

Larkin Hoffman

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8300 Norman Center Drive
Suite 1000
Minneapolis, MN 55437-1060

General: 952-835-3800

Fax: 952-896-3333

Web: www.larkinhoffman.com

August 24, 2022

City Council Offices – Legislative Hearings
15 W. Kellogg Blvd., 310 City Hall
Saint Paul, MN 55102

Via Email Only

Contact-Council@ci.stpaul.mn.us
CouncilHearing@ci.stpaul.mn.us

Re: 1600 7th Street West – Burger King (File # RLH RR 22-46)

Dear Council President Brendmoen and City Council Members:

Our firm represents Burger King Corporation (“Burger King”), the owner of the property at 1600 7th Street West, St. Paul, MN (“Property”). Burger King was only recently made aware of the City’s abatement orders concerning the Property and its intent to demolish the structure. As discussed further below, Burger King did not receive notice of the hearing and objects to the proposed demolition. Importantly, immediately upon learning of the City’s orders and actions, Burger King took action to address the City’s concerns.

As background, the Property was operated by a now-defunct franchisee and was the subject of various bankruptcy proceedings and litigation for several years. Burger King engaged a national firm to provide property maintenance and asset preservation on a biweekly basis, which was to include inspections, maintenance, and landscaping services at the Property. Unbeknownst to Burger King, this work has not been properly performed for the last several months. Upon learning of the City’s notices and the Property’s condition, Burger King immediately mobilized local contractors to mitigate site conditions. Burger King is reviewing and investigating its asset preservation protocols and vendor and intends to take all necessary actions to make sure the current situation is not repeated in the future. Unfortunately, Burger King was not notified of any enforcement matters by the City and was only made aware of such action through a third party on August 22.

Lack of Proper Notice

The proposed resolution concerning this matter, RLH RR 22-46 (the “Resolution”), states that the City has “complied with all of the procedural requirements of the Saint Paul Legislative Code Chapter 45.” This statement is inaccurate, as it appears that while an attempt was made to mail notices to Burger King, the notices were improperly addressed. Burger King did receive any of the notices from the City. Burger King’s correct address is, as identified on the Ramsey County property records as:

Burger King Corp 2920
PO Box 020783
Miami FL 33102-0783

The word “Box,” which is included in the property tax records, was omitted on all notices and correspondence from the City. While it is not clear that this address omission resulted in the failed delivery of notice, Burger King has no records of receiving any notices to its post office box that is regularly used by the company for legal correspondence.

The City also failed to make a sufficient attempt to serve Burger King notice of the abatement orders or hearing via certified mail. City Code requires the following:

At least ten (10) calendar days prior to the hearing, the enforcement officer shall notify the *owner or his duly authorized representative by personal service* of the notice of hearing and all interested parties or *their duly authorized representative by certified mail*.

Saint Paul Legislative Code Sec. 45.11(4)(emphasis added). While the other lien holders on the Property were notified via certified mail, the City’s records indicate that notice was only mailed to Burger King’s incorrect address via standard USPS mail on 6/24/2022. While the City Code allows alternative methods of providing notice “if, after reasonable effort, service cannot be made,” the City’s efforts fell short of a reasonable effort to provide personal service. There is no indication in the record that personal service was attempted in the form of an affidavit or otherwise. Further, the Minnesota Secretary of State website provides both a local St. Paul address and a physical address in Miami, Florida for the purpose of accepting legal service. Accordingly, the City failed to comply with the noticing procedures under Section 45.11(4), rendering the process deficient.

Actions Taken Upon Receiving Notice

Burger King is committed to remedying the City’s concerns related to the Property and is taking action to assure that this situation does not arise again. Within 24 hours of being made aware of the conditions on site, Burger King engaged a local contractor to engage with City staff and abate the issues on the Property.

We respectfully ask the City to reject the proposed resolution and to allow Burger King to cooperatively resolve the pending issues and orders. In the unfortunate event the City proceeds with a demolition order, Burger King will be forced to resort to legal action and will seek relief from the courts.

Please enter this information into the public record and feel free to contact me with any questions about this letter or the information contained herein.

Sincerely,



Jacob W. Steen, for
Larkin Hoffman

Direct Dial: 952-896-3239

Direct Fax: 952-842-1738

Email: jsteen@larkinhoffman.com

Cc: Jeff Grill, Burger King Corporation (JGrill@rbi.com)
Adam Dain Burger King Corporation (adain@rbi.com)
Rob Stefonowicz, Larkin Hoffman
Marcia Moermond, Legislative Hearing Officer (marcia.moermond@ci.stpaul.mn.us)
Joe Yannarely, City of St. Paul (joe.yannarely@ci.stpaul.mn.us)
Steve Magner, City of St. Paul (steve.magner@ci.stpaul.mn.us)
Mai Vang, City of St. Paul (mai.vang@ci.stpaul.mn.us)