



## Legislation Text

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**File #:** RLH RR 11-37, **Version:** 3

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Ordering the razing and removal of the structures at 806 EDMUND AVENUE within fifteen (15) days after the August 3, 2011 City Council Public Hearing. (Public hearing continued from August 3)

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 two-story wood frame duplex and its two stall detached wood frame garage located on property hereinafter referred to as the "Subject Property" and commonly known as 806 EDMUND AVENUE. This property is legally described as follows, to wit:

Syndicate No 2 Addition Lot 2 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 February 27, 2011, the following are the now known owners, interested or responsible parties for the subject property: Nicholas Bartyzal, 20539 Camden Ct, Farmington MN 55024-7142; Chase Bank USA NA, 200 White Clay Center Drive, Newark DE 19711; Frogtown Neighborhood Association; 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 June 3, 2011; and

WHEREAS, On May 5, 2011 the enforcement officer posted 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, hearings were conducted before the Legislative Hearing Office of the City of Saint Paul City Council on July 12 and 26, 2011 at which time staff put the following information into the record:

1. This is a two-story wood frame duplex with a two-stall detached garage on a 4,792 sq. ft. lot and has been vacant since December 5, 2008;
2. The current owner is Nicholas Bartyzal;
3. There have been 12 Summary Abatement Notices since 2008 and 15 Work Orders for boarding/securing, garbage/rubbish, tall grass/weeds, and snow/ice since 2008 to May 4, 2011;
4. On April 25, 2011, an inspection was conducted, a list of deficiencies which constitute a nuisance was developed, and photos were taken. An Order to Abate Nuisance Building was posted on May 4, 2011 with a

compliance date of June 6, 2011. As of this date, the property remains in a condition which comprises a nuisance as defined by the Legislative Code;

5. The Vacant Building Registration fees were paid by assessment on December 15, 2010. Taxation has placed an estimated market value of \$15,300 on the land and \$84,700 on the building;
6. A Code Compliance inspection has not been completed and the \$5,000 performance bond has not been posted;
7. Real estate taxes are current;
8. Code Enforcement officers estimate the cost to repair the structure(s) to exceed \$50,000 and the cost to demolish to be between \$11,000-13,000;
9. Heritage Preservation Commission (HPC) staff reported the house was constructed in 1890. It has a turret and some ornate Queen Anne details. There have been some alterations; the front porch has been enclosed and siding has been installed over clapboard. It is not locally designated but is currently in the Legacy Survey area. It is not individually eligible for designation but its details complement the neighborhood. HPC staff strongly encourages rehabilitation; 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 razing and removing the structure in accordance with all applicable codes and ordinances, which is to be completed within ~~fifteen (15)~~ three hundred sixty five (365) days after the date of the Council hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on August 3, 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 806 EDMUND AVENUE

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 Further

RESOLVED, that the Saint Paul City Council hereby makes the following orders:

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 removal of the structure within ~~fifteen (15)~~ three hundred sixty five (365) 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.