



## Legislation Details (With Text)

**File #:** RLH RR 11- 79 **Version:** 3

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

**In control:** City Council

**Final action:** 11/16/2011

**Title:** Ordering the rehabilitation or razing and removal of the structures at 778 SMITH AVENUE SOUTH within fifteen (15) days after the November 16, 2011 City Council Public Hearing.

**Sponsors:** Dave Thune

**Indexes:** Substantial Abatement Orders, Ward - 2

**Code sections:**

**Attachments:** 1. 778 Smith Ave S.Order to Abate a Nuisance Building.8-29-11, 2. 778 Smith Ave S.Public Hearing Notification.9-30-11, 3. 778 Smith Ave S.Photos.8-18-11, 4. 778 Smith.Schedule.10-24-11.pdf, 5. 778 Smith Ave S.Documents.pdf, 6. 778 Smith Ave S.Barr Ltr.11-1-11.pdf, 7. 778 Smith Ave.Sullivan Photos #1.10-24-11.pdf, 8. 778 Smith Ave.Sullivan Photos #2.10-24-11.pdf, 9. 778 Smith Sullivan Correspondence.April 2010.pdf, 10. 778 Smith Ave S.Bid.11-14-11.pdf

Date	Ver.	Action By	Action	Result
11/22/2011	3	Mayor's Office	Signed	
11/16/2011	2	City Council	Adopted As Amended	Pass
10/25/2011	1	Legislative Hearings	Referred	

Ordering the rehabilitation or razing and removal of the structures at 778 SMITH AVENUE SOUTH within fifteen (15) days after the November 16, 2011 City Council Public Hearing.

### Amended November 16, 2011

WHEREAS, the Department of Safety and Inspections has determined that 778 SMITH AVENUE SOUTH 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: Lawton Brothers Addition Lots 15 And Lot 16 Blk 51; 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 30, 2011: Mohamed Musani, 2700 Hennepin Ave, Minneapolis MN 55408-1001; ASL Inc, 4001 University Ave NE, Columbia Heights MN 55445-2722; Gries & Lenhardt, 12725 43rd Street NE #201, St. Michael MN 55376; Veit & Co, 14000 Veit Place, Rogers MN 55374; Linco Fab Inc., 12786 60th Street NE, St. Michael, MN 55376; Buck Black Top, 32 Owasso Blvd. S, Saint Paul MN 55117; Pete's Water & Sewer, 800 Lowry Avenue NE, Minneapolis, MN 55418; BDM Consulting Engineers & Surveyors, 60 Plato Blvd E #140, Saint Paul, MN 55107; West Side Citizens Organization; and

WHEREAS, each of these parties was served a written order dated August 29, 2011 advising them of the

basis for the determination that the subject property was a nuisance and that the nuisance ~~building~~ structure was to be repaired or razed and removed by September 28, 2011; 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 28, 2011; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on August 30, 2011 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by September 28, 2011 and, therefore, an abatement hearing was scheduled before the City Council on November 16, 2011 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 25, 2011; and

WHEREAS, a public hearing was held on November 16, 2011 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 778 SMITH AVENUE SOUTH is a nuisance ~~building~~ pursuant to Saint Paul Legislative Code §45.02, as 1) it is a vacant ~~building~~ site as defined in §43.02; 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 site modifications 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) and site modifications 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) and site modifications 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(s) and site modifications 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).