

RECEIVARPLICATION FOR APPEAL

JAN 20 2016Saint Paul City Council – Legislative Hearings 310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

CITY CLERK

Revised 8/11/2014

Telephone: (651) 266-8585

William Control		
We need the following to process your app	oeal:	
See the following to process your app \$25 filing fee (non-refundable) (payable to (if cash: receipt number	the City of Saint Paul) being appealed	HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, 26 Time 1000 A M 1000
Address Being Appeale	ed:	10068
		St Paul State: MN Zip: 55102
Appellant/Applicant: Ashland Proper	rty, LLC E	mail
Phone Numbers: Business	Residence	Cell 612-210-8608
		Date:
Name of Owner (if other than Appellant): _	Robert Arnold	
Mailing Address if Not Appellant's: PO B		ul, MN 55116
Phone Numbers: Business	Residence	Cell_612-750-5161
What Is Being Appeale Vacate Order/Condemnation/	d and Why?	
		RECEIVED
□ Vacant Building Registration		MACO
□ Other (Fence Variance, Code Compliance, etc.)	MASSOUR STATE OF THE PROPERTY	JAN 20 2016



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

- Yog hais tins koj hais tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266-8989. Nws yog pab dawb zwb.
- Si necessita un traductor, por favor llamanos al (651)266-8989. No costo.

33.

January 11, 2016

Ashland Property Llc 1833 Eagle Ridge Dr Apt 1 Mendota Hghts MN 55118-4270

> Ashland Investments C/O Bob Arnold PO Box 16447 Saint Paul MN 55116

CORRECTION NOTICE

RE: 443 ASHLAND AVE

File #: 16-001053

Dear Sir or Madam:

The City of Saint Paul, Department of Safety and Inspections has inspected the above referenced property on **January 11, 2016** and has determined that the following deficiencies exist in violation of the Saint Paul Legislative Code¹ (see footnote 1, below).

1. DISCHARGE OF WATER HAS CREATED A BUILD UP OF ICE ON PUBLIC SIDEWALK AND ALLEY RESULTING IN A HAZARDOUS CONDITION. DISCONTINUE THE DISCHARGE OF WATER ONTO PUBLIC SIDEWALK / ALLEY.

You are hereby notified to correct these deficiencies in accordance with the appropriate codes. The Enforcement Officer will reinspect these premises on or after **January 20, 2016**, by which date the violations noted must be corrected. **Failure to correct these deficiencies may result in the issuance of criminal charges²** and/or a civil lawsuit, and possible abatement/assessment by the City. All repairs and new installations must be made in accordance with the appropriate codes. Permits may be obtained by calling 651-266-8989.

You may file an appeal to this notice by contacting the City Clerk at 651-266-8585. Any appeal must be made in writing within 10 days of this notice. (You must submit a copy of this Notice when you appeal, and pay a filing fee.)

If you have any questions or request additional information, please contact me. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to me at 651-266-1908.

Sincerely,

Mark Kaisersatt

January 11, 2016 443 ASHLAND AVE Page 2 of 2

Badge # 334

CODE ENFORCEMENT OFFICER

Footnotes:

- To see the Legislative Code go to www.stpaul.gov on the internet, click on "Departments", then click on "Department of Safety and Inspections", scroll down the page for the "Codes". Most Correction Notices derive from Chapter 34.
- ² Criminal charges can be brought on the day the violation is observed, but generally we allow time to correct unless this is a repeat violation.

mk

WARNING Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within such 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

cn60100 4/13



PO Box 16447 Saint Paul, MN 55116

January 20, 2016

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

RE: Application For Appeal, Correction Notice File # 16-001053, 443 Ashland Ave

Dear Sir or Madam,

On January 15, 2016, Ashland Property, LLC dba Ashland Apartments received a correction notice from the City of Saint Paul Department of Safety and Inspections dated January 11, 2016, concerning the discharge of water onto the public alley and sidewalk next to property located at 443 Ashland Ave in St Paul. The notice demands that Ashland Apartments "discontinue the discharge of water onto public sidewalk/alley. Ashland Apartments appeals this notice to bring your attention to all of the efforts of the owner over the last two decades to mitigate the effects of the dilapidated condition of the alley.

For some background information the current owner, Robert Arnold, purchased the property in 1986. Approximately ten years after purchasing the property he began to notice a slight problem of water intrusion in the basement boiler room. At the time the problem was not sufficient to be of great concern. However, this problem has grown worse every year.

In 2001 the owner noticed severe cracking of the alley surface. During rainfall it was clear that rainwater was seeping into the cracks in the alley as it flowed toward Arundel Street to the East. The owner attempted to seal these cracks with roofing cement and fabric. This seemed to help alleviate the problem, but did not last very long. The water that does reach Arundel Street creates a pond just South of the alley curb cutout. It seems that there is a slight depression at that spot before the water can make its way to the storm drain located further South at the corner of Ashland Avenue and Arundel Street.

