



Legislation Details (With Text)

File #: RLH RR 17-2 **Version:** 3

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

In control: City Council

Final action: 4/19/2017

Title: Ordering the rehabilitation or razing and removal of the structures at 865 YORK AVENUE within fifteen (15) days after the February 1, 2017, City Council public hearing. (Amended to remove within 15 days)

Sponsors: Dan Bostrom

Indexes: Substantial Abatement Orders, Ward - 6

Code sections:

Attachments: 1. 865 York Ave.OTA 11-3-16, 2. 865 York Ave.PH 12-9-16, 3. 865 York Ave.SHPO Form 11-8-16, 4. 865 York Ave.Photos 12-5-12, 5. 865 York Ave.Photos 10-25-16.#1, 6. 865 York Ave.Photos 10-25-16.#2, 7. 865 York Ave.Fire Report.11-27-12, 8. 865 York Ave.Bjerkness Ltr.1-12-17, 9. 865 York Ave.chain emails.2-2-17, 10. 865 York Ave.Bjerkness Ltr.2-16-17, 11. 865 York Ave.Code Compliance Inspection Report.3-6-17, 12. 865 York Ave.Bjerkness Ltr.3-28-17, 13. 865 York Ave.Bank Statement from Ocwen - notarized.4-10-17, 14. 865 York Ave.Bjerkness Ltr.4-12-17.pdf, 15. 865 York Ave.Yannarely Email.5-19-17, 16. 865 York Ave.Wilford Geske fwd Warantee Deed.5-19-17

Date	Ver.	Action By	Action	Result
4/21/2017	3	Mayor's Office	Signed	
4/19/2017	3	City Council	Adopted As Amended	
3/28/2017	3	Legislative Hearings	Referred	
2/14/2017	3	Legislative Hearings	Laid Over	
2/1/2017	2	City Council	Referred	
1/10/2017	1	Legislative Hearings	Referred	

Ordering the rehabilitation or razing and removal of the structures at 865 YORK AVENUE within fifteen (15) days after the February 1, 2017, City Council public hearing. (Amended to remove within 15 days)

AMENDED 4/19/17

WHEREAS, the Department of Safety and Inspections has determined that 865 YORK 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: Nelsons Addition E 7 Ft Of Lot 21 And W 33 1/3 Ft Of Lot 22 Blk 4; 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 December 9, 2016: MERS, PO Box 2026, Flint MI 48501-2026; Ocwen Loan Servicing LLC, 1661 Worthington Rd Ste 100, West Palm Beach FL 33409-6493; Altisource, 1000

Abernathy Road Suite 200, Atlanta GA 30328; Wilford, Geske & Cook PA, 7616 Currell Blvd Suite 200, Woodbury MN 55125-2296; and Payne Phalen District 5 Planning Council; and

WHEREAS, each of these parties was served a written order dated November 3, 2016 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 3, 2016; 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 by December 3, 2016; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on November 4, 2016 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by December 3, 2016, and therefore an abatement hearing was scheduled before the City Council on February 1, 2017 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 a legislative hearings on January 10, 2017, February 14 and March 28, 2017; and

WHEREAS, a public hearings ~~were was~~ held on February 1, 2017, April 19, 2017, 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 865 YORK 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; and
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 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).