



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*

October 1, 2010

Finance & Commerce, Inc
SDS12-2619
PO Box 86
Minneapolis MN 55486

RE: 1107 ROSS AVE

Dear Sir or Madam:

Please publish on October 7, 2010, and October 11, 2010, the enclosed notice of a Legislative Public Hearing and a Saint Paul City Council Public Hearing.

You may bill the City of Saint Paul, Division of Code Enforcement, Vacant Building Program, 375 Jackson Street, Suite 220, Saint Paul, MN 55101-1806.

Also, please submit an affidavit of publication to this office.

Sincerely,

Steve Magner

Steve Magner
Manager of Code Enforcement

SM:cs

Enclosure

pubhrrng60183 09/10



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October 1, 2010

NOTICE OF PUBLIC HEARINGS

To all Known Responsible and/or Interested Parties

Dear Sir or Madam:

The Saint Paul City Council and the Legislative Hearing Officer of the City Council have scheduled public hearings to consider a Council Resolution ordering the repair or removal of the building(s) located at **1107 ROSS AVE.**

With the following Historic Preservation information: NONE

In accordance with the provisions of the Saint Paul Legislative Code Chapter 45, all owners of record and other interested parties with a known interest in this building(s) are hereby notified of these hearings. At these hearings testimony will be heard from the Code Enforcement Officer and any other parties who wish to be heard. The Council will adopt a resolution describing what action, if any, the Council deems appropriate.

Please be advised the Public Hearing before the Legislative Hearing Officer is scheduled for:

Tuesday, October 26, 2010, at 10:00 a.m. in Room 330, City Hall, 15 West Kellogg Boulevard, Saint Paul, MN 55102

The Legislative Hearing Officer will hear the evidence and make a recommendation for action to the full City Council:

Wednesday, November 17, 2010, at 5:30 p.m. in the City Council Chambers, 3rd Floor, City Hall, 15 West Kellogg Boulevard, Saint Paul, MN 55102

All costs incurred by the City, including inspection costs, administrative costs, title searches, filing fees and, if necessary, demolition and removal expenses, will be assessed against the real estate as a special assessment to be collected in the same manner as real estate taxes. If you have any questions concerning this matter please call the Vacant/Nuisance Buildings Code Enforcement Officer **Steve Magner** at (651)266-1928, or you may leave a voice mail message.

Sincerely,

Steve Magner

Steve Magner
Manager of Code Enforcement
SM:cs

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October 1, 2010

NOTICE OF PUBLIC HEARINGS

To all Known Responsible and/or Interested Parties

Lana Greenleaf
PO Box 40387
St Paul MN 55106

Bank of New York Mellon
FKA The Bank of New York
c/o 2505 W. Chandler Blvd
Chandler, AZ 85224

Bank Of New York Trustee
7105 Corporate Drive Ptx C35
Plano TX 75024-4100

David Bichanga
12170 Business Park Blvd
Champlin MN 55316

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1107 ROSS AVE

October 1, 2010

page 2

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October 1, 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:

1107 ROSS AVE

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

Legislative Hearing – Tuesday, October 26, 2010

City Council Hearing – Wednesday, November 17, 2010

The owners and responsible parties of record are:

Name and Last Known Address

Interest

Lana Greenleaf
PO Box 40387
St Paul MN 55106

Fee Owner and Tax Owner

Bank of New York Mellon
FKA The Bank of New York
c/o 2505 W. Chandler Blvd
Chandler, AZ 85224

Mortgage Company

Bank Of New York Trustee
7105 Corporate Drive Ptx C35
Plano TX 75024-4100

Mortgage Company
(alternative address)

David Bichanga
12170 Business Park Blvd
Champlin MN 55316

Interested Party

Dayton's Bluff District 4 Community Council
Karin@daytonbluff.org

District Council Contact

1107 ROSS AVE

October 1, 2010

page 2

The legal description of this property is:

Terrys Addition Lot 22 Blk 7

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 **September 29, 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: Rachel Tierney, City Attorneys Office
Mary Erickson, Assistant Secretary to the Council
Cindy Carlson, PED-Housing Division
Nancy Homans, Invest St. Paul
District Council – Community Organizer

GREEN SHEET DATA TO COPY/PASTE INTO GREEN SHEET

Department of Safety and Inspections
Bob Kessler 69013

ACTION REQUESTED

City Council to pass this resolution which will order the owner(s) to remove or repair the referenced building(s). If the owner fails to comply with the resolution, the Department of Safety and Inspections is ordered to remove the building. The subject property is located at 1107 ROSS AVE .

INITIATING PROBLEM

This building(s) is a nuisance building(s) as defined in Chapter 45 and a vacant building as defined in Chapter 43 of the Saint Paul Legislative Code. The owners, interested parties and responsible parties known to the Enforcement Officer were given an order to repair or remove the building at 1107 ROSS AVE by September 27, 2010, and have failed to comply with those orders.