In approximately 2006 as a response to increased amounts of ground water flowing into the basement the owner installed two sump pumps. The discharge from these pumps was sent to existing drain pipes that carry storm water runoff from the roof and discharge onto the public alley to the North. At the time it seemed to be the only viable option for discharging the excess ground water. The building was built in

the 1920s and has little yard space besides boulevard grass to the East and South, and small yards at the South face of the building.

The lowest point inside the building is the boiler room at the North edge. The front yard is over one-hundred and twenty feet to the South. Running a discharge pipe for these sump pumps to the front yard raised multiple concerns; overall length of the pipe, proper sloping of the pipe over a great distance, damage to the pipe from freezing in winter, and water intrusion of basement apartments on the South side of the building. These sump pumps helped to keep the boiler room dry except during heavy rainfalls and large snowmelts. Gutters were added to aid the discharge of this water to be able to reach the street instead of just pouring into the cracks in the alley surface.

Over the last few years we have made a number of calls to the Department of Public Works about the condition of the alley. We have noticed shifts in these alley surface pieces of as much as two inches over the course of twelve months. Small repairs have been made by Public Works, but have <u>never</u> had a noticeable effect on the intrusion of water into our basement.

During the summer of 2015 a large hole appeared next to a manhole cover of an abandoned utility service vault under the alley. With the help of Lori Lemke in Public Works the ownership of the vault was traced back to Xcel Energy. Ms. Lemke was also instrumental in getting Xcel Energy to fill and seal this utility vault. This had a noticeable effect on reducing the amount of water that we see in the basement, but has not eliminated it. We sincerely appreciate the assistance that Ms. Lemke provided in this incident.

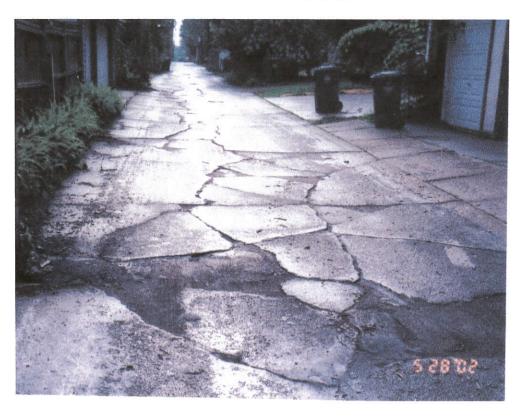
It seems clear from our experience over the last two decades that the alley desperately needs a new water tight surface in order to reduce the intrusion of rainwater and snowmelt into the soil beneath our building. We sincerely regret the buildup of ice that occurs because of our sump pumps, but we cannot stop pumping out this water because we must protect our building structure and mechanical systems from water damage due to the condition of the alley. After many years of significant work on our part to mitigate damage to our building we expect the City to address the problem of the public alley surface.

Attached to this letter is a series of pictures, labeled Exhibit A, from 2002 to the present showing the various conditions of the public alley as described above.

Sincerely,

Jeffrey R. Arnold
Property Manager
Ashland Apartments
612-210-8608
jarnold@lakewoodenterprises.com

Exhibit A



West facing picture of public alley dated 5/28/2002



East facing picture of public alley dated 5/28/2002



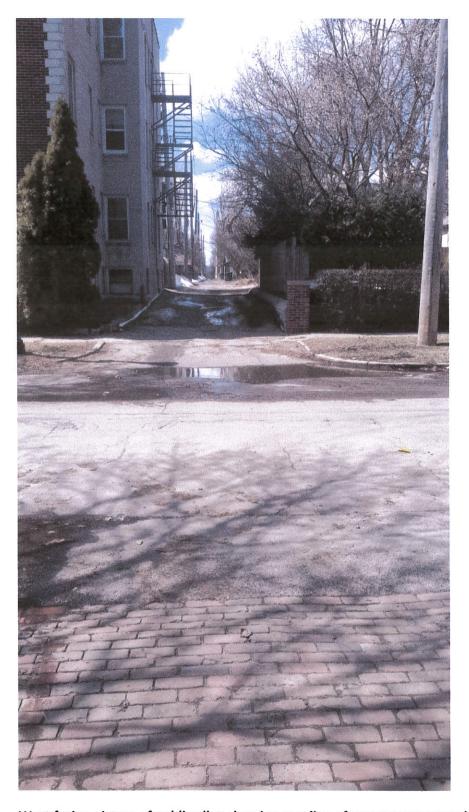
West facing picture of public alley dated 7/22/2010



West facing picture of public alley dated 3/2/2011



Detail picture of public alley showing severe cracking dated 4/8/2014



West facing picture of public alley showing ponding of water at street curb cut dated 4/8/2014



Picture of public alley showing severe cracking and movement of surface pieces dated 7/15/2015



Detail shot of hole by Xcel Energy utility vault dated 7/15/2015



Interior picture of Ashland Apartments basement boiler room dated 1/8/2016. Water on floor is ground water seeping in through basement walls.