



## Legislation Details (With Text)

**File #:** RLH RR 11- 18      **Version:** 3

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

**In control:** City Council

**Final action:** 7/13/2011

**Title:** Ordering the razing and removal of the structures at 1002 CONWAY STREET within fifteen (15) days after the June 1, 2011 City Council Public Hearing. (Laid over from July 6)

**Sponsors:** Kathy Lantry

**Indexes:** Substantial Abatement Orders, Ward - 7

**Code sections:**

**Attachments:** 1. 1002 Conway Photos 8/2/08, 2. 1002 Conway Order to Abate Nuisance 2/8/11, 3. 1002 Conway Pub Hrng Notice 4/15/11, 4. 1002 Conway St.Goerlitz Ltr R-R 5-10-11.pdf, 5. 1002 Conway St.Documents.pdf

Date	Ver.	Action By	Action	Result
7/21/2011	3	Mayor's Office	Signed	
7/13/2011	3	City Council	Adopted As Amended	Pass
7/6/2011	3	City Council	Laid Over	Pass
6/15/2011	3	City Council	Continue Public Hearing	Pass
6/14/2011	3	Legislative Hearings	Referred	
6/1/2011	2	City Council	Referred	Pass
5/10/2011	3	Legislative Hearings	Referred	

Ordering the razing and removal of the structures at 1002 CONWAY STREET within fifteen (15) days after the June 1, 2011 City Council Public Hearing. (Laid over from July 6)

**AMENDED June 1, 2011**

**Amended July 13, 2011**

WHEREAS, the Department of Safety and Inspections has requested the City Council to hold public hearings to consider the advisability and necessity of ordering the repair or wrecking and removal of a two story, wood frame, duplex and its oversized, two stall, detached garage located on property hereinafter referred to as the "Subject Property" and commonly known as 1002 CONWAY ST. This property is legally described as follows, to wit:

Stinsons Sub Of B79 Lyman Day Lots 14 & Lot 15 Blk 79

WHEREAS, based upon the records in the Ramsey County Recorder's Office and information obtained by the Department of Safety and Inspections on or before October 25, 2010, the following are the now known owners, interested or responsible parties for the subject property: Chai Moua Yang/Yia Thor, 941 Margaret St, St Paul MN 55106-4511; BAC Home Loans Servicing, 30870 Russell Ranch Rd , Westlake Village CA 91362; Peterson, Fram & Bergman, 55 E 5<sup>th</sup> Street Suite 800, Saint Paul MN 55101; Dayton's Bluff District 4 Community Council; and

WHEREAS, the Department of Safety and Inspections has notified the known owners, interested or responsible parties of the "Order to Abate Nuisance Building(s) pursuant to Saint Paul Legislative Code Chapter 45; and

WHEREAS, this order informed the interested or responsible parties that they must repair or wreck and remove the structures(s) located on the Subject Property by March 14, 2011; and

WHEREAS, the enforcement officer has posted on February 9, 2011. a placard on the Subject Property declaring this building(s) to constitute a nuisance condition, subject to demolition; and

WHEREAS, this nuisance condition has not been corrected and the Department of Safety and Inspections requested the City Clerk schedule public hearings before the Legislative Hearing Officer and the Saint Paul City Council; and

WHEREAS, the interested and responsible parties have been served notice in accordance with the provisions of Chapter 45 of the Saint Paul Legislative Code, of the time, date, place and purpose of the public hearings; and

WHEREAS, a hearing was conducted before the Legislative Hearing Office of the City of Saint Paul City Council on May 10, 2011 at which time staff put the following information into the record:

