



Legislation Details (With Text)

File #: RES 10-1655 **Version:** 2
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 2/2/2011

Title: Ordering razing and removal of the structures at 579 LEXINGTON PKWY SOUTH within fifteen (15) days after the February 2, 2011, City Council Public Hearing.

Sponsors: Pat Harris

Indexes: Substantial Abatement Orders, Ward - 3

Code sections:

Attachments: 1. 579 Lexington Pkwy S.Hearing Notice.12-17-10.pdf, 2. 579 Lex Pkwy S.Order to Abate.11-17-10.pdf, 3. 579 Lexington Pkwy S.Photos.11-4-10.pdf, 4. 579 Lex Pkwy S.CodeCompliance Rpt.3-11-10.pdf, 5. 579 Lexington Pkwy S.Photos.2-16-10.pdf, 6. 579 Lexington Pkwy S.R-R Ltr 1-11-11.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 2/4/2011 | 2 | Mayor's Office | Signed | |
| 2/2/2011 | 2 | City Council | Adopted | Pass |
| 1/11/2011 | 1 | Legislative Hearings | Referred | |

Ordering razing and removal of the structures at 579 LEXINGTON PKWY SOUTH within fifteen (15) days after the February 2, 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 wrecking and removal of a one story wood frame house and its two stall attached wood frame garage located on property hereinafter referred to as the "Subject Property" and commonly known as 579 LEXINGTON PKWY S. This property is legally described as follows, to wit:

Fultons Subdivision Nwly 15 Ft Of Watson Ave As Vacated In Doc #571019 Accruing & Fol; Ex N 6 Ft Lot B

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 May 10, 2010, the following are the now known owners, interested or responsible parties for the subject property: Citimortgage Inc/Associates Financial Serv, 4010 Regent Blvd, Irving TX 75063-2246; Peterson, Fram & Bergman, 55 East Fifth Street, Ste. 800, St. Paul, MN 55101; 579 Lexington LLC , 2100 Ford Pkwy Ste 201, St Paul MN 55116; Highland District Council, District 15; 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 wreck and remove the structures(s) located on the Subject Property by December 17, 2010; and

WHEREAS, the enforcement officer has posted on November 18, 2010, 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 January 11, 2011; at which time staff put the following information into the record:

1. This is a one-story, wood frame, single-family dwelling with a two-stall garage on a lot of 8,712 square feet. According to the file, it has been a vacant building since February 17, 2010.
2. There have been two (2) Summary Abatement Notices since 2010 and one (1) work order issued for boarding/securing.
3. A Code Compliance Inspection has been completed as of March 11, 2010.
4. The Vacant Building registration fees are current.
5. A \$5,000 performance deposit has not been posted with the Department of Safety and Inspections.
6. On November 2, 2010, 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 November 17, 2010 with a compliance date of December 17, 2010.
7. Ramsey County Taxation has placed an estimated market value of \$109,400 on the land and \$72,100 on the building. Taxes are current.
8. Code Enforcement Officers estimate the cost to repair this structure to be \$80,000 to \$90,000. The estimated cost for demolition is \$12,000 to \$15,000.
9. Heritage Preservation staff reported that this one-story was built in 1956. It has not been surveyed for any historical significance. It has been altered since it was built. This area was developed later; the structure is not in character with the rest of the homes. There are no Sanborn Insurance Maps available for this area. Demolition would have no adverse affect.

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 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 February 2, 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 579 LEXINGTON PKWY SOUTH:

1. The Subject Property comprises a nuisance condition as defined in the Saint Paul Legislative Code;
2. That costs of wrecking 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 wreck 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 wrecking 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 razing and removing 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 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.