Legislation Details (With Text)

File #:	RLH RR 15-40 **Version:** 5		
Type:	Resolution LH Substantial Abatement Order	**Status:**	Passed
		In control:	City Council
		Final action:	4/6/2016

Title: Ordering the rehabilitation or razing and removal of the structures at 719 PAYNE AVENUE within fifteen (15) days after the November 4, 2015, City Council Public Hearing. (Amend to remove the structure within five (5) days)

Sponsors: Jane L. Prince

Indexes: Substantial Abatement Orders, Ward - 7

Code sections:

Attachments: 1. 719 Payne Ave.OTA 8-4-15, 2. 719 Payne Ave.PH 9-11-15, 3. 719 Payne Ave.SHPO Form 8-12-15, 4. 719 Payne Ave.Photos.7-1-15, 5. 719 Payne Ave.Photos.4-5-12, 6. 719 Payne Ave.Team Inspection Report 9-24-15, 7. 719 Payne Ave.District 5 Council Input.10-12-15, 8. 719 Payne Ave.Email from Danette Allrich-Osano.10-13-15, 9. 719 Payne Ave.Ali R-R Ltr.10-15-15, 10. 719 Payne Ave.Fischbach Email.10-21-15, 11. 719 Payne Ave.Compliance Ltr from Seeger.9-17-15, 12. 719 Payne Ave.Gaviota Construction Inc Interior Bid.10-8-15, 13. 719 Payne Ave.Gaviota Construction Inc Plumbing Bid.10-8-15, 14. 719 Payne Ave.Regal Remodelers Bid.10-12-15, 15. 719 Payne Ave.Renovation Proposal.10-27-15, 16. 719 Payne Ave.Wells Fargo Bank Statement.10-27-15, 17. 719 Payne Ave.Ali R-R Ltr.10-28-15, 18. 719 Payne Ave.Scope of Work.11-24-15, 19. 719 Payne Ave.Ali R-R Ltr.11-12-15, 20. 719 Payne Ave.Ali R-R Ltr.11-30-15, 21. 719 Payne Ave.Letter from African Dev Center.1-12-16, 22. 719 Payne Ave.Ali R-R Ltr.1-13-16, 23. 719 Payne Ave.Ali R-R Ltr.3-25-16

Date	Ver.	Action By	Action	Result
4/7/2016	5	Mayor's Office	Signed	
4/6/2016	5	City Council	Adopted	Pass
3/22/2016	4	Legislative Hearings	Referred	
1/20/2016	4	City Council	Referred	Pass
1/12/2016	3	Legislative Hearings	Referred	
12/2/2015	3	City Council	Referred	Pass
11/24/2015	2	Legislative Hearings	Referred	
11/10/2015	2	Legislative Hearings	Laid Over	
11/4/2015	2	City Council	Referred	Pass
10/27/2015	1	Legislative Hearings	Referred	
10/13/2015	1	Legislative Hearings	Laid Over	

Ordering the rehabilitation or razing and removal of the structures at 719 PAYNE AVENUE within fifteen (15) days after the November 4, 2015, City Council Public Hearing. (Amend to remove the structure within five (5) days)

AMENDED 1/20/16 and 4/6/16

WHEREAS, the Department of Safety and Inspections has determined that 719 PAYNE 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: Irvines 2nd Addition Subj To Ave The Fol Lots 1 2 And Lot 3 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 September 11, 2015: Alka Inc, 729 Edgerton Street, Saint Paul, MN 55130; and Payne Phalen District 5 Planning Council; and

WHEREAS, each of these parties was served a written order dated August 4, 2015 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 September 3, 2015; 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 September 3, 2015; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on August 5, 2015 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by September 3, 2015, and therefore an abatement hearing was scheduled before the City Council on November 4, 2015 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 hearings on October 13, 2015, November 4, November 10, November 24, 2015, January 12, 2016, March 22, 2016; and

WHEREAS, ~~a~~ public hearings were ~~was~~ held on November 4, 2015, December 2, 2015, January 20 and April 6, 2016, 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 719 PAYNE 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.
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 repair the structure, correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code~~

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~~Compliance report and to make the structure(s) safe and code compliant, or~~ shall raze and remove the structure(s) within 5 ~~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).