

September 14, 2021

St. Paul City Council
legislativehearings@ci.stpaul.mn.us

RE: Vacant Building Assessment for 1285 Beechwood Place
File No.: VB2111
Assessment No.:218817

Dear Council:

I represent the owners of above referenced property, Rebecca and Michael Amidon, and I am writing this letter on their behalf to address the identification of their property as subject to the vacant building list and assessed an annual fee. For the reasons below, placing the propriety on the vacant building list is an error as the residential home does not meet any of the Ordinance definitions and does not meet the criteria to be placed on the list.

As a paramount matter, the residential home in question simply does not meet any of the categorical classification standards as set forth in Saint Paul Legislative Code, Chapter 43, Section 43.02.7.a-g required to be identified as a vacant property. The Legislative Code defines a vacant property as meeting one of the following requirements:

- a. Unoccupied and unsecured.
- b. Unoccupied and secured by other than normal means.
- c. Unoccupied and a dangerous structure.
- d. Unoccupied and condemned.
- e. Unoccupied and has multiple housing or building code violations.
- f. Condemned and illegally occupied.
- g. Unoccupied for a period of time over 365 days and during which time the enforcement officer has issued an order to correct nuisance conditions.

The residential home in questions does not meet any of the above requirements to be listed on the vacant building list and at no time during the ownership by the Amidon's, or otherwise, has it met any of the above requirements. By the very definition of the Ordinance, the home simply cannot be subject to the vacant building list.

In addition, the Amidon's have a summer lawn service that maintains the property and its gardens and has a winter snow removal service that maintains the walkways and driveways in the winter. The property is maintained and visited 4-6 times a week by the Amidon's who purchased the home and have been in the process of renovating the home themselves to move into as their family home. The home is also maintained by a security system.

Attached you will find photos three homes, one of which is the subject property. You will be hard pressed to identify which home it is and, in fact, the home is maintained in the same condition of the neighboring homes, if not better.

At one point in time, there were apparently summary abatement orders from November 2020 and June 2021 were issued at the time they were doing yardwork cleanup and had placed the debris in the driveway for the crew to return and pick up the tree debris and remove the same and on the second occasion to clear cut areas around the home. In fact, by the time the Amidon's received the orders, the yard debris had already been cleaned up on both occasions.

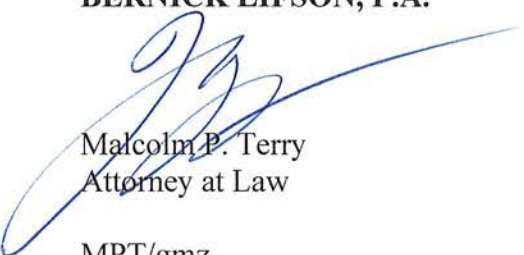
This entire frustrating issue for the Amidon's began with the City of St. Paul in 2017 when the Amidon's were worried and busy dealing with a family health crisis. At that time, the St Paul water department accused the Amidon's of stealing water due to lack of use. The City then shut off the water and reported it to the City as a vacant house. However, lack of water use does not meet vacant building criteria under the Ordinance and should not have been basis for a City employee to simply add the home to the vacant building list.

Based on the above and the plain reading of the Ordinance, the home in question here should be removed from the Vacant Building list and any assessment amounts paid to date returned to the Amidon's.

Please let me know if you have any questions at all.

Very truly yours,

BERNICK LIFSON, P.A.



Malcolm P. Terry
Attorney at Law

MPT/gmz