:cs

cc: David Palm, City Attorneys Office  
Mary Erickson, Assistant Secretary to the Council  
Cindy Carlson, PED-Housing Division  
Nancy Homans, Invest St. Paul  
District Council – Community Organizer

# SUMMARY FOR PUBLIC HEARING

1559-1563 University Avenue West

Legislative Hearing – Tuesday, April 27, 2010

City Council – Wednesday, May 19, 2010

The building is a two story, wood frame, commercial building on a lot of 5,663 square feet.

According to our files, it has been a vacant building since November 4, 2008.

The current property owner is RKL Landholdings Inc, per AMANDA and Ramsey County Property records.

The city has had to board this building to secure it from trespass.

There have been twenty-two (22) SUMMARY ABATEMENT NOTICES since 2008.

There have been seven (7) WORK ORDER(S) issued for:

- Boarding/Securing
- Improperly stored refuse, garbage and misc debris
- Removal of snow and ice

On February 16, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on February 23, 2010 with a compliance date of March 24, 2010. As of this date this property remains in a condition which comprises a nuisance as defined by the legislative code.

The Vacant Building registration fees are paid. (*Paid by assessment on 12-4-09*)

Taxation has placed an estimated market value of \$163,600 on the land and \$464,900 on the building.

As of April 22, 2010, a Team Inspection has not been completed.

As of April 22, 2010, the \$5,000.00 performance bond has not been posted.

Real Estate taxes for 2008-2009 are delinquent in the amount of \$39,393.50, plus penalty and interest.

Code Enforcement Officers estimate the cost to repair this structure exceeds \$150,000. The estimated cost to Demolish is \$25,000 to \$30,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

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[Structure Description](#)

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[Special Assessments](#)

[Property Tax Payment Information](#)

[Property Tax Payment History](#)

[2010 Value Notice](#)

[2010 Property Tax Statements](#)

[2010 Payment Stubs](#)

[2009 Value Notice](#)

[2009 Property Tax Statement](#)

[2008 Property Tax Statement/Value Notice](#)

|   |                       |                   |
|---|-----------------------|-------------------|
| <b>Property Identification Number (PIN)</b> | 34.29.23.23.0181      |                   |
| <b>Property Address</b>                     | 1563 University Ave W |                   |
| <b>Municipality</b>                         | St. Paul              |                   |
| <b>Watershed</b>                            | Capital Region W/S    |                   |
| <b>School District Number</b>               | 625                   |                   |
| <b>Assessment Date</b>                      | <b>01-02-2009</b>     | <b>01-02-2010</b> |
| <b>Tax Payable Year</b>                     | <b>2010</b>           | <b>2011</b>       |
| <b>Total Estimated Market Value</b>         | \$698,300             | \$628,500         |
| <b>Total Taxable Market Value</b>           | \$698,300             | \$628,500         |
| <b>Total Estimated Land Value</b>           | \$163,600             | \$163,600         |
| <b>Total Estimated Building Value</b>       | \$534,700             | \$464,900         |
| <b>Property Class Description</b>           | Comm/Ind              | Comm/Ind          |

|  |      |
|--|------|
| <b>Year Built</b>  | 1962 |
| <b># of Stories</b>  | 2.00 |
| <b>Residential Finished SQ Feet/Comm, Ind, Apt Bldg Area</b> | 7992 |
| <b>Foundation Size</b>                                       |      |

**The Plat or Section / Township / Range and Legal Description listed below may be an abbreviated legal description - Do not use to prepare legal documents**

|                                   |   |
|-----------------------------------|---|
| <b>Section / Township / Range</b> | 34-29-23                                  |
| <b>Plat</b>                       | Lyman D. Bairds Addition                  |
| <b>Legal Description</b>          | E 2o Ft Of Lot 14 And All Of Lot 15 Blk 4 |

To determine whether your property is Abstract or Torrens, call (651)266-2000

|  |                         |
|--|-------------------------|
| <b>Most Recent Sale</b>                        |                         |
| <b>Sale Date</b>                               | 05-23-2006              |
| <b>Sale Price</b>                              | \$1,100,000             |
| <b>Certificate of Real Estate Value Number</b> | 349320                  |
|  | Comm Non-qualified Sale |



