



## Legislation Details (With Text)

**File #:** RLH RR 17- 47      **Version:** 4

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

**In control:** City Council

**Final action:** 5/16/2018

**Title:** Ordering the rehabilitation or razing and removal of the structures at 380 YORK AVENUE within fifteen (15) days after the January 3, 2018, City Council public hearing. (Public hearing continued from April 11) (Amend to remove within 15 days)

**Sponsors:** Amy Brendmoen

**Indexes:** Substantial Abatement Orders, Ward - 5

**Code sections:**

**Attachments:** 1. 380 York Ave.OTA 10-18-17, 2. 380 York Ave.PH 11-17-17, 3. 380 York Ave.SHPO Form 10-20-17, 4. 380 York Ave.Appt Ltr.9-25-17, 5. 380 York Ave.Photos with Notes.10-31-17.pdf, 6. 380 York Ave.Flyckt Email.12-8-17, 7. 380 York Ave.Flyckt R-R Ltr.12-12-17.pdf, 8. 380 York Ave.Flyckt R-R Ltr.3-16-18.pdf, 9. 380 York Ave.Code Compliance Inspection Rpt.3-26-18, 10. 380 York Ave.Affidavit of US Bank.4-10-18.pdf, 11. 380 York Ave.Flyckt R-R Ltr.4-12-18.pdf, 12. 380 York Ave.Flyckt R-R Revised Ltr.4-12-18.pdf, 13. 380 York Ave.Flyckt R-R Ltr.5-10-18.pdf

Date	Ver.	Action By	Action	Result
5/18/2018	4	Mayor's Office	Signed	
5/16/2018	4	City Council	Adopted As Amended	
5/8/2018	4	Legislative Hearings	Referred	
4/11/2018	3	City Council	Continue Public Hearing	Pass
4/10/2018	3	Legislative Hearings	Referred	
4/4/2018	3	City Council	Continue Public Hearing	Pass
3/13/2018	2	Legislative Hearings	Referred	
1/3/2018	2	City Council	Referred	
12/12/2017	1	Legislative Hearings	Referred	

Ordering the rehabilitation or razing and removal of the structures at 380 YORK AVENUE within fifteen (15) days after the January 3, 2018, City Council public hearing. (Public hearing continued from April 11) (Amend to remove within 15 days)

### **AMENDED 04/04/18, 04/11/18, 5/16/18**

WHEREAS, the Department of Safety and Inspections has determined that 380 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: Edmund Rices Fourth Addition Lot 2 Blk 8; 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 October 17, 2017: Christina and Brent Malmberg, 221 Newman Rd Apt 5, Gatlinburg TN 37738-5061; Minnesota Housing Finance Agency, 400 Wabasha Street #400, Saint Paul MN 55102; Usset, Weingarden & Liebo, 4500 Park Glen Road #300, Minneapolis MN 55416; and Payne Phalen District 5 Planning Council; and

WHEREAS, each of these parties was served a written order dated October 17, 2017 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 November 17, 2017; 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 November 17, 2017; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on October 19, 2017 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by November 17, 2017, and therefore an abatement hearing was scheduled before the City Council on January 3, 2018 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 December 12, 2017, March 13, 2018, and April 10, 2018, May 8 ; and

WHEREAS, a public hearings was were held on January 3, 2018, April 11, 2018 and May 16, 2018, 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 380 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.
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 15 days after the City Council Public Hearing. 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).