



Legislation Details (With Text)

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Type: Resolution LH Substantial Abatement Order **Status:** Laid Over Items

In control: Legislative Hearings

Final action: 6/15/2011

Title: Ordering the rehabilitation or razing and removal of the structures at 384 EARL STREET within fifteen (15) days after the June 15, 2011 City Council Public Hearing.

Sponsors: Kathy Lantry

Indexes: Summary Abatement Order, Ward - 7

Code sections:

Attachments: 1. 384 Earl St.Order to Abate Nuisance.3-25-11, 2. 384 Earl St.Pub Hrng Notice.4-29-11, 3. 384 Earl St.Stallman R-R Ltr 5-24-11.pdf, 4. 384 Earl St.Photos.4-1-10.pdf, 5. 384 Earl St.Photos.5-12-10.pdf, 6. 384 Earl St.Photos.6-7-10.pdf, 7. 384 Earl St.Mortensen Email and VB form.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|-----------|--------|
| 6/20/2011 | 2 | Mayor's Office | Signed | |
| 6/15/2011 | 2 | City Council | Adopted | Pass |
| 5/31/2011 | 1 | Legislative Hearings | Referred | |
| 5/24/2011 | 1 | Legislative Hearings | Laid Over | |

Ordering the rehabilitation or razing and removal of the structures at 384 EARL STREET within fifteen (15) days after the June 15, 2011 City Council Public Hearing.

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 razing and removal of a single story, single family, wood frame dwelling and its detached, wood frame shed located on property hereinafter referred to as the "Subject Property" and commonly known as 384 EARL ST. This property is legally described as follows, to wit:

H F Schwabes Addition N 4o Ft Of S 8o Ft Of Lots 14 15 And Lot 16 Blk 4

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 April 5, 2010, the following are the now known owners, interested or responsible parties for the subject property: Stonecrest Income And Opportunity Fund I, LLC, 4300 Stevens Creek Blvd Ste 27, San Jose CA 95129-1265; REO World, 170 Newport Center Dr Suite 150, Newport Beach CA 92660; Field Asset Services, 101 Louis Henna Suite 400, Austin TX 78728; 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 raze and remove the structures(s) located on the Subject Property by April 25, 2011; and

WHEREAS, the enforcement officer has posted on March 28, 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 Officer of the City of Saint Paul City Council on May 24 and 31, 2011 at which time staff put the following information into the record

1. This is a one-story wood frame single-family dwelling with an accessory storage shed on a lot of 4,782 square feet and it has been a vacant building since February 1, 2010;
2. The current property owner is listed as Stonecrest Income and Opportunity Fund I, LLC per Ramsey County Property records;
3. On February 3, 2011, 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 March 25, 2011 with a compliance date of April 25, 2011. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code;
4. Taxation has placed an estimated market value of \$18,800 on the land and \$400 on the building;
5. Real Estate taxes are current. (Note: first half of 2011 is unpaid.) The Vacant Building registration fees were paid by assessment on February 18, 2011;
6. As of May 20, 2011, a Code Compliance Inspection has not been done. (Applied for on 4/26/11) and the \$5,000 performance bond has not been posted;
7. There have been twelve (12) Summary Abatement Notices since 2010. There have been five (5) Work Orders issued for: boarding/securing, garbage/rubbish, grass/weeds, and snow/ice;
8. Code Enforcement officers estimate the cost to repair this structure to exceed \$35,000 and the estimated cost to demolish to exceed \$9,000;
9. Heritage Preservation Commission (HPC) staff reported this was built in 1906. It's a one-story bungalow. There were originally three houses on this lot; they are still present. There is a moderate slope on the property with a retaining wall at the front and concrete steps and a wooden fence in front. The enclosed front porch has been altered and vinyl siding is covered over the original wood siding. It is in the Mounds Park Neighborhood and has not been extensively surveyed. The last survey in this area was in 1983 and this house was not identified at that time and probably wouldn't be now. Demolition will have no adverse effect. (Not in the Dayton's Bluff Historic District); 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 razing and removing the structure in accordance with all applicable codes and ordinances, which is to be completed within fifteen (15) days after the date of the Council Hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on June 15, 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

384 EARL STREET:

1. The Subject Property comprises a nuisance condition as defined in the Saint Paul Legislative Code;
2. That costs of razing 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 raze 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 razing 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 razing and removal of the structure must be completed within fifteen (15) 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 raze 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 razed and removed by the City of Saint Paul, all personal property or fixtures of any kind which interfere with the razing 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.