# Legislation Details (With Text)

**File #:** RLH RR 16-9 **Version:** 5

**Type:** Resolution LH Substantial Abatement Order

**Status:** Passed

**In control:** City Council

**Final action:** 6/1/2016

**Title:** Ordering the rehabilitation or razing and removal of the structures at 839 THOMAS AVENUE within fifteen (15) days after the March 16, 2016, City Council Public Hearing.

**Sponsors:** Dai Thao

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

**Code sections:**

**Attachments:** 1. 839 Thomas Ave.OTA 12-10-15, 2. 839 Thomas Ave.PH 1-22-16, 3. 839 Thomas Ave.Code Compliance Report 5-5-15, 4. 839 Thomas Ave.SHPO 12-22-15, 5. 839 Thomas Ave.Photos #1.12-3-15, 6. 839 Thomas Ave.Photos #2.12-3-15, 7. 839 Thomas Ave.Photos #3.12-3-15, 8. 839 Thomas Ave.Georlitz email to staff.1-20-16, 9. 839 Thomas Ave.Sheriff's Report of Sale, 10. 839 Thomas Ave.OTSC signed, 11. 839 Thomas Ave.Order, 12. 839 Thomas Ave.Mckusick R-R Ltr.2-24-16, 13. 839 Thomas Ave.Mckusick R-R Ltr.3-29-16, 14. 839 Thomas Ave.Revised Work Plan and Bids.4-11-16, 15. 839 Thomas Ave.Work Plan and Insurance Claim.4-4-16, 16. 839 Thomas Ave.Neighbor email opposing demolition.4-11-16, 17. 839 Thomas Ave.Historic St Paul email opposing demolition.4-11-16, 18. 839 Thomas Ave.Fernandez email opposing demolition.4-11-16, 19. 839 Thomas Ave.Snelling Bid.4-8-16, 20. 839 Thomas Ave.Affidavit of Financial.4-11-16, 21. 839 Thomas Ave.Confession of Judgment.4-8-16, 22. 839 Thomas Ave.Mckusick R-R Ltr.4-14-15, 23. 839 Thomas Ave.Revised Work Plan.5-3-16, 24. 839 Thomas Ave.Revised Work Plan #2.5-3-16, 25. 839 Thomas Ave.Owner Photos.4-26-16, 26. 839 Thomas Ave.Mckusick R-R Ltr.5-12-16, 27. 839 Thomas Ave.Revised Work Plan.5-20-16, 28. 839 Thomas Ave.Financial Docs.5-17-16, 29. 839 Thomas Ave.Snelling Bids-Financial.5-23-16, 30. 839 Thomas Ave.Affidavit.5-23-16, 31. 839 Thomas Ave.Mckusick R-R Ltr.6-1-16

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 6/3/2016 | 5 | Mayor's Office | Signed | |
| 6/1/2016 | 5 | City Council | Adopted As Amended | |
| 5/24/2016 | 4 | Legislative Hearings | Referred | |
| 5/10/2016 | 4 | Legislative Hearings | Laid Over | |
| 5/4/2016 | 4 | City Council | Referred | |
| 4/12/2016 | 3 | Legislative Hearings | Referred | |
| 4/6/2016 | 3 | City Council | Referred | Pass |
| 3/22/2016 | 2 | Legislative Hearings | Referred | |
| 3/16/2016 | 2 | City Council | Referred | |
| 2/23/2016 | 1 | Legislative Hearings | Referred | |

Ordering the rehabilitation or razing and removal of the structures at 839 THOMAS AVENUE within fifteen (15) days after the March 16, 2016, City Council Public Hearing.

**AMENDED 5/4/16 and June 1, 2016**

WHEREAS, the Department of Safety and Inspections has determined that 839 THOMAS 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: Chute Brothers Division no 13 Lot 21; 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 January 22, 2016: Mckusick Building Services LLC, 3206 Adair Ave NE, Buffalo MN 55313-3691; Superior Financing Inc., 8053 E Bloomington Freeway Suite 300, Bloomington MN 55420; JN Homes LLC, 8362 Tamarack Village Suite 119, Woodbury MN 55125; Jared Goerlitz, PFB Law, PA, 55 Fifth St E Suite 800, Saint Paul MN 55101; Frogtown Neighborhood Association; and

WHEREAS, each of these parties was served a written order dated December 10, 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 January 9, 2016; 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 January 9, 2016; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on December 11, 2015 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by January 9, 2016, and therefore an abatement hearing was scheduled before the City Council on March 16, 2016 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 February 23, 2016, March 22, 2016, April 12, 2016, May 10 and May 24; and

WHEREAS, public hearings were held on March 16, 2016, April 6, 2016, May 4, 2016 and June 1, 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 839 THOMAS 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 Compliance report and to make the structure(s) safe and code compliant, or shall raze and remove the structure(s) within ~~15~~ 45 days. And, Be it Further

RESOLVED, that the Council will consider a request for a stay of enforcement of this order from the JN Homes, LLC, the lien holder, in the event John McKusick, the owner, does not complete the rehabilitation within the time allotted and the Council notes that a successful request for a stay shall he received within 30 days of the failure to comply with this order in the 45 days, provide a complete work plan for concluding the project by no later than December 31, 2016, demonstrate adequate financing will be made available to complete the rehabilitation and this request shall be reviewed by the Legislative Hearing Officer and relevant Department of Safety and Inspection staff for Council consideration; and

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).



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