



Legislation Text

File #: RES 14-74, **Version:** 1

Establishing a stay in implementation of Council File Numbers RLH RR 13-10 and RLH OA 13-48 (an order to remove or repair 758 Maryland Avenue East, and an order to reexamine the record and affirm the determination).

WHEREAS, a resolution pursuant to Council File RLH RR 13-10, adopted by the City Council on March 6, 2013, ordered the removal of 758 Maryland Avenue East within fifteen days of the adoption of the resolution; and

WHEREAS, a resolution pursuant to Council File RLH OA 13-48, adopted by the City Council on April 3, 2013, affirmed the order to remove within fifteen days of the date of the adoption of the resolution; and

WHEREAS, Raven Financial, LLC, owner of the property, has filed a petition for a writ of certiorari to the Minnesota Court of Appeals, which has issued said writ; and

WHEREAS, owner, through its attorney, John Shoemaker, has also requested that the Saint Paul City Council stay execution of Council Files RLH RR 13-10 and RLH OA 13-48; and

WHEREAS, the Saint Paul City Council found that the Property constitutes a public nuisance pursuant to Saint Paul Legislative Code Section 45 and is subject to demolition; and

WHEREAS, the Council is willing to stay the enforcement of the resolution upon certain conditions designed to safeguard the public safety and welfare; now, therefore, be it

RESOLVED, that the City Council will stay the enforcement of its resolution to demolish the property at 758 Maryland Avenue East while the appeal is pending on the following conditions:

First: Petitioner shall be responsible for the exterior maintenance and security of the Property, and will correct any code violations as requested by a city inspector, without the need for any written correction notice or abatement order, as soon as possible and in no event longer than two business days; and

Second, Petitioner will post with the City of Saint Paul a supersedeas bond, by the close of business January 22, 2014, in the amount of \$5,000 (five thousand dollars and no cents) to be used to offset any claims against the City of Saint Paul. The bond will be returned to the Petitioner if they are successful with the Writ of Certiorari; and

Third, Petitioner shall provide the City of Saint Paul with proof that the Property is covered with adequate liability insurance; and

Fourth, If Petitioner sells, transfers, devises or assigns their ownership or responsibility in the Property pending this legal action and until all legal action concerning the issues here presented are finally resolved, notification must be given to the City of Saint Paul within 24 hours of such transaction; and

Fifth, no building permits shall be issued to the Petitioner except upon a Resolution by the Saint Paul City Council.