ADVANTAGES IF APPROVED

The City will eliminate a nuisance.

DISADVANTAGES IF APPROVED

The City will spend funds to wreck and remove this building(s). These costs will be assessed to the property, collected as a special assessment against the property taxes.

A nuisance condition will remain unabated in the City. This building(s) will continue to blight the community.

DISADVANTAGES IF NOT APPROVED

A nuisance condition will remain unabated in the City. This building(s) will continue to blight the community.

FUNDING SOURCE AND ACTIVITY NUMBER

Nuisance Housing Abatement 001-00257

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 one and one half story, wood frame, single family dwelling and its two stall,
4 detached garage located on property hereinafter referred to as the "Subject Property" and
5 commonly known as **1107 ROSS AVE**. This property is legally described as follows, to wit:

6
7 Terrys Addition Lot 22 Blk 7
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 **May 3, 2010**, the
11 following are the now known interested or responsible parties for the Subject Property: Lana
12 Greenleaf, PO Box 40387, St Paul MN 55106; Bank of New York Mellon, FKA The Bank of
13 New York, c/o 2505 W. Chandler Blvd, Chandler, AZ 85224; Bank Of New York Trustee, 7105
14 Corporate Drive Ptx C35, Plano TX 75024-4100; David Bichanga, 12170 Business Park Blvd,
15 Champlin MN 55316; Dayton's Bluff District 4 Community Council; and
16

17 WHEREAS, Department of Safety and Inspections has notified the known interested or
18 responsible parties of the "Order to Abate Nuisance Building(s)" dated **August 26, 2010** as
19 provided for in Chapter 45 of the Saint Paul Legislative Code; and
20

21 WHEREAS, this order informed the then known interested or responsible parties that the
22 structure located on the Subject Property is a nuisance building(s) pursuant to Chapter 45; and
23

24 WHEREAS, this order informed the interested or responsible parties that they must repair
25 or demolish the structure located on the Subject Property by **September 27, 2010**; and
26

27 WHEREAS, the enforcement officer has posted a placard on the Subject Property
28 declaring this building(s) to constitute a nuisance condition; subject to demolition; and
29

30 WHEREAS, this nuisance condition has not been corrected and Department of Safety
31 and Inspections requested that the City Clerk schedule public hearings before the Legislative
32 Hearing Officer of the City Council and the Saint Paul City Council; and
33

34 WHEREAS, the interested and responsible parties have been served notice in accordance
35 with the provisions of Chapter 45 of the Saint Paul Legislative Code, of the time, date, place and
36 purpose of the public hearings; and
37

38 WHEREAS, a hearing was held before the Legislative Hearing Officer of the Saint Paul
39 City Council on **Tuesday, October 26, 2010** to hear testimony and evidence, and after receiving
40 testimony and evidence, made the recommendation to approve the request to order the interested
41

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

48
49 WHEREAS, a hearing was held before the Saint Paul City Council on **Wednesday,**
50 **November 17, 2010** and the testimony and evidence including the action taken by the
51 Legislative Hearing Officer was considered by the Council; now therefore

52
53 BE IT RESOLVED, that based upon the testimony and evidence presented at the above
54 referenced public hearings, the Saint Paul City Council hereby adopts the following Findings and
55 Order concerning the Subject Property at **1107 ROSS AVE.**

- 56
- 57 1. That the Subject Property comprises a nuisance condition as defined in Saint Paul
58 Legislative Code, Chapter 45.
 - 59
 - 60 2. That the costs of demolition and removal of this building(s) is estimated to exceed
61 five thousand dollars (\$5,000.00).
 - 62
 - 63 3. That there now exists and has existed multiple Housing or Building code
64 violations at the Subject Property.
 - 65
 - 66 4. That an Order to Abate Nuisance Building(s) was sent to the then known
67 responsible parties to correct the deficiencies or to demolish and remove the
68 building(s).
 - 69
 - 70 5. That the deficiencies causing this nuisance condition have not been corrected.
 - 71
 - 72 6. That Department of Safety and Inspections has posted a placard on the Subject
73 Property which declares it to be a nuisance condition subject to demolition.
 - 74
 - 75 7. That this building has been routinely monitored by Department of Safety and
76 Inspections, Vacant/Nuisance Buildings.
 - 77
 - 78 8. That the known interested parties and owners are as previously stated in this
79 resolution and that the notification requirements of Chapter 45 have been fulfilled.
 - 80

81 ORDER

82
83 The Saint Paul City Council hereby makes the following order:
84

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

Adopted by Council: Date _____

Adoption Certified by Council Secretary

By: _____

Approved by Mayor: Date _____

By: _____

Form Approved by Mayor for Submission to Council

By: _____

..Title

Resolution ordering the rehabilitation or wrecking and removal of the structures at 1107 ROSS AVE within fifteen (15) days after the November 17, 2010, City Council Public Hearing.