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street., Suite 220  
Saint Paul, MN 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-1919  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

February 23, 2010

RKL Landholdings Inc  
110 Bank St Se Unit 1904  
Minneapolis MN 55414-3901

Mansfield Tanick & Cohen PA  
1700 US Bank Plaza S  
220 South Sixth St  
Minneapolis MN 55402

US Bank, NA  
400 City Center  
Oshkosh WI 54901

## Order to Abate Nuisance Building(s)

Dear: Sir or Madam

**The Vacant/Nuisance Buildings Unit, Department of the Department of Safety and Inspections, Division of Code Enforcement, hereby declares the premises located at:**

**1559-1563 UNIVERSITY AVE W**

With the following Historic Preservation information: NONE

**and legally described as follows, to wit:**

Lyman D Bairds Addition E 2o Ft Of Lot 14 And All Of Lot 15 Blk 4

**to comprise a nuisance condition in violation of the Saint Paul Legislative Code, Chapter 45.02, and subject to demolition under authority of Chapter 45.11.**

On February 16, 2010, a Building Deficiency Inspection Report was compiled and the following conditions were observed.

**This list of deficiencies is not necessarily all the deficiencies present at this time. This building(s) is subject to the restrictions of Saint Paul Ordinance Chapter 33.03 and shall not again be used for occupancy until such time as a Certificate of Compliance or a Certificate of Occupancy has been issued. All repairs must be in accordance with appropriate codes. Changes or additions to the electrical system, mechanical system, or the plumbing system may necessitate updating or upgrading the systems involved.**

This is a two story wood frame commercial building.



## DEFICIENCY LIST

This is a fire, smoke and water damaged commercial structure. Most deficiencies are common to all levels. All observable systems – structural, plumbing, electrical and mechanical – are affected.

1. Broken and boarded windows
2. Exterior gas meter locked off
3. Deteriorated wooden roof cover
4. Missing siding
5. Exposed wood surface
6. Open wall on south side
7. Damaged ceilings, walls, steps and covering, floors and covering
8. Electrical system disconnected
9. Damaged, nonfunctional kitchen and toilet areas
10. Fire debris; hazardous environment

## ORDER

### Repair the structure to a habitable condition

This structure is a registered vacant building that must have a **Code Compliance Certificate** before the structure may be occupied.

Obtain a **Code Compliance Certificate** from the Department of Safety and Inspections Fire Prevention Certificate of Occupancy Program. You may contact D.S.I. at 651-266-8989, for a code compliance inspection, permits, and issuance of the Code Compliance Certificate.

Under Chapter 33.03 of the Saint Paul Legislative Code failure to obtain a Code Compliance Certificate before occupying the structure may result in issuance of a criminal summonses.

As owner, agent or responsible party, you are hereby notified that if these deficiencies and the resulting nuisance condition is not corrected by **March 24, 2010** the Department of Safety and Inspections, Division of Code Enforcement, will begin a substantial abatement process to demolish and remove the building(s). The costs of this action, including administrative costs and demolition costs will be assessed against the property taxes as a special assessment in accordance with law.

As first remedial action, a Code Compliance Inspection Report must be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220, (651) 266-8989. This inspection will identify specific defects, necessary repairs and legal requirements to correct this nuisance condition. You may also be required to post a five thousand dollar (\$5,000.00) performance bond with the Department of Safety and Inspections before any permits are issued, except for a demolition permit. Call the Department of Safety and Inspections for more information at 651-266-8989.

If this building is located in a historic district or site (noted on page 1, above, just below the property address) then you must contact Heritage Preservation (HPC) staff to discuss your proposal for the repairs required by this order and compliance with preservation guidelines.

Copies of the guidelines and design review application and forms are available from the Department of Safety and Inspections web site (see letterhead) and from the HPC staff. No permits will be issued without HPC review and approval. HPC staff also can be reached by calling 651-266-9078.

