



Legislation Text

File #: RLH RR 16-13, **Version:** 1

Staying enforcement for 180 days of City Council File RLH RR 13-62 ordering the rehabilitation or razing and the demolition of the structures at 929 SEVENTH STREET WEST within 180 days after the March 5, 2014 City Council Public Hearing.

WHEREAS, City Council File RLH RR 13-62 which ordered the rehabilitation or razing and the demolition of the structure of 929 Seventh Street West within 180 days after the March 5, 2014 City Council Public Hearing; and,

WHEREAS, the progress on this rehabilitation consists of the extensive interior demolition and clean-out which was necessary prior to construction to begin; and,

WHEREAS, City Council adopted File RLH RR 14-18 on September 24, 2014 granting a stay of enforcement of RLH RR 13-62 for 180 days; and,

WHEREAS, a request was made by the owner to the City Council to review this case again and consider granting an additional stay of enforcement; and,

WHEREAS, the Legislative Hearing Officer conducted hearings on August 25, 2015 and September 8, 2015 to review this request; and,

WHEREAS, the Legislative Hearing Officer considered the owner's request in the context of the following:

1. Provision of a detailed work plan with timelines, or in lieu of a work plan, a sworn construction statement - noting that a certificate of occupancy from the city's building official shall be the measure used in determining whether the building has been rehabilitated and the nuisance and dangerous conditions have been abated;
2. Evidence of financing adequate to rehabilitate the building,
3. Posting of a \$10,000 performance deposit with the Department of Safety and Inspections;
4. Payment of outstanding property taxes; and,
5. Ongoing maintenance of the property;

WHEREAS, the Legislative Hearing Officer recommends the Council deny the request for a stay of enforcement of Council File RLH RR 13-62 ordering the rehabilitation or razing and the demolition of the structures at 929 SEVENTH STREET WEST within 180 days after the March 5, 2014 City Council Public Hearing based on the following findings:

1. A work plan was not presented - the items presented were not adequate to apply for a building permit and no timeline or other details were provided - noting that the application for permits to execute the building's rehabilitation will be used to substitute for a code compliance inspection report, given the building is a completely gutted building with structural problems;
2. Evidence of financing to execute a rehabilitation was not presented and no specific bid for the rehabilitation was presented - which would be the foundation for determining the level of financing required;
3. Although a pre-approval of funds for the project was provided, no actual loan agreement was executed or is likely to be executed, as the property is not in the name of Hank Hanten, the prospective owner of

- the property;
4. The fee simple and tax owner of the property continues to be Andre Stouvenel, who was reported to have defaulted on his loan agreement, even though no evidence of a default on a loan or contract was presented. Although Hank Hanten indicated his brother, Thomas Hanten, would deed the property to him, no evidence showing Andre Stouvenel has transferred the property to Thomas Hanten was presented with subsequent transfer of ownership from Andre Stouvenel to Thomas Hanten. This transfer is necessary to the proposed transfer of ownership from Thomas Hanten to Hank Hanten, who proposes now to rehabilitate the building; and
 5. The property has been and continues to be marketed as an "as is" property with an unclear title, which incongruous with the stated current intentions to follow through with actions to abate the nuisance and dangerous conditions of this building, as it has been in its current state since the time the city issued an order to Abate Nuisance Conditions on October 1, 2013; all of this with the Order to Abate the Nuisance and Dangerous Conditions of 929 Seventh Street West which will result in the building's demolition for non-compliance;

WHEREAS, a request was made by new owners, Ryan & Tina North, to the City Council to review this case again and consider granting an additional stay of enforcement; and,

WHEREAS, the Legislative Hearing Officer considered the owner's request in the context of the following:

1. A \$5,000 performance deposit will need to be posted with the Department of Safety and Inspections by December 2, 2015;
2. The annual Vacant Building Fee in the amount of \$2,025 must be paid by December 2, 2015;
3. Plans will need to be developed to execute the rehabilitation. In the case of this building, architectural and structural plans will be needed. Depending on intended use, a code analysis may need to be conducted (intended use may also require a parking variance). This application should be filed as soon as practicable;
4. The scope of work provided should provide an estimate of costs for the work to be completed. Preferably, a sworn construction statement outlining costs could be provided. Based on these estimates, establish the amount of financing/cash on hand must be demonstrated for the work to go forward;
5. Work must be undertaken no later than April 1, 2015;
6. Work must be completed, as evidenced by issuance of a Certificate of Occupancy, no later than January 1, 2017; and,
7. The property must be maintained;

WHEREAS, the Legislative Hearing Officer recommends that the City Council stay enforcement of City Council File RLH RR 13-62 for a period of 180 days as the following conditions were met on Tuesday, March 8, 2016:

- 1) New bids and a new work plan consistent with the C of O Team Inspection dated April 18, 2014 were provided, including architectural drawings/plans;
- 2) Documentation of loan financing sufficient to complete the project has been demonstrated;
- 3) A \$5,000 performance deposit was posted with the Department of Safety and Inspections on December 22, 2015 (this is refundable upon completion of the project within the time allotted);
- 4) Vacant building fee payments are current; and,
- 5) The property has been maintained; now, therefore, be it

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter, granting a stay for a period of 180 days for the completion of the rehabilitation of the property; and be it further

RESOLVED, that if the necessary corrective action has not been taken within the time allotted, the Department of Safety and Inspections is authorized to take those steps necessary to raze and remove this structure and to charge the costs incurred in accordance with Saint Paul Legislative Code §45.12(4). Any personal property or fixtures of any kind shall be removed by the owners, interested parties or responsible parties prior to the demolition or it will be considered to be abandoned and the City of Saint Paul shall remove and dispose of such property as it deems appropriate; and be it

FINALLY RESOLVED that this resolution shall be served on any of the parties required to be notified in Saint Paul Legislative Code §45.12(4).