



**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)*

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  
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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

Dear Sir or Madam:

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1107 ROSS AVE

October 1, 2010

page 2

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***Steve Magner***

Steve Magner  
Manager of Code Enforcement  
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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](mailto: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 \_\_\_\_\_

WHEREAS, 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 Department of Safety and Inspections on or before **May 3, 2010**, the following are the now known 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, Department of Safety and Inspections has notified the known interested or responsible parties of the "Order to Abate Nuisance Building(s)" dated **August 26, 2010** as provided for in Chapter 45 of the Saint Paul Legislative Code; and

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

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

WHEREAS, the enforcement officer has posted 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 Department of Safety and Inspections requested that the City Clerk schedule public hearings before the Legislative Hearing Officer of the City Council 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 held before the Legislative Hearing Officer of the Saint Paul City Council on **Tuesday, October 26, 2010** to hear testimony and evidence, and after receiving testimony and evidence, made the recommendation to approve the request to order the interested



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]