



Legislation Text

File #: RES 10-946, Version: 2

AMENDED 11/17/10

Ordering the rehabilitation or wrecking and removal of the structures at **2060 SHERWOOD AVE** 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 two 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 2060 SHERWOOD AVE. This property is legally described as follows, to wit:

Mehsikomer Garden Lots W 82 Ft Of N 126 55/100 Ft Of Lot 14

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 April 15, 2010, the following are the now known owners, interested or responsible parties for the subject property: Patchia Xiong Vang, 1710 Ames Ave, St Paul MN 55106-2904; MERS, PO Box 2026, Flint, MI 48501; MERS, c/o EMC Mortgage Corp., 800 State Hwy 121 Bypass, Lewisville, TX 75067; District 2 Community Council Greater East Side; 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 detached two-stall garage on a lot of 10,454 square feet and has been vacant since June 26, 2007.
2. The City has had to board the building and secured against trespassers. There have been six (6) Summary Abatement Notices since 2007 and two (2) Work Orders issued for: 1) removal of tall grass and weeds; and 2) boarding/securing.

3. A code compliance inspection was requested by the owner on September 27, 2010 and completed on November 4, 2010.
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 5, 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 \$5,400 on the land and \$24,400 on the building. Real Estate taxes for the year 2010 are delinquent in the amount of \$2,673.32, plus penalty and interest.
8. Code Enforcement officers estimate the cost to repair this structure to begin at \$60,000; demolition between \$10,000 and \$13,000.
9. The structure was built in 1950, possibly as a one-story, with a second story currently in the process of being added. It is in an area that has not been surveyed for any historic potential and it would not be eligible for individual listing or part of an historical district.

WHEREAS, the owner of record present at the Legislative Hearing, Patchia Xion Vang and Tay Vang appeared and indicated their 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 a recommendation to the City Council that it grant time for the building's rehabilitation:

1. An affidavit indicating the dedication of funds to be used for this project;
2. The Code Compliance inspection must be obtained;
3. The property taxes must be paid;
4. A revised work plan including timelines for completing the work must be provided, as well as revised bids from subcontractors;
5. The property must be maintained in compliance with all applicable City, State and Federal Codes.

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, 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 2060 SHERWOOD 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 ~~fifteen (15)~~ 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.