

1968 BERKELEY AVENUE
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**PROFESSIONAL ENGINEERING CONSULTANTS
INCORPORATED**

October 19, 2020

Dennis Gudim
1025 Selby Ave.
St. Paul, MN 55104

Project: Review of Construction
1025 Selby Ave.
St. Paul, MN
PEC #5638

Dear Mr. Gudim:

On September 13, 2020, we provided you with a report on our findings to that point regarding some wall construction at the rear of your property on 1025 Selby Ave., St. Paul, MN. You had contacted our firm to investigate a reported failure of a retaining wall behind your building. We understood from you that it was alleged this retaining wall was impacting the residential property at 1034 Dayton Ave., in other words, your rear neighbor to the north of your building.

At that point in our report, we told you to hire a land surveyor to determine your entire rear property line and any other construction items behind your existing building. You then hired W. Brown Land Surveying to perform this work. They are a very competent surveyor and would give us the straight facts. Brown went out and did the survey work just recently. Your property includes Lot #15 through Lot #20 along Selby Ave. Lots #15 & 16 include a driveway and parking but also provide access for your commercial building. Lots #17-20 are occupied by your commercial building. Brown found there was some slight irregularity but basically, both your parking lot and building are nearly perfectly aligned at a location 3.0' to 2.6' away from your north property line and not interfering with any of your north neighbors.

Lots #15 & 16 have a small retaining wall built 3.0' south of your north line. Those neighbors to the north have extended their lawn to the base of the retaining wall. The wall is in good condition; the north neighbors mow the grass; and if any structure is built by those neighbors, it will have to be constructed with a legal setback from the rear lot line and life goes on.

Your structure was built in the recent past (construction date unknown) and appears to have been positioned 2.6' south of the north property line. In order to build this building, other previous construction appears to have been demolished, but at least two, and

probably more, portions of its original foundation had been left in place so as not to harm existing support for remnant structures owned by the neighbors north of your Lots #17-20. It appears that long ago, your previous owner and the north residential owners at that time were using a common foundation wall built directly on the property line for several buildings. Rather than cause difficulties for adjacent neighbor construction on the common foundations, your previous owners simply moved slightly south and built foundation construction for your building independent from the lot line construction.

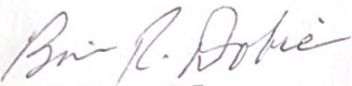
It appears your previous owners didn't dare disturb the foundations of the neighbor's structures but removed nearly all of the foundation construction which did not affect the north neighbors but simply built their new building, knowing that someday when your neighbors rebuilt they would also have to abide by current setback requirements from the city. In the meantime, the north neighbors would take care of their buildings and you would take care of yours. Also, without your previous owner's erecting any rear fence, your neighbors would have free use of nearly 3' of your property to enjoy as they wish until they would put up new structures.

We suppose your previous owners could have drawn up some licenses for use. You could certainly erect some scaffolding on your rear property to enable your rear wall building maintenance, but any maintaining could also be simply accomplished by dropping swing staging from your roof, so once again, life goes on. Your north neighbors could certainly use your rear property to maintain their garage rear foundation wall, but it appears they have elected to perform no maintenance of any foundation wall construction, let alone their rear foundation wall construction. Any maintenance issues which your neighbors have with the City would be their own business.

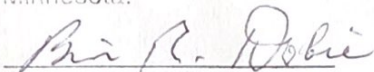
Now you have a surveyor's certificate bringing to light your rear construction with respect to your rear lot line. Any common foundation wall construction which had existed between your previous building and the owner building has reverted to the north properties. Any matters concerning your neighbor garages and the City have many years ago reverted to issues between the neighbor and the City. Any harm to your neighbors' structures has been avoided by your previous owners and has long since been an issue only to your neighbors and the City. This difficulty of common foundation construction has been addressed by your previous owners and corrected many years ago by your conforming construction.

At this point, we recommend you seek advice from a qualified attorney as to any notifications you should make to any party to protect your investment and any potential liability.

Respectfully,
Professional Engineering Consultants, Inc.


Brian R. Dobie, P.E.
President

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

Brian R. Dobie, P.E. 

Date 10-19-20 Reg. No. 9798