



Legislation Text

File #: RES 10-1331, **Version:** 2

Ordering the razing and removal of the structures at 620 MARYLAND AVENUE EAST within fifteen (15) days after the February 2, 2011 City Council Public Hearing.

Amended 2/2/11

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 two story, wood frame duplex and its detached, oversized, single stall, wood frame garage located on property hereinafter referred to as the "Subject Property" and commonly known as 620 MARYLAND AVE E. This property is legally described as follows, to wit:

Joseph R Weides Addition Lot 12 Blk 1

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 March 16, 2010, the following are the now known owners, interested or responsible parties for the subject property: Buy Rite Companies, LLC, 546 Rice St, Ste. 200, St. Paul, MN 55103; Michael Horn, MCA Properties LLC, PO Box 130542, Roseville MN 55113-0005; Deutsche Bank National Trust Co., c/o 1300 Quail Street, Newport Beach, CA 92660; Claude Worrell , Bankers Asset c/o Re-Max Results, 1118 Cedar Lake Road S, Minneapolis MN 55405; Globe Contracting LLC, c/o Chase Peloquin , 28565 Lakeside Dr, Lindstrom MN 55045-4406; Usset, Weingargen & Liebo, PLLP, 4500 Park Glen Rd, #300, Minneapolis, MN 5541; 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 20, 2010; and

WHEREAS, the enforcement officer has posted on August 12, 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 December 14, 2010, at which time staff put the following information into the record:

1. This is a a two-story, wood frame, single-family home with a two-stall detached garage on a lot of 4,356 square feet. The file indicates this has been a vacant building since March 24, 2008.
2. There have been ten (10) Summary Abatement Notices since 2008 and nine (9) Work Orders issued

for remove tall grass and weeds; improperly stored refuse, garbage and miscellaneous debris; remove snow and ice and boarding/securing.

3. A Code Compliance Inspection has not been completed as of December 9, 2010.
4. The Vacant Building registration fees have gone to assessment.
5. A \$5,000 performance deposit has not been posted with the Department of Safety and Inspections,
6. On April 1, 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 11, 2010 with a compliance date of September 20, 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 \$11,600 on the land and \$48,400 on the building. Real Estate taxes for the years 2009 and 2010 are delinquent in the amount of \$5,991.12, plus penalty and interest
8. Code Enforcement Officers estimates the cost to repair this structure is between \$60,000 and \$80,000 and the cost to demolish is between \$10,000 to \$15,000.
9. This is an 1890 worker's cottage near the Arlington Library, which is a preservation site. It is also the first house that backs up to the Payne Avenue Commercial Corridor and it looks as though, originally, this was the second house in from the Payne Avenue Commercial Corridor, the first one having been demolished. It is also possible that the original or very early shed is still present. Heritage Preservation Commissions staff report preliminarily that demolition would have no adverse effect.

WHEREAS, the Legislative Hearing Officer heard testimony from Pompilio Nuñez, holder of the deed to this property at the December 14, 2010 meeting where it was not clear that he held title to the property and had registered the deed prior to 620 Maryland Avenue East being declared a nuisance property; and

WHEREAS, the Council's referred this matter back into Legislative Hearing for further investigation; and

WHEREAS, in the Legislative Hearings conducted on January 11 and January 25, 2011, it was concluded that the title had been registered in a timely fashion; and

WHEREAS, however, Mr Nuñez, then represented by Dokor Dejvongsa, indicated, after thorough consideration of the matter that there was not the financial capacity to complete the rehabilitation of the property ; 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 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 January 5, 2011, and 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 620 MARYLAND AVE E:

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 razing and removing 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 razing and removal of the structure must be completed within ~~fifteen (15)~~ five (5) 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.