



## Legislation Text

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**File #:** RES 10-1659, **Version:** 2

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Ordering the razing and removal of the structures at 1268 DESOTO ST 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 razing and removal of a single 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 1268 DESOTO ST. This property is legally described as follows, to wit:

Stone Mortons 2nd Addition Lot 23 Blk 3

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 July 12, 2010, the following are the now known owners, interested or responsible parties for the subject property: Anna C Berge, 1116B Humboldt Ave, West St. Paul, MN 55118; University National Bank, 200 University Avenue W, St. Paul, MN 55103; Anastasi & Assoc PA, 14985 - 60th Street N, Stillwater, MN 55082; Payne Phalen District 5 Planning 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 raze and remove the structures(s) located on the Subject Property by November 15, 2010; and

WHEREAS, the enforcement officer has posted on October 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 and one-half story, wood frame, single-family dwelling with a one-stall garage on a lot of 4,792 square feet. It has been a Vacant Building since March 26, 2010.
2. The current property owner is Anna C. Berge, per Ramsey County records.
3. There have been six (6) Summary Abatement Notices since 2010 and eight (8) Work Orders for: 1) Boarding/Securing; 2) remove tall grass and weeds; and 3) garbage/rubbish.
4. On September 9, 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 October 15, 2010, with a compliance date of November 15, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code.

5. The Vacant Building registration fees are current (gone to assessment).
6. Taxation has placed an estimated market value of \$14,500 on the land and \$112,700 on the building.
7. As of January 7, 2011, a Code Compliance Inspection has not been obtained and the \$5,000 performance deposit has not been posted.
8. Real Estate taxes for 2010 are delinquent in the amount of \$4,553.92 plus penalty and interest.
9. Code Enforcement officers estimate the cost to repair between \$50,000 and \$60,000; the cost to demolish between \$8,000 and \$10,000.
10. Amy Spong, PED-Historical Preservation Commission (HPC), reported that little of this area had been developed by 1925. This is a cottage dwelling built in 1912. The area has not been identified for any future survey work nor was it identified as a potential historic district in their 1983 survey work. Demolition would have no adverse effect. Zoned R4.

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 1268 DESOTO ST:

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

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) 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.

Legislative Hearing Staff should modify the body of the above resolution to reflect the findings and recommendations from the Legislative Hearing.