



## Legislation Details (With Text)

**File #:** RLH RR 19- 11      **Version:** 5

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

**In control:** City Council

**Final action:** 1/15/2020

**Title:** Ordering the rehabilitation or razing and removal of the structures at 489 SHERBURNE AVENUE within fifteen (15) days after the March 27, 2019 City Council public hearing. (Amend to remove or repair within 180 days)

**Sponsors:** Dai Thao

**Indexes:** Substantial Abatement Orders, Ward - 1

**Code sections:**

**Attachments:** 1. 489 Sherburne Ave.OTA 11-7-18, 2. 489 Sherburne Ave.PH 1-28-19, 3. 489 Sherburne Ave.SHPO 11-28-18, 4. 489 Sherburne Ave.Photos 3-19-18, 5. 489 Sherburne Ave.Photos 10-11-18, 6. 489 Sherburne Ave.Condemnation & Vacate Order.3-16-18, 7. 489 Sherburne Ave.Photos.3-9-18, 8. 489 Sherburne Ave.Photos.3-16-18, 9. 489 Sherburne Ave.NeighborWorks Letter.3-11-19.pdf, 10. 489 Sherburne Ave.R-R Ltr.3-14-19.pdf, 11. 489 Sherburne Ave.House Clean-Out Estimate.4-5-19, 12. 489 Sherburne Ave.Lightner Email.4-9-19, 13. 489 Sherburne Ave.R-R Ltr.4-11-19.pdf, 14. 489 Sherburne Ave.R-R Ltr.4-25-19.pdf, 15. 489 Sherburne Ave.Code Compliance Inspection Rpt.5-6-19, 16. 489 Sherburne Ave.Orr email and letter.6-11-19.pdf, 17. 489 Sherburne Ave.R-R Orr-Stuff Ltr.6-14-19.pdf, 18. 489 Sherburne Ave.R-R Orr-Stuff Ltr.6-27-19.pdf, 19. 489 Sherburne Ave.Vang email.7-19-19.pdf, 20. 489 Sherburne Ave.Purchase Agreement.pdf, 21. 489 Sherburne Ave.Rock Safe City Brochure.7-30-19.pdf, 22. 489 Sherburne Ave.Safe City Project.7-30-19.pdf, 23. 489 Sherburne Ave.R-R Orr-Stuff Ltr.8-2-19.pdf, 24. 489 Sherburne Ave.R-R Orr-Stuff Ltr.8-29-19, 25. 489 Sherburne Ave.chain emails.10-2-19.pdf, 26. 489 Sherburne Ave.Residential Purchase Agreement.10-8-19.pdf, 27. 489 Sherburne Ave.Addendum to Purchase Agreement-Title Issues.10-8-19.pdf, 28. 489 Sherburne Ave.Financing Addendum For Contract for Deed.10-8-19.pdf, 29. 489 Sherburne Ave.Addendum to Purchase Agreement.10-8-19.pdf, 30. 489 Sherburne Ave.R-R Orr-Stuff Ltr.10-9-19, 31. 489 Sherburne Ave.chain emails.10-21-19.pdf, 32. 489 Sherburne Ave.Construction Plan 10-10-19.pdf, 33. 489 Sherburne Ave.Email Chain.10-21-19, 34. 489 Sherburne Ave.R-R Orr-Stuff Ltr.10-23-19, 35. 489 Sherburne Ave.Royce Letter.11-7-19, 36. 489 Sherburne Ave.Orr-Hassan-Moermond Email.11-12-19, 37. 489 Sherburne Ave.Email Chain.11-13-19, 38. 489 Sherburne Ave.Orr Email.11-13-19, 39. 489 Sherburne Ave.Orr-Moermond email.12-4-19.pdf, 40. 489 Sherburne Ave.StuffFirstAmendmentToPurchaseAgmt19.1121.pdf, 41. 489 Sherburne Ave.ConstructionProposal19.1125.pdf, 42. 489 Sherburne Ave.FinancingContract19.1126.pdf, 43. 489 Sherburne Ave.ConstructionContract19.1126.pdf, 44. 489 Sherburne Ave.InitialPaymentForConstruction19.1126.pdf, 45. 489 Sherburne Ave.TitleCommitment.pdf, 46. 489 Sherburne Ave.chain emails.12-12-19.pdf, 47. 489 Sherburne Ave.R-R Orr-Stuff Ltr.12-13-19.pdf

Date	Ver.	Action By	Action	Result
1/20/2020	5	Mayor's Office	Signed	
1/15/2020	5	City Council	Adopted As Amended	Pass
11/13/2019	4	City Council	Referred	
10/22/2019	2	Legislative Hearings	Referred	
10/8/2019	2	Legislative Hearings	Laid Over	
9/11/2019	3	City Council	Referred	Pass

8/27/2019	2	Legislative Hearings	Referred	
8/13/2019	2	Legislative Hearings	Laid Over	
7/30/2019	2	Legislative Hearings	Laid Over	
6/25/2019	2	Legislative Hearings	Laid Over	
6/11/2019	2	Legislative Hearings	Laid Over	
5/14/2019	2	Legislative Hearings	Laid Over	
4/23/2019	2	Legislative Hearings	Laid Over	
4/9/2019	2	Legislative Hearings	Laid Over	
3/27/2019	2	City Council	Referred	Pass
3/12/2019	1	Legislative Hearings	Referred	
2/26/2019	1	Legislative Hearings	Laid Over	

Ordering the rehabilitation or razing and removal of the structures at 489 SHERBURNE AVENUE within fifteen (15) days after the March 27, 2019 City Council public hearing. (Amend to remove or repair within 180 days)

**AMENDED 1/15/20**

WHEREAS, the Department of Safety and Inspections has determined that 489 SHERBURNE AVENUE 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: SMITHS SUB OF STINSNS DIV B9 10 15 16 LOT 33 BLK 15; 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 November 7, 2018: William J Stuff, 489 Sherburne Ave, St Paul MN 55103-1944; and Frogtown Neighborhood Association; and

WHEREAS, each of these parties was served a written order dated November 7, 2018 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 December 7, 2018; and

WHEREAS, this order informed the interested or responsible parties that they must repair or raze and remove the structure(s) located on the Subject Property by December 7, 2018; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on November 8, 2019 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by December 7, 2018, and therefore an abatement hearing was scheduled before the City Council on March 27, 2019 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 February 26, 2019, March 12, 2019, April 9, 2019, April 23, 2019, May 14, 2019, June 11, 2019, June 25, 2019, July 30, 2019, August 13, 2019, October 8, 2019, October 22, 2019 and January 14, 2020; and

WHEREAS, a public hearing were was held on March 27, 2019, September 11, 2019, November 26, 2019 and January 15, 2020, and the City 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 489 SHERBURNE AVENUE 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 City 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 45 180 days after the City Council Public Hearing; And, Be it Further

RESOLVED, that at the conclusion of the 180-day grant of time, the Council will receive a report from the Legislative Hearing Officer with findings on the status of the nuisance abatement; And Be It Further

RESOLVED, that a Legislative Hearing is scheduled for June 23, 2020 at which owners, interested parties and Department of Safety and Inspection staff will present information on the current building conditions and progress toward abatement of the dangerous/nuisance conditions and the resulting findings will be presented to the City Council at a public hearing on July 8, 2020 for its consideration; 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 resolution compliance date 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).