



## Legislation Text

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**File #:** RES 10-961, **Version:** 3

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### **Final version adopted 12/1/2010**

Ordering the rehabilitation or wrecking and removal of the structures at **590 GORMAN AVENUE** within one hundred twenty (120) days after the December 1, 2010, 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 two story, wood frame house located on property hereinafter referred to as the "Subject Property" and commonly known as **590 GORMAN AVE**. This property is legally described as follows, to wit:

West St Paul Blks 100 Thru171 S 25 Ft Of W 5o Ft Of Lot 3 And N 37 5o/1oo Ft Of W 5o Ft Of Lot 4 Blk 107

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, the following are the now known owners, interested or responsible parties for the subject property: Bryan Litzau, 3604 Lasker Ave, Waco TX 76707-1112; Gordon Litzau, 3604 Lasker Ave, Waco TX 76707-1112; Stephen L Litzau, 3604 Lasker Ave, Waco TX 76707-1112; West Side Safe Neighborhood 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 wreck and remove the structures(s) located on the Subject Property by **September 27, 2010**; and

WHEREAS, the enforcement officer has posted on **August 27, 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 **October 26, 2010 and November 9, 2010**, at which time City staff put the following additional information into the record:

1. This is a two story, wood frame, single-family dwelling with a wood frame shed on a lot of 4,792 square feet and has been vacant since October 15, 2009.
2. The City has had to boarded the building and secured against trespassers. There have been four (4) Summary Abatement Notices since 2009. There have been four (4) Work Orders issued for: 1) boarding/securing; 2) removal of tall grass and weeds; and 3) removal of snow and ice.
3. No code compliance inspection has been requested by the owner.

4. The vacant building registration fees in the amount of \$1,000 went to assessment on January 8, 2010, and the fees due on October 15, 2010 for 2010-2011 remain unpaid.
5. No \$5,000 performance deposit had not been posted as of November 9, 2010.
6. On August 3, 2010 an inspection of the building was done and a list of deficiencies which constitute a nuisance condition was developed. An order to abate a nuisance building was posted on August 26, 2010 with a compliance date of September 27, 2010. To date, the property remained in a condition which comprised a nuisance as defined by the Legislative Code.
7. Ramsey County Taxation estimated the market value of \$16,400 on the land and \$78,700 on the building. Real estate taxes for the years 2009 and 2010 are delinquent in the amount of \$3,357.30 plus penalty and interest.
8. Code Enforcement estimates the cost to repair the building is between \$50,000 and \$60,000. The estimated cost for demolition is between \$8,000 and \$10,000.
9. This property was built in 1886. It was originally part of a larger parcel of four (4) single family detached dwellings on one lot. Over the years, the lot was divided into separate lots. Originally, it had a full front one-story porch which has been removed. Much of the siding and trim detail is gone.

WHEREAS, in the course of the Legislative and City Council Public Hearings the following conditions were placed on a potential grant of time from the City Council for the rehabilitation of this structure:

1. A Code Compliance Inspection report must be applied for and completed by November 17, 2010;
2. A contract must be provided indicating the relationship of the proposed rehabilitation contractor and the fee holder of the property, which must specify clearly that the title is not transferred prior to completion of the rehabilitation;
3. A work plan indicating timelines for the rehabilitation must be developed for and approved by the Legislative Hearing Officer and department staff;
4. A \$5,000 performance deposit must be posted with the Department of Safety and Inspections;
5. A statement of the financial capacity to complete this project must be provided to and approved by the Legislative Hearing Officer and department staff;
6. A bid for the replacement of the roof and windows.

WHEREAS, Mr. Mike Brennan has met each of these conditions to the satisfaction of the Legislative Hearing Officer and department staff;

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 wrecking and removing the structure in accordance with all applicable codes and ordinances, which is to be completed within one hundred twenty (120) days after the date of the Council Hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on **November 17 and December 1, 2010**, 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 **590 GORMAN AVE**:

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 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 wrecking and removal of the structure must be completed within one-hundred twenty (120) 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 wreck 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 wrecked and removed by the City of Saint Paul, all personal property or fixtures of any kind which interfere with the wrecking 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.