1. This building is an oversized two-story, wood frame duplex with a detached two-stall garage on a lot of 10,018 square feet and has been vacant since June 11, 2008;
2. The current property owner is Chai Moua Yang and Yia Thor per Ramsey County Property records;
3. There have been twenty (20) Summary Abatement Notices since 2008 and fifteen (15) Work Orders issued for garbage/rubbish, tall grass/weeds, snow/ice, and boarding/securing;
4. On December 22, 2010 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on February 8, 2011 with a compliance date of March 14, 2011. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code;
5. The Vacant Building registration fees were paid by assessment on July 9, 2010. Taxation has placed an estimated market value of \$29,200 on the land and \$93,800 on the building;
6. As of May 6, 2011, a Code Compliance Inspection has not been obtained and the \$5,000 performance deposit has not been posted;
7. Real Estate taxes are current;
8. Code Enforcement officers estimate the cost to repair this structure to exceed \$40,000; the cost to demolish to exceed \$12,000; and
9. Heritage Preservation Commission (HPC) and Department of Planning and Economic Development (PED) staff reported the building was constructed as a one-story bungalow in 1913. It is on a larger corner lot and has gone through many alterations; consequently, it has lost most of its integrity. The front open porch and the concrete block foundation remain, as well as the original footprint. This property is not within any current survey areas. Demolition will have no adverse effect; and

WHEREAS, after reviewing testimony and evidence, the Legislative Hearing Officer made the recommendation to approve the request to order the owners, interested or responsible parties to make the Subject Property safe and not detrimental to the public peace, health, safety and welfare and remove its blighting influence on the community by ~~rehabilitating this structure in accordance with all applicable codes and ordinances, or in the alternative by~~ rehabilitating this structure in accordance with all applicable codes and ordinances, or in the alternative by wrecking and removing the structure in accordance with all applicable codes and ordinances, which is to be completed within ~~fifteen (15)~~ one hundred eighty (180) days after the date of the Council Hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on June 1, 2011, and the testimony and evidence including the action taken by the Legislative Hearing Officer was considered by the Council; now, therefore, be it

RESOLVED, that based upon the testimony and evidence presented at the above referenced public hearings, the Saint Paul City Council hereby adopts the following Findings and Order concerning the Subject Property at 1002 CONWAY ST:

1. The Subject Property comprises a nuisance condition as defined in the Saint Paul Legislative Code;
2. That costs of wrecking and removal of this building(s) is estimated to exceed \$5,000;
3. That there now exists and has existed multiple Housing or Building Code violations at the Subject Property;
4. That an Order to Abate Nuisance Building(s) was sent to the then known owners, interested and responsible parties to correct the deficiencies or to wreck and remove the building(s);
5. That the deficiencies causing this nuisance condition have not been corrected;
6. That the Department of Safety and Inspections has posted a placard on the Subject Property which declares it to be a nuisance condition, subject to wrecking and removal;
7. That this building(s) has been routinely monitored by Department of Safety and Inspections Vacant/Nuisance Buildings staff; and
8. That the known interested parties and owners are as previously stated in this resolution and that the notification requirements of Saint Paul Legislative Code Chapter 45 have been fulfilled; And Be It

RESOLVED, that the Saint Paul City Council hereby makes the following order:

1. The above-referenced owners, interested or responsible parties shall make the Subject Property safe and not detrimental to the public peace, health, safety and welfare and remove its blighting influence on the community by rehabilitating this structure(s) and correcting all deficiencies as prescribed in the above-referenced Order to Abate Nuisance Building(s) in accordance with all applicable codes and ordinances. The ~~rehabilitation or wrecking~~ rehabilitation or razing and removal of the structure must be completed within ~~fifteen (15)~~ one hundred eighty (180) days after the date of the Council Hearing;
2. If the above corrective action is not completed within this period of time, the Department of Safety and Inspections is hereby authorized to take whatever steps are necessary to wreck and remove this structure, fill the site and charge the costs incurred against the Subject Property pursuant to the provisions of Chapter 45 of the Saint Paul Legislative Code;
3. In the event the building is to be wrecked and removed by the City of Saint Paul, all personal property or fixtures of any kind which interfere with the wrecking and removal shall be removed from the Subject Property by the owners or responsible parties by the end of this time period. If all personal property is not removed, it shall be considered to be abandoned and the City of Saint Paul shall remove and dispose of such property as provided by law; and
4. It is further ordered that a copy of this resolution be mailed to the owners, interested and responsible parties in accordance with Chapter 45 of the Saint Paul Legislative Code.