As an owner or responsible party, you are required by law to provide full and complete disclosure of this "Order to Abate" to all interested parties, all present or subsequent renters and any subsequent owners. The property shall not be sold, transferred or conveyed in any manner until the Nuisance Conditions have been abated and the Certificate of Code Compliance or Certificate of Occupancy has been issued.

The Enforcement Officer is required by law to post a placard on this property which declares it to be a "nuisance condition", subject to demolition and removal by the City. This placard shall not be removed without the written authority of the Department of Safety and Inspections, Division of Code Enforcement. The department is further required to file a copy of this "Order to Abate" with the City Clerk's Office.

If corrective action is not taken within the time specified in this order, the Enforcement Officer will notify the City Council that abatement action is necessary. The City Clerk will then schedule dates for Public Hearings before the City Council at which time testimony will be heard from interested parties. After this hearing the City Council will adopt a resolution stating what action if any, it deems appropriate.

If the resolution calls for abatement action the Council may either order the City to take the abatement action or fix a time within which this nuisance must be abated in accordance with the provisions of Chapter 33 of the Saint Paul Legislative Code and provide that if corrective action is not taken within the specified time, the City shall abate this nuisance. The costs of this action, including administrative costs will be assessed against the property as a special assessment in accordance with law.

If you have any questions or request additional information please contact **Matt Dornfeld** between the hours of 8:00 and 9:30 a.m. at **651-266-1902**, or you may leave a voice mail message.

Sincerely,

Steve Magner  
Manager of Code Enforcement

cc: Mary Erickson - Council Research  
Cindy Carlson - PED Housing  
Amy Spong – Heritage Preservation

HEARING NOTIFICATION LISTING SERVICE - 1559 - 1563 UNIVERSITY AVE W

Legislative Hearing: Tuesday, April 27, 2010

City Council Hearing: Wednesday, May 19, 2010


| OWNERS, INTERESTED PARTIES, ETC.   | US MAIL SENT | CERT. MAIL SENT | CERT. MAIL RCVD | PERS. SERVICE SENT | PERS. SERVICE RCVD   | PUBLICATION DATES     | RESOLUTION MAIL DATE | EMAIL SENT | OTA MAIL DATE |
|--|--------------|-----------------|-----------------|--------------------|----------------------|-----------------------|----------------------|------------|---------------|
| RKL Landholdings, Inc<br>110 Bank Street SE, Unit. 1904<br>Minneapolis, MN 55414                           | 3/26/10      |                 |                 | 3/26/10            | 4/13/10<br>NOT FOUND | 4/1/10<br>&<br>4/5/10 |                      |            | 2/23/10       |
| Mansfield Tanick & Cohen PA<br>1700 US Bank Plaza S.<br>220 South Sixth Street<br>Minneapolis, MN 55402    |              | 3/26/10         | 3/29/10         |                    |                      | 4/1/10<br>&<br>4/5/10 |                      |            | 2/23/10       |
| US Bank, NA<br>400 City Center<br>Oshkosh, WI 54901  |              | 3/26/10         | 3/29/10         |                    |                      | 4/1/10<br>&<br>4/5/10 |                      |            | 2/23/10       |
| Hamline Midway Coalition<br><a href="mailto:michaeljon@hamlinemidway.org">michaeljon@hamlinemidway.org</a> |              |                 |                 |                    |                      | 4/1/10<br>&<br>4/5/10 |                      | 3/26/10    |               |

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

**AFFIDAVIT OF NOT FOUND**

Rick Sinner, agent for Metro Legal Services, Inc., being first duly sworn on oath, deposes and states that agents in my employ attempted to serve RKL Landholdings, Inc. at it's last known registered address located at 110 Bank Street NE, City of Minneapolis, County of Hennepin, State of Minnesota and were unable to locate any officers, members or registered agent.

**FURTHER YOUR AFFIANT SAITH NOT.**

  
\_\_\_\_\_

Subscribed and Sworn to before me  
this 13th day of April, 2010.

  
\_\_\_\_\_  
Notary Public

