



## Legislation Details (With Text)

**File #:** RLH RR 11- 15      **Version:** 3

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

**In control:** City Council

**Final action:** 5/18/2011

**Title:** Ordering the rehabilitation or razing and removal of the two primary structures at 1407-1415 MARSHALL AVENUE within ninety (90) days after the May 18, 2011 City Council Public Hearing, and the rehabilitation or razing and removal of the polebarn/warehouse structure within one hundred eighty (180) days after the May 18, 2011 City Council Public Hearing.

**Sponsors:** Melvin Carter III

**Indexes:** Substantial Abatement Orders, Ward - 1

**Code sections:**

**Attachments:** 1. 1407-1415 Marshall Ave.Hearing Notice.3-25-11.pdf, 2. 1407-1415 Marshall Ave.Order to Abate-Revised.2-24-11.pdf, 3. 1407-1415 Marshall Ave.Order to Abate.2-8-11.pdf, 4. 1407-1415 Marshall Ave.Photos.11-2-10.pdf, 5. 1407-1415 Marshall Ave.Photos.11-1-10.pdf, 6. 1407-1415 Marshall Ave.R-R Ltr 4-26-11.pdf, 7. 1405-1407 Marshall Ave.Orchard Ltr.pdf, 8. 1405-1407 Marshall Ave.Performance Deposit Receipt.pdf, 9. 1405-1407 Marshall Ave.Bank Statement.pdf, 10. 1405-1407 Marshall Ave.Contractor Bids.pdf, 11. 1405-1407 Marshall Ave.Timeline.pdf, 12. 1405-1407 Marshall Ave-Madden Documents 4-27-11.pdf, 13. 1405-1407 Marshall Ave.City Bid.pdf

Date	Ver.	Action By	Action	Result
5/31/2011	3	Mayor's Office	Signed	
5/18/2011	2	City Council	Adopted As Amended	Pass
4/26/2011	1	Legislative Hearings	Referred	

Ordering the rehabilitation or razing and removal of the two primary structures at 1407-1415 MARSHALL AVENUE within ninety (90) days after the May 18, 2011 City Council Public Hearing, and the rehabilitation or razing and removal of the polebarn/warehouse structure within one hundred eighty (180) days after the May 18, 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 structure(s) at 1407 Marshall Ave, front showroom and attached warehouse (east side of the property), spaces joined as a one story wood frame building and structure(s) at 1415 Marshall Ave, one story wood frame showroom with attached warehouse (west side of the property), the bank of wood frame garage stalls and one story metal accessory shed at the rear of the property located on properties hereinafter referred to as the "Subject Properties" and commonly known as 1407-1415 MARSHALL AVE. These properties are legally described as follows, to wit:

1407 Marshall: Auditors Subdivision No 27 Subj To Esmt The W 100 Ft of E 162 Ft of S 250 Ft of Lot 15; and

1415 Marshall Ave: Auditors Subdivision No 27 Subj To Esmts And Ex E 62 Ft And Ex W 100 Ft of E 162 Ft of S 250 Ft And Ex W 114 Ft of S 220 Ft And Part N Thereof And Nwly of L Par With And 4 35/100 Ft Nwly of Cl of Spur As In Doc 1246586 Lot 15; and

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 June 16, 2010 (1407 Marshall Avenue) and December 13, 2010 (1415 Marshall Avenue), the following are the now known owners, interested or responsible parties for the subject properties: Corning Donohue Incorporated, 1210 5th Street SW, Delano MN 55328-4553; Corning Donohue Incorporated, 10568 E Hummingbird Lane, Gold Canyon AZ 85218-6805; Associated Commercial Finance, 401 Kilbourn Avenue #350, Milwaukee WI 53202; First Federal Capital Bank, 176 Snelling Avenue N, Saint Paul MN 55164; US Bank NA, 550 American Blvd E, Bloomington MN 55425; Jim Orchard, Concordia University, 275 Syndicate Street N, Saint Paul MN 55104; Fabyanske, Westra, Hart & Thomson, 800 LaSalle Ave #1900, Minneapolis MN 55402; Union Park District Council, District 13; 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 Properties by March 13, 2011; and

WHEREAS, the enforcement officer has posted, on February 9, 2011, a placard on both the Subject Properties 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 April 26, 2011 at which time staff put the following information into the record:

1. This is one (1) location with two (2) addresses and two (2) pins. It was originally the Corning Donahue facility, a stone-brick company. 1407 Marshall is a one-story commercial building with an attached wood-frame warehouse on a lot of 24,829 square feet. 1415 Marshall is a one-story wood frame commercial building with an attached wood-frame warehouse, a wood-frame bank of garage stalls and a one-story metal accessory warehouse. The property has been vacant since June 26, 2008;
2. The current property owner is Concordia University Saint Paul per Ramsey Council records;
3. Since 2008, the City has issued seventeen (17) Abatement Notices which resulted in sixteen (16) Work Orders for removal of tall grass/weeds, removal of garbage/rubbish, - removal of snow/ice, removal of vehicles, and boarding/securing;
4. On January 11, 2011, an inspection of the buildings 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 February 8, 2011 with a compliance date of March 14, 2011;
5. As of this date the property remains in a condition which comprises a nuisance as defined by the legislative code;
6. The Vacant Building registration fee went to assessment on July 9, 2010. Taxation has placed an estimated market value for 1407 Marshall of \$225,000 on the land and \$378,700 on the buildings. The estimated market value for 1415 Marshall is \$619,400 on the land and \$35,200 on the buildings;
7. As of April 22, 2011, a team inspection has not been obtained for either of the properties and the \$5,000 performance bond has not been posted.
8. Real Estate taxes for both parcels are current;
9. Code Enforcement officers estimate the cost to repair 1407 Marshall to exceed \$100,000 with a demolition cost of \$20,000 - \$25,000. The estimated cost to repair 1415 Marshall is between \$125,000 and \$150,000 with a demolition cost of \$40,000 - \$45,000; and

10. Heritage Preservation Commission staff reported that the structure on 1407 Marshall Avenue was constructed in 1922. It's a wood frame single bay. The original owner was Minnesota Lime and Cement Company. It's in an industrial area facing the railroad tracks. The set back is shallow; the front is flat - a 4-part addition was constructed in a colonial revival style of the 1930s. The original wood siding has been covered. Demolition would have no adverse effect. No information was available on 1415 Marshall Avenue.

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 two (2) primary structures in accordance with all applicable codes and ordinances, which is to be completed within ~~fifteen (15)~~ ninety (90) days after the date of the Council Hearing; 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 pole barn/warehouse structure, which is to be used as storage, 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 one hundred eighty (180) days after the date of the Council Hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on May 18, 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 Properties at 1407-1415 MARSHALL AVE:

1. The Subject Properties comprise 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 Properties;
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 both the Subject Properties 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 Properties 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 two (2) primary structures must be completed within ~~fifteen (15)~~

ninety (90) days after the date of the Council Hearing, and the rehabilitation or razing and removal of the polebarn/warehouse structure with one hundred eighty (180) days 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 these structures, fill the site and charge the costs incurred against the Subject Properties 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 Properties 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.