



Legislation Details (With Text)

**File #:** RLH RR 12- 77      **Version:** 3

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

**In control:** City Council

**Final action:** 12/5/2012

**Title:** Ordering the rehabilitation or razing and removal of the structures at 1009 WHITE BEAR AVENUE NORTH within fifteen (15) days after the November 20, 2012 City Council Public Hearing. (Amended to grant 180 days.)

**Sponsors:** Dan Bostrom

**Indexes:** Substantial Abatement Orders, Ward - 6

**Code sections:**

**Attachments:** 1. 1009 White Bear Ave N.Order to Abate.8-27-12, 2. 1009 White Bear Ave N.Public Hearing Notice.9-28-12, 3. 1009 White Bear Ave N.Photos.2010-2012, 4. 1009 White Bear Ave.R-R Ltr 10-25-12.pdf, 5. 1009 White Bear Ave.R-R Ltr Memo.11-14-12, 6. 1009 White Bear Ave.Reis Affidavit.11-13-12, 7. 1009 White Bear Ave.Affidavit of Financial.11-20-12, 8. 1009 White Bear Ave.Work Plan.11-20-12, 9. 1009 White Bear Ave.VB Fee paid.11-20-12, 10. 1009 White Bear Ave.Ramsey County Taxes paid.11-20-12, 11. 1009 White Bear Ave.Performance Bond 11 16 2012, 12. 1009 White Bear Ave.Power of Attorney.11-20-12, 13. 1009 White Bear Ave.Financial Plan.11-20-12, 14. 1009 White Bear Ave.Affidavit of Financial.11-20-12, 15. 1009 White Bear Ave.Work Plans and Bids.11-30-12

Date	Ver.	Action By	Action	Result
12/11/2012	3	Mayor's Office	Signed	
12/5/2012	2	City Council	Adopted As Amended	Pass
11/20/2012	2	City Council	Continue Public Hearing	Pass
11/13/2012	1	Legislative Hearings	Referred	
10/23/2012	1	Legislative Hearings	Laid Over	

Ordering the rehabilitation or razing and removal of the structures at 1009 WHITE BEAR AVENUE NORTH within fifteen (15) days after the November 20, 2012 City Council Public Hearing. (Amended to grant 180 days.)

**AMENDED 12/5/12**

WHEREAS, the Department of Safety and Inspections has determined that 1009 WHITE BEAR AVENUE NORTH 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: Hazel Park Lots 4 Thru Lot 6 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 September 28, 2012: RV Holdings Five LLC, 1112 Price Ave, Columbia SC 29201; Trinidad Garcia, 930 Dodd Road, St Paul, MN 55118; and District 2 Community Council; and

WHEREAS, each of these parties was served a written order dated August 27, 2012 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 September 26, 2012; 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 September 26, 2012; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on August 28, 2012 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by September 26, 2012, and therefore an abatement hearing was scheduled before the City Council on November 24 20, 2012 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 hearing on October 23, 2012; and

WHEREAS, a public hearing was held on November 21, 2012, 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 1009 WHITE BEAR AVENUE NORTH 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 [have] 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 ~~fifteen (15)~~ one hundred eighty (180) days; And, Be It

RESOLVED, that the City Council orders that the owners, interested parties or responsible parties shall 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 or shall raze and remove the structure(s) within ~~fifteen (15)~~ one hundred eighty (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).