



## Legislation Details (With Text)

**File #:** RLH RR 19-4 **Version:** 3

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

**In control:** City Council

**Final action:** 2/27/2019

**Title:** Ordering the rehabilitation or razing and removal of the structures at 888 MARYLAND AVENUE EAST within fifteen (15) days after the February 27, 2019, City Council public hearing. (Amend to remove within 15 days with no option for repair)

**Sponsors:** Kassim Busuri

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

**Code sections:**

**Attachments:** 1. 888 Maryland Ave E.OTA 10-17-18, 2. 888 Maryland Ave E.PH 1-4-19, 3. 888 Maryland Ave E.PH 1-9-19, 4. 888 Maryland Ave E.Team Inspection Report 12-20-18, 5. 888 Maryland Ave E.SHPO Form 10-19-18, 6. 888 Maryland Ave E.Photos.9-28-18, 7. 888 Maryland Ave E.Photos.5-6-16, 8. 888 Maryland Ave E.Buy-Sell Agreement.pdf, 9. 888 Maryland Ave E.Signed letters.9-27-17.pdf, 10. 888 Maryland Ave E.Prop\_Own\_Corp\_Docs\_SMHInc.pdf, 11. 888 Maryland Ave E.Lease Agreement.pdf, 12. 888 Maryland Ave E.Guaranty.pdf, 13. 888 Maryland Ave E.Contest of Authority.pdf, 14. 888 Maryland Ave E.R-R Ltr.1-30-19.pdf, 15. 888 Maryland Ave E.R-R Ltr.2-8-19, 16. 888 Maryland Ave E.chain emails.2-25-19.pdf, 17. 888 Maryland Ave E.Feb 8 to Strand (with site plan).2-26-19.pdf, 18. 888 Maryland Ave E.Feb 8 reply from Strand (with lease).2-26-19.pdf, 19. 888 Maryland Ave E.Feb 8 lease inquiries.pdf, 20. 888 Maryland Ave E.Nov 2018 payments.pdf, 21. 888 Maryland Ave E.Paid Invoices.pdf, 22. 888 Maryland Ave E.ORC Roofing bid.01.23.2019.pdf, 23. 888 Maryland Ave.A&M Market LLC.01.28.2019.pdf, 24. 888 Maryland Ave E.Affidavit Regarding Bank Account.pdf, 25. 888 Maryland Ave E.Contract for Deed.12-9-16, 26. 888 Maryland Ave E.Writ of Certiorari.3-21-19

Date	Ver.	Action By	Action	Result
3/5/2019	3	Mayor's Office	Signed	
2/27/2019	2	City Council	Adopted As Amended	Pass
2/26/2019	2	Legislative Hearings	Referred	
2/12/2019	1	Legislative Hearings	Referred	
1/29/2019	1	Legislative Hearings	Laid Over	

Ordering the rehabilitation or razing and removal of the structures at 888 MARYLAND AVENUE EAST within fifteen (15) days after the February 27, 2019, City Council public hearing. (Amend to remove within 15 days with no option for repair)

### **AMENDED 2/27/19**

WHEREAS, the Department of Safety and Inspections has determined that 888 MARYLAND AVENUE EAST 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: EASTVILLE HEIGHTS W 30 FT OF LOT 13 AND ALL OF LOTS 14 AND LOT 15 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 October 17, 2018 and January 4, 2019: SMH Inc., 770 Liliun Trail N, Medina MN 55340; LH Meltzer LLC, 513 Summit Ave, St Paul MN 55102-2603; Drake Bank, 60 Plato Blvd, St Paul MN 55107; Franklin Bank NA, 525 Washington Ave N, Minneapolis MN 55401; Payne Phalen District 5 Planning Council; and on January 9, 2019, notice was also mailed to: SMH Inc 15593 Shadow Creek Road, Maple Grove MN 55311-1519; and

WHEREAS, each of these parties was served a written order dated October 17, 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 November 16, 2018; 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 16, 2018; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on October 18, 2018 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by November 16, 2018, and therefore an abatement hearing was scheduled before the City Council on February 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 hearing on January 29, 2019 and February 26, 2019; and

WHEREAS, a public hearing was held on February 27, 2019, 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 888 MARYLAND AVENUE EAST 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).