



## Legislation Details (With Text)

**File #:** RLH RR 12- 68 **Version:** 4

**Type:** Resolution LH Substantial Abatement Order **Status:** Passed

**In control:** City Council

**Final action:** 12/19/2012

**Title:** Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012 City Council Public Hearing. [Amended to remove or repair within 30 days of the passage of the resolution]

**Sponsors:** Melvin Carter III

**Indexes:** Substantial Abatement Orders, Ward - 1

**Code sections:**

**Attachments:** 1. 601 Western Ave N.Order to Abate.6-1-12, 2. 601 Western Ave N.Public Hearing Notice.7-13-12, 3. 601 Western Ave N.Photos.2011-2012, 4. 601 Western Ave N.Roof Work & Tuckpointing Bid.8-14-12--owner no longer using this bid.pdf, 5. 601 Western Ave.Jerome Ltr 9-6-12.pdf, 6. 601 Western Ave N.Balay Architects Email.9-17-12.pdf, 7. 601 Western Ave N.Elect Email.9-10-12.pdf, 8. 601 Western Ave N.Rubber Flat Roof Email.9-15-12.pdf, 9. 601 Western Ave.Samater Ltr 9-26-12.pdf, 10. 601 Western Ave.Owner Email.10-15-12.pdf, 11. 601 Western Ave.Samater Email 11-15-12, 12. 601 Western Ave.Samater Ltr 11-28-12, 13. 601 Western Ave N.Bank Statement and Email.12-5-12, 14. 601 Western Ave N.Attorney Letter.12-18-12

Date	Ver.	Action By	Action	Result
12/21/2012	4	Mayor's Office	Signed	
12/19/2012	4	City Council	Adopted As Amended	Pass
12/5/2012	4	City Council	Laid Over	Pass
12/5/2012	4	City Council	Laid Over	Pass
11/27/2012	3	Legislative Hearings	Referred	
11/13/2012	3	Legislative Hearings	Laid Over	
10/17/2012	3	City Council	Referred	Pass
9/25/2012	2	Legislative Hearings	Referred	
9/19/2012	2	City Council	Laid Over	Pass
9/5/2012	2	City Council	Laid Over	Pass
8/14/2012	1	Legislative Hearings	Referred	

Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012 City Council Public Hearing. [Amended to remove or repair within 30 days of the passage of the resolution]

### Amended for 12/05/2012

WHEREAS, the Department of Safety and Inspections has determined that 601 WESTERN AVENUE NORTH is a nuisance building pursuant to Saint Paul Legislative Code §45.02 as 1) it is a vacant building as defined in §43.02; and 2) it has multiple housing code or building code violations or it has conditions constituting material endangerment as defined in §34.23, or it has a documented and confirmed history as a blighting influence in the community; and

WHEREAS, this property is legally described as follows, to wit: Smiths Sub Of Stinsns Div B 2 Lots 14 & 15 Blk 8; and

WHEREAS, based upon the records in the Ramsey County Recorder's Office and information on file or obtained by the Department of Safety and Inspections, the following are the owners, interested or responsible parties for the subject property as of July 13, 2012: Bayview Loan Servicing Llc, 4425 Ponce De Leon Blvd 5th Fl, Coral Gables FL 33146-1873; Internal Revenue Service, United States Treasury Dept, 30 E 7th Street, Saint Paul MN 55101; Murnane Brandt, 30 E 7th Street #3200, Saint Paul, MN 55101; and Frogtown Neighborhood Association; and

WHEREAS, each of these parties was served a written order dated June 1, 2012 advising them of the basis for the determination that the subject property was a nuisance, and that the nuisance building was to be repaired or razed and removed by July 1, 2012; and

WHEREAS, this order informed the interested or responsible parties that they must repair or raze and remove the structures(s) located on the Subject Property by July 1, 2012; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on June 4, 2012 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by July 1, 2012 and, therefore, an abatement hearing was scheduled before the City Council on September 5, 2012 and the owner or his duly authorized representative and any interested parties or their duly authorized representatives were properly notified of the time, date and place of the hearing; and

WHEREAS, the legislative hearing officer provided the owner and other interested parties an opportunity to discuss the matter at a legislative hearing on August 14, 2012; and

WHEREAS, a public hearing was held on September 5, 2012 and the City Council reviewed the record which included the exhibits from the Department of Safety and Inspections, the minutes and recommendation of the legislative hearing officer and any testimony at the hearing; Now, Therefore Be It

RESOLVED, that the Saint Paul City Council hereby finds:

1. That the structure(s) at 601 WESTERN AVENUE NORTH is a nuisance building pursuant to Saint Paul Legislative Code §45.02, as 1) it is a vacant building as defined in §43.02; and 2) it has multiple housing code or building code violations or it has conditions constituting material endangerment as defined in §34.23, or it has a documented and confirmed history as a blighting influence in the community; and 3) these nuisance conditions have not been corrected after notice of the same to the owner;
2. That the Department of Safety and Inspections has complied with all of the procedural requirements of the Saint Paul Legislative Code Chapter 45; and
3. That the owners, interested parties or responsible parties have not presented a plan acceptable to the legislative hearing officer and Department of Safety and Inspections staff to repair the structure(s) and correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code Compliance report and to make the structure(s) safe and code compliant within 15 days; And, Be It

RESOLVED, that the City Council orders that the owners, interested parties or responsible parties shall repair the structure, correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code Compliance report and to make the structure(s) safe and code compliant, or shall raze and remove the structure(s) within ~~15~~ thirty (30) days after the City Council public hearing; 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).