



## Legislation Text

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**File #:** RLH RR 17-23, **Version:** 3

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Making finding on the appealed substantial abatement ordered for 129 JESSAMINE AVENUE EAST in Council File RLH RR 16-28.

Please note: there is a Legislative Hearing scheduled for June 20, 2017 to determine whether conditions have been met which would result in the recommendation that additional time be granted by the Council to complete the rehabilitation of the property. If the conditions listed in this resolution have not been met, the Legislative Hearing Officer will ask for an amendment to the resolution reflecting current circumstances.

### **AMENDED 6/21/17**

WHEREAS, the City Council adopted RLH RR 16-28 on September 7, 2016 which granted 180 days to repair the structure, correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code Compliance Report at 129 Jessamine Avenue East; and

WHEREAS, the Legislative Hearing Officer reviewed this case on June 13, 2017 to determine if the owner and/or responsible party abated the nuisance conditions and found these conditions were abated and received reports and testimony from Department of Safety and Inspections (DSI) staff; legal and project management representatives of the owner and a neighbor of the property; and

WHEREAS, DSI staff reported the rehabilitation of the house is approximately 65% complete and all the necessary permits have been pulled, but for the plumbing permit; and

WHEREAS, it was unclear in the course of the hearing whether the existing contractors had been paid or would be completing the work, or if separate contractors would need to be hired to complete the project; and

WHEREAS, it was the financing from Nelson Capital which was reportedly to be used for the rehabilitation was not used and correspondence indicates they are no longer involved with the project; and

WHEREAS, the project manager who was reportedly to be in charge of the rehabilitation backed out of the project; and

WHEREAS, exterior nuisance conditions persisted at the property in the time since the Council adopted Council File RLH RR 16-28 on September 7, 2016, including the house and garage being open to entry, a refrigerator, brush and garage contents being strewn in the yard, accumulated snow and ice on the public walk and tall grass and weeds in the yard; and

WHEREAS, DSI staff reported a 30-day notice of forfeiture of the \$5,000 performance deposit had been sent February 28, 2017 and the forfeiture has been pending awaiting Council consideration; and

WHEREAS, the owner is requesting that the Council grant additional time for the rehabilitation of the structure in order to abate the nuisance condition without demolishing the structure; and

WHEREAS, the Legislative Hearing Officer made a finding that the nuisance conditions were not abated in the time allowed by the City Council in Council File RLH RR 16-28; and

WHEREAS, the Legislative Hearing Officer recommends that the City Council grant 90 days for the completion

of the rehabilitation and extend the existing \$5,000 performance deposit if the following conditions are met by June 20, 2017:

1. a new work plan must be submitted and approved and this work plan must
  - a. identify project management and subcontractors, including any new bids for contractors not previously used on this project; and
  - b. specify the clearly the costs associated with the completion of the project; and
2. evidence of financing sufficient to complete the rehabilitation must be submitted and found acceptable by the Legislative Hearing Officer and the Code Enforcement Manager; and
3. the property must be maintained; and

WHEREAS, at a Legislative Hearing on June 20, 2017 it was determined these conditions were met; now, therefore, be it

RESOLVED, that the Saint Paul City Council adopts the findings and recommendation of the legislative hearing officer and grants an extension to September 6, 2017 ~~an additional 90 days~~ for the abatement of the nuisance conditions; and Be It

RESOLVED, that a Legislative Hearing is scheduled for September 12, 2017 at which owners, interested parties and Department of Safety and Inspection staff will present information on the current building conditions and progress toward abatement of the dangerous/nuisance conditions and the resulting findings will be presented to the City Council at a public hearing on September 20, 2017 for its consideration.