



## Legislation Details (With Text)

**File #:** RLH RR 21- 68      **Version:** 5

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

**In control:** City Council

**Final action:** 5/18/2022

**Title:** Ordering the rehabilitation or razing and removal of the structures at 939 CHARLES AVENUE within fifteen (15) days after the December 22, 2021, City Council Public Hearing. (Amend to grant 180 days)

**Sponsors:** Dai Thao

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

**Code sections:**

**Attachments:** 1. 939 Charles Ave.OTA 9-15-21, 2. 939 Charles Ave.PH 10-22-21, 3. 939 Charles Ave.Exp Code Comp 9-8-16, 4. 939 Charles Ave.SHPO Form 6-7-21, 5. 939 Charles Ave.Revocation 1-5-11, 6. 939 Charles Ave.Photos 3-3-11, 7. 939 Charles Ave.Photos 5-12-21, 8. 939 Charles Ave.Code Compliance Rep 11-4-21.pdf, 9. 939 Charles Ave.Summary Sheet.11-22-21.pdf, 10. 939 Charles Ave.LS 11-23-21.pdf, 11. 939 Charles Ave.Miller R-R Ltr.11-24-21, 12. 939 Charles Ave.Miller R-R Ltr.1-28-22, 13. 939 Charles Ave.Miller R-R Ltr.3-11-22, 14. 939 Charles Ave.affdavit + escrowed funds.4-5-22, 15. 939 Charles Ave.Miller email.4-14-22, 16. 939 Charles Ave.Miller R-R Ltr.4-14-22, 17. 939 Charles Ave.Miller testimony.4-20-22, 18. 939 Charles Ave.Building estimate.4-20-22, 19. 939 Charles Ave.Zimny Miller email.4-20-22, 20. 939 Charles.Plumbing Bid.5-6-22, 21. 939 Charles Ave.workplan.5-9-22, 22. 939 Charles Ave.Miller R-R Ltr.5-13-22, 23. 939 Charles Ave.HVAC bid.5-18-22, 24. 939 Charles Ave.electric bid.5-18-22, 25. 939 Charles Ave.Miller R-R Ltr.5-20-22

Date	Ver.	Action By	Action	Result
5/23/2022	5	Mayor's Office	Signed	
5/18/2022	5	City Council	Adopted As Amended	Pass
5/10/2022	4	Legislative Hearings	Referred	
4/20/2022	4	City Council	Referred	Pass
4/12/2022	3	Legislative Hearings	Referred	
3/8/2022	3	Legislative Hearings	Laid Over	
2/9/2022	3	City Council	Referred	Pass
1/26/2022	2	City Council	Continue Public Hearing	Pass
1/25/2022	2	Legislative Hearings	Referred	
12/22/2021	2	City Council	Continue Public Hearing	Pass
11/23/2021	1	Legislative Hearings	Referred	

Ordering the rehabilitation or razing and removal of the structures at 939 CHARLES AVENUE within fifteen (15) days after the December 22, 2021, City Council Public Hearing. (Amend to grant 180 days)

### **AMENDED 5/18/22**

WHEREAS, the Department of Safety and Inspections has determined that 939 CHARLES 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: UNIVERSITY AVE. ADD. LOT 7 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 September 15, 2021: Tranquil Holdings LLC, 1769 Lexington Ave N Unit 389, Roseville MN 55113-6522; Lorie Miller, Tranquil Holdings LLC, 3046 Bryant Ave S, Minneapolis MN 55408; Derek Thooft, Thooft Law LLC, 8101 34th Ave S, Bloomington MN 55425; David Frey, Renovo Capital LLC, 407 Lake Street Suite 201, Wayzata MN 55391; Brutlag, Hartmann & Trucke PA, 3555 Plymouth Blvd Suite 117, Minneapolis MN 55447-1399; Sauro & Bergstrom PLLC, 992 Inwood Ave N, Oakdale MN 55128; and Frogtown Neighborhood Association; and

WHEREAS, each of these parties was served a written order dated September 15, 2021 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 October 15, 2021; 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 October 15, 2021; and

WHEREAS, a placard indicating the City's order that this nuisance building be abated was posted on the building on September 16, 2021 in accordance with Saint Paul Legislative Code §45.11(2)c; and

WHEREAS, the nuisance condition was not corrected by October 15, 2021, and therefore an abatement hearing was scheduled before the City Council on December 22, 2021 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 November 23, 2021 and January 25, 2022, March 8, April 12 and May 10, 2022; and

WHEREAS, public hearings were held on December 22, 2021 and January 26, 2022, February 9, April 20 and May 18, 2022, 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 939 CHARLES 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 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 180 45 days after the City Council Public Hearing. And, Be it Further

RESOLVED, that at the conclusion of the 180-day grant of time, the Council will receive a report from the Legislative Hearing Officer with findings on the status of the nuisance abatement; And Be It Further

RESOLVED, that a Legislative Hearing is scheduled for November 22, 2022 at which owners, interested parties and Department of Safety and Inspection staff will present information on the current building conditions and progress toward abatement of the dangerous/nuisance conditions and the resulting findings will be presented to the City Council at a public hearing on December 7, 2022 for its consideration; 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 resolution compliance date 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).