..Body

WHEREAS, the Department of Safety and Inspections has requested the City Council to hold public hearings to consider the advisability and necessity of ordering the repair or wrecking and removal of a one and one half story, wood frame, single family dwelling and its two stall, detached garage located on property hereinafter referred to as the "Subject Property" and commonly known as 1107 ROSS AVE . This property is legally described as follows, to wit:

Terrys Addition Lot 22 Blk 7

WHEREAS, based upon the records in the Ramsey County Recorder's Office and information obtained by the Department of Safety and Inspections on or before May 3, 2010, the following are the now known owners, interested or responsible parties for the subject property: Lana Greenleaf, PO Box 40387, St Paul MN 55106; Bank of New York Mellon, FKA The Bank of New York, c/o 2505 W. Chandler Blvd, Chandler, AZ 85224; Bank Of New York Trustee, 7105 Corporate Drive Ptx C35, Plano TX 75024-4100; David Bichanga, 12170 Business Park Blvd, Champlin MN 55316; Dayton's Bluff District 4 Community Council; and

WHEREAS, the Department of Safety and Inspections has notified the known owners, interested or responsible parties of the "Order to Abate Nuisance Building(s) pursuant to Saint Paul Legislative Code Chapter 45; and

WHEREAS, this order informed the interested or responsible parties that they must repair or wreck and remove the structures(s) located on the Subject Property by September 27, 2010; and

WHEREAS, the enforcement officer has posted on August 27, 2010 a placard on the Subject Property declaring this building(s) to constitute a nuisance condition, subject to demolition; and

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

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

WHEREAS, a hearing was conducted before the Legislative Hearing Officer of the City of Saint Paul City Council on October 26, 2010; and

WHEREAS, after reviewing testimony and evidence, the Legislative Hearing Officer made the recommendation to approve the request to order the owners, interested or responsible parties to make the Subject Property safe and not detrimental to the public peace, health, safety and welfare and remove its blighting influence on the community by rehabilitating this structure in accordance with all applicable codes and ordinances, or in the alternative by wrecking and removing the structure in accordance with all applicable codes and ordinances, which is to be completed within fifteen (15) days after the date of the Council Hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on November 17, 2010, and the testimony and evidence including the action taken by the Legislative Hearing Officer was considered by the Council; now, therefore, be it

RESOLVED, that based upon the testimony and evidence presented at the above referenced public hearings, the Saint Paul City Council hereby adopts the following Findings and Order concerning the Subject Property at 1107 ROSS AVE :

1. The Subject Property comprises a nuisance condition as defined in the Saint Paul Legislative Code;

2. That costs of wrecking and removal of this building(s) is estimated to exceed \$5,000;
3. That there now exists and has existed multiple Housing or Building Code violations at the Subject Property;
4. That an Order to Abate Nuisance Building(s) was sent to the then known owners, interested and responsible parties to correct the deficiencies or to wreck and remove the building(s);
5. That the deficiencies causing this nuisance condition have not been corrected;
6. That the Department of Safety and Inspections has posted a placard on the Subject Property which declares it to be a nuisance condition, subject to wrecking and removal;
7. That this building(s) has been routinely monitored by Department of Safety and Inspections Vacant/Nuisance Buildings staff; and
8. That the known interested parties and owners are as previously stated in this resolution and that the notification requirements of Saint Paul Legislative Code Chapter 45 have been fulfilled.

and be it

RESOLVED, that the Saint Paul City Council hereby makes the following order:

1. The above-referenced owners, interested or responsible parties shall make the Subject Property safe and not detrimental to the public peace, health, safety and welfare and remove its blighting influence on the community by rehabilitating this structure(s) and correcting all deficiencies as prescribed in the above-referenced Order to Abate Nuisance Building(s) in accordance with all applicable codes and ordinances. The rehabilitation or wrecking and removal of the structure must be completed within fifteen (15) days after the date of the Council Hearing;
2. If the above corrective action is not completed within this period of time, the Department of Safety and Inspections is hereby authorized to take whatever steps are necessary to wreck and remove this structure, fill the site and charge the costs incurred against the Subject Property pursuant to the provisions of Chapter 45 of the Saint Paul Legislative Code;
3. In the event the building is to be wrecked and removed by the City of Saint Paul, all personal property or fixtures of any kind which interfere with the wrecking and removal shall be removed from the Subject Property by the owners or responsible parties by the end of this time period. If all personal property is not removed, it shall be considered to be abandoned and the City of Saint Paul shall remove and dispose of such property as provided by law; and
4. It is further ordered that a copy of this resolution be mailed to the owners, interested and responsible parties in accordance with Chapter 45 of the Saint Paul Legislative Code.

..Analysis

Legislative Hearing Staff should modify the body of the above resolution to include the following "whereases" *after* the whereas indicating the day of the legislative hearing.

WHEREAS, [details of the DSI and HPC staff reports and testimony]; and

WHEREAS, [details of the information and testimony of owners and interested and responsible parties]; and

WHEREAS, [details of the conditions set forth for the grant of rehab]