Legislation Details (With Text)

File #:	RLH RR 13-44 **Version:** 2		
Type:	Resolution LH Substantial Abatement Order	**Status:**	Passed
		In control:	City Council
		Final action:	11/6/2013
Title:	Ordering the razing and removal of the structures at 157 ATWATER STREET within fifteen (15) days after the October 16, 2013, City Council Public Hearing. (Public hearing continued from October 16)		
Sponsors:	Nathaniel Khaliq		
Indexes:	Substantial Abatement Orders, Ward - 1		
Code sections:			
Attachments:	1. 157 Atwater St.OTA 7-11-13.pdf, 2. 157 Atwater St.PH 8-23-13.pdf, 3. 157 Atwater St.Photos 7-8-13.pdf, 4. 157 Atwater St.FTA R-R.Ltr 9-26-13, 5. 157 Atwater.District 6 Email.10-31-13		

Date	Ver.	Action By	Action	Result
11/12/2013	2	Mayor's Office	Signed	
11/6/2013	2	City Council	Adopted	Pass
10/16/2013	2	City Council	Continue Public Hearing	
9/24/2013	1	Legislative Hearings	Referred	

Ordering the razing and removal of the structures at 157 ATWATER STREET within fifteen (15) days after the October 16, 2013, City Council Public Hearing. (Public hearing continued from October 16)

WHEREAS, the Department of Safety and Inspections has determined that 157 ATWATER STREET 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: Mckentys Out Lots Tost Paul With Esmt And Ex Atwater St And Ex W 4o Ft Lots 28 29 And Lot 30 Blk 3; 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 August 23, 2013: William Fox, 7245 Oakland Avenue, Minneapolis, MN 55423-3225; Waterstone Mortgage Corp, N25 W 23255 Paul Road, Pewaukee, WI 53072; MERS, PO Box 2026, Flint, MI 48501; and District 6 Planning Council; and

WHEREAS, each of these parties was served a written order dated July 11, 2013 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 August 10, 2013; 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 August 10, 2013; and

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WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on July 12, 2013 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by August 10, 2013, and therefore an abatement hearing was scheduled before the City Council on October 16, 2013 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 September 24, 2013; and

WHEREAS, a public hearing was held on October 16, 2013, and the 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 157 ATWATER STREET 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.
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 Further

RESOLVED, that the Council orders that the owners, interested parties or responsible parties shall raze and remove the structure(s) within 15 days. 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).