



## Legislation Details (With Text)

**File #:** RLH RR 11- 96 **Version:** 3

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

**In control:** City Council

**Final action:** 2/6/2013

**Title:** Ordering the rehabilitation or razing and removal of the structures at 869 FULLER AVENUE within fifteen (15) days after the February 1, 2012 City Council Public Hearing. (Laid over from October 10, 2012)

**Sponsors:** Melvin Carter III

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

**Code sections:**

**Attachments:** 1. 869 Fuller Ave.Order to Abate.11-1-11, 2. 869 Fuller Ave.Public Hearing Notice12-16-11, 3. 869 Fuller Ave.Code Compliance Report.3-9-11, 4. 869 Fuller Ave.Photos 6-11-10.pdf, 5. 869 Fuller.Historic Info & Aerial Photos.1-10-12, 6. 869 Fuller Ave.R-R FTA Ltr 1-12-12.pdf, 7. 869 Fuller Ave.R-R Revised letter FTA Ltr - Not sent 3-6-12.pdf, 8. 869 Fuller Ave.Kujala Ltr 1-16-13

Date	Ver.	Action By	Action	Result
2/11/2013	3	Mayor's Office	Signed	
2/6/2013	3	City Council	Adopted	Pass
1/15/2013	2	Legislative Hearings	Referred	
11/13/2012	2	Legislative Hearings	Laid Over	
10/10/2012	2	City Council	Referred	Pass
10/3/2012	2	City Council	Adopted	Pass
9/5/2012	2	City Council	Continue Public Hearing	Pass
3/7/2012	2	City Council	Continue Public Hearing	Pass
2/14/2012	2	Legislative Hearings	Referred	
2/1/2012	2	City Council	Continue Public Hearing	Pass
1/10/2012	1	Legislative Hearings	Referred	

Ordering the rehabilitation or razing and removal of the structures at 869 FULLER AVENUE within fifteen (15) days after the February 1, 2012 City Council Public Hearing. (Laid over from October 10, 2012)

### **AMENDED 2/06/2013**

WHEREAS, the Department of Safety and Inspections has determined that 869 FULLER AVENUE 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: Milton Addition Lot 28 Blk 2; 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 December 16, 2011: E Diane Smith/Oscar T Oliver, 870 Fuller Ave, St Paul MN 55104-4742; Malik Davis, 786 Hague Avenue, Saint Paul MN 55104; and the Summit-University Planning Council; and

WHEREAS, each of these parties was served a written order dated November 1, 2011 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 December 1, 2011; 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 December 1, 2011; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on November 2, 2011 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by December 1, 2011, and therefore an abatement hearing was scheduled before the City Council on February 1, 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 legislative hearings on January 10, February 14, and November 3, 2012 and January 15, 2013; and

WHEREAS, public hearings were held on February 1, March 7, September 5 and October 3, 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 869 FULLER AVENUE 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 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~~ by December 31, 2013; 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 days~~ by December 31, 2013; 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).