



# City of Saint Paul

City Hall and Court House  
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## Legislation Details (With Text)

**File #:** RLH RR 14- 15 **Version:** 8

**Type:** Resolution LH Substantial Abatement Order **Status:** Passed

**In control:** City Council

**Final action:** 5/20/2015

**Title:** Ordering the razing and removal of the structures at 1164 MINNEHAHA AVENUE WEST within fifteen (15) days after the August 20, 2014, City Council Public Hearing. (Public hearing continued from February 18) (To be amended to grant 180 days for rehab or removal)

**Sponsors:** Russ Stark

**Indexes:** Substantial Abatement Orders, Ward - 4

**Code sections:**

**Attachments:** 1. 1164 Minnehaha Ave W.OTA 5-7-14, 2. 1164 Minnehaha Ave W.PH 6-13-14, 3. 1164 Minnehaha Ave W.Photos 8-16-13, 4. 1164 Minnehaha Ave W.Photos 5-2-14, 5. 1164 Minnehaha Ave W.SHPO Form 6-9-14, 6. 1164 Minnehaha Ave W.FTA R-R.Ltr 7-17-14, 7. 1164 Minnehaha Ave W.Email and Photos by Erlien.8-15-14, 8. 1164 Minnehaha Ave W.Erlien Ltr.8-13-14, 9. 1164 Minnehaha Ave W.Photos.8-4-14, 10. 1164 Minnehaha Ave W.Erlien Ltr.9-17-14, 11. 1164 Minnehaha Ave W Erlien Revised Ltr 9-17-14, 12. 1164 Minnehaha Ave W.Erlien Ltr.11-26-14, 13. 1164 Minnehaha Ave W.Erlien Revised Ltr.11-26-14, 14. 1164 Minnehaha Ave W.Erlien Revised Ltr.12-3-14, 15. 1164 Minnehaha Ave W.Erlien Ltr.1-28-15, 16. 1164 Minnehaha Ave W.Promissory Note.4-28-15, 17. 1164 Minnehaha Ave W.Scope of Work and Photos.4-28-15, 18. 1164 Minnehaha Ave W.Settlement Statement.4-28-15, 19. 1164 Minnehaha Ave W.Sworn Construction Statement.4-28-15, 20. 1164 Minnehaha Ave W.Mykerezi R-R Ltr.4-29-15

Date	Ver.	Action By	Action	Result
5/26/2015	8	Mayor's Office	Signed	
5/20/2015	8	City Council	Adopted As Amended	
4/28/2015	7	Legislative Hearings	Referred	
2/18/2015	7	City Council	Referred	
1/27/2015	6	Legislative Hearings	Referred	
12/3/2014	4	City Council	Laid Over	Pass
11/25/2014	4	Legislative Hearings	Referred	
9/17/2014	3	City Council	Referred	
9/16/2014	3	Legislative Hearings	Referred	
8/20/2014	3	City Council	Continue Public Hearing	
8/12/2014	2	Legislative Hearings	Referred	
7/15/2014	1	Legislative Hearings	Laid Over	

Ordering the razing and removal of the structures at 1164 MINNEHAHA AVENUE WEST within fifteen (15) days after the August 20, 2014, City Council Public Hearing. (Public hearing continued from February 18) (To be amended to grant 180 days for rehab or removal)

**AMENDED 12/3/14; 2/18/15 and 5/20/15**

WHEREAS, the Department of Safety and Inspections has determined that 1164 MINNEHAHA AVENUE WEST is a nuisance building pursuant to Saint Paul Legislative Code §45.02 as 1) it is a vacant building as defined in §43.02; and 2) it has multiple housing code or building code violations or it has conditions constituting material endangerment as defined in §34.23, or it has a documented and confirmed history as a blighting influence in the community; and

WHEREAS, this property is legally described as follows, to wit: Ruth Livingston Second addition Lot 2 Blk 2; and

WHEREAS, based upon the records in the Ramsey County Recorder's Office and information on file or obtained by the Department of Safety and Inspections, the following are the owners, interested or responsible parties for the subject property as of June 13, 2014: Tammy Martinez, 16131 Edenwood Dr, Eden Prairie, MN 55346-3808; M & T Bank, 1 Fountain Plaza, 4th Floor, Buffalo, NY 14203; Bank of America NA, 1800 Tapo Canyon Road, Simi Valley, CA 93063; Usset, Weingarden & Liebo, 4500 Park Glen Road #300, Minneapolis, MN 55416; and Frogtown Neighborhood Association; and WHEREAS, each of these parties was served a written order dated May 7, 2014 advising them of the basis for the determination that the subject property was a nuisance, and that the nuisance building was to be repaired or razed and removed by June 6, 2014; and

WHEREAS, this order informed the interested or responsible parties that they must repair or raze and remove the structures(s) located on the Subject Property June 6, 2014; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on May 8, 2014 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected June 6, 2014, and therefore an abatement hearing was scheduled before the City Council on August 20, 2014 and the owner or his duly authorized representative and any interested parties or their duly authorized representatives were properly notified of the time, date and place of the hearing; and

WHEREAS, the legislative hearing officer provided the owner and other interested parties an opportunity to discuss the matter at legislative hearings on July 15 and August 12, 2014, September 16, 2014 and November 25, 2014, January 13, 2015, January 27, 2015, and April 28, 2015; and

WHEREAS, a public hearings was were held on August 20, 2014, September 17, 2014, December 3, 2014 and February 18, 2015 and May 20, 2015 and the Council reviewed the record, which included the exhibits from the Department of Safety and Inspections, the minutes and recommendation of the legislative hearing officer and any testimony at the hearing; Now, Therefore Be It

RESOLVED, that the Saint Paul City Council hereby finds:

1. That the structure(s) at 1164 MINNEHAHA AVENUE WEST is a nuisance building pursuant to Saint Paul Legislative Code §45.02, as 1) it is a vacant building as defined in §43.02; and 2) it has multiple housing code or building code violations or it has conditions constituting material endangerment as defined in §34.23, or it has a documented and confirmed history as a blighting influence in the community; and 3) these nuisance conditions have not been corrected after notice of the same to the owner.
2. That the Department of Safety and Inspections has complied with all of the procedural requirements of the Saint Paul Legislative Code Chapter 45.
3. That the owners, interested parties or responsible parties have not presented a plan acceptable to the legislative hearing officer and Department of Safety and Inspections staff to repair the structure (s) and correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code

Compliance report and to make the structure(s) safe and code compliant within 15 days. And, Be It Further

RESOLVED, that the Council orders that the owners, interested parties or responsible parties shall repair the structure, correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code Compliance report and to make the structure(s) safe and code compliant, or shall raze and remove the structure(s) within 15 180 days. And, Be it Further

RESOLVED, that if the necessary corrective action has not been taken within the time allotted, the Department of Safety and Inspections is authorized to take those steps necessary to raze and remove this structure and to charge the costs incurred in accordance with Saint Paul Legislative Code §45.12(4). Any personal property or fixtures of any kind shall be removed by the owners, interested parties or responsible parties prior to the demolition or it will be considered to be abandoned and the City of Saint Paul shall remove and dispose of such property as it deems appropriate. And, Be It

FINALLY RESOLVED, that this resolution shall be served on any of the parties required to be notified in Saint Paul Legislative Code §45.12(4).