



## Legislation Text

File #: RES 10-958, Version: 2

### AMENDED 11/17/10

Ordering the rehabilitation or wrecking and removal of the structures at **1107 ROSS AVENUE** within fifteen (15) days after the November 17, 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 one and one half story, wood frame, single family dwelling and its two stall, detached garage located on property hereinafter referred to as the "Subject Property" and commonly known as **1107 ROSS AVE**. This property is legally described as follows, to wit:

Terrys Addition Lot 22 Blk 7

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 3, 2010, the following are the now known owners, interested or responsible parties for the subject property: Lana Greenleaf, PO Box 40387, St Paul MN 55106; Bank of New York Mellon, FKA The Bank of New York, c/o 2505 W. Chandler Blvd, Chandler, AZ 85224; Bank Of New York Trustee, 7105 Corporate Drive Ptx C35, Plano TX 75024-4100; David Bichanga, 12170 Business Park Blvd, Champlin MN 55316; Daytons Bluff District 4 Community 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 one and one-half story, wood frame, single-family dwelling with a detached garage on a lot of 6,534 square feet. According to the file, it's been vacant since May 29, 2009.
2. The City has had to board the building to secure it from trespass. There have been six (6) Summary

Abatement Notices since 2009. There have been thirteen (13) Work Orders issued for boarding/securing, removal of tall grass and weeds, removal of snow and ice, and improperly stored refuse, garbage and misc. debris.

3. A code compliance inspection was completed on July 22, 2009 and has since expired and not been brought current.
4. The vacant building registration fees have been paid.
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 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 August 26, 2010 with a compliance date of September 27, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code.
7. Ramsey County Taxation has placed an estimated market value of \$19,900 on the land and \$45,400 on the building. Real Estate taxes for 2010 are delinquent in the amount of \$2,179.36, plus penalty and interest.
8. Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000; estimated cost of demolition to exceed \$12,000.
9. This structure was built around 1890. It is located near the rail line and industry on the East Side. The large wrap-around front porch is pre-1025 but it is not likely original. The original siding has been covered. It would not likely be eligible for historic significance individually, and this area has not been identified as a potential historic district. Notably, the Ross Brothers actually developed this house, and this street is named after these very early developers in Saint Paul.

WHEREAS, the owner of record present at the Legislative Hearing, Lana Greenleaf appeared and indicated her interest in completing the rehabilitation of this structure; and

WHEREAS, the Legislative Hearing Officer identified the following conditions which need to be met prior to November 9, 2010 if an additional layover were to be recommended to the City Council for developing a complete proposal for rehabilitation:

1. The Code Compliance inspection must be obtained;
2. The \$5,000 performance deposit must be deposited with the Department of Safety and Inspections;
3. The property taxes must be paid;
4. The property must be maintained in compliance with all applicable City, State and Federal Codes.

WHEREAS, these conditions were not met prior to the November 9, 2010 Legislative Hearing and Ms. Greenleaf did not appear at the 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 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 fifteen (15) days after the date of the Council Hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on **November 17, 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

1107 ROSS 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 ~~wrecking and removal of the structure(s) 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 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 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.