



## Legislation Details (With Text)

**File #:** RES 23-1754 **Version:** 2

**Type:** Resolution **Status:** Passed

**In control:** City Council

**Final action:** 11/15/2023

**Title:** Staying enforcement of Council File Number RLH RR 23-7, an Order to Remove 901 Fuller Avenue.

**Sponsors:** Russel Balenger

**Indexes:**

**Code sections:**

**Attachments:** 1. 901 Fuller Ave - Writ of Certiorari COA A23-1457, 2. 901 Fuller Ave - Certificate of Service (towd)2 Corrected, 3. 901 Fuller Ave - Certificate of Service (towd) 3

Date	Ver.	Action By	Action	Result
11/16/2023	2	Mayor's Office	Signed	
11/15/2023	2	City Council	Adopted	Pass

Staying enforcement of Council File Number RLH RR 23-7, an Order to Remove 901 Fuller Avenue.

WHEREAS, a resolution pursuant to Council File RLH RR 23-7, adopted by the City Council on September 13, 2023, ordered the repair or removal of 901 Fuller Avenue within fifteen days of the adoption of the resolution; and

WHEREAS, this property is legally described as follows, to wit: MILTON ADDITION LOT 20 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 January 13, 2023: Joseph and Tauriette Ray, 901 Fuller Ave, St Paul MN 55104-4742; Towd Point Mortgage Trust, US Bank NA, as trustee, c/o Select Portfolio Servicing, 3217 Decker Lake Dr, West Valley City UT 84119-23284; Amber Leonard, Greenfield Law Group, PA, 2255 Glades Rd, Suite 324-A, Boca Raton FL 33431; Center for Energy and Environment, 212 3rd Street N Suite 560, Minneapolis MN 55401; Safeguard Properties, 7887 Safeguard Circle, Valley View OH 44125; and Summit-University Planning Council; and

WHEREAS, Towd Point Mortgage Trust, as owner or an interested party of the property, has filed a petition for a writ of certiorari to the Minnesota Court of Appeals, which has issued said writ; and

WHEREAS, Towd Point Mortgage Trust, through their attorney, Jessica Zeletes, has also requested that the Minnesota Court of Appeals stay execution of Council File RLH RR 23-7; and

WHEREAS, the Saint Paul City Council found that the Property constitutes a public nuisance pursuant to Saint Paul Legislative Code Section 45 and is subject to demolition; and

WHEREAS, the Saint Paul City Council was acting in a quasi-judicial capacity issuing the order and therefore would stay enforcement of the order pending the conclusion of the appeals process; and

WHEREAS, the Saint Paul City Council further finds it is in the public interest to grant such a stay of enforcement of this order provided certain conditions to safeguard public safety and welfare are met; now,

therefore, be it

RESOLVED, that the Saint Paul City Council stays enforcement of its order to demolish the property at 901 Fuller Avenue while the appeal is pending if the following conditions are met:

First: Petitioner shall be responsible for applying for a Code Compliance Inspection Report and providing access to the property by December 15, 2023 to building trades inspectors to determine the remediation necessary to abate the nuisance condition and make the property compliant with applicable building and safety codes; and

Second: Petitioner shall be responsible for maintaining the property consistent with all applicable property maintenance and safety codes, and will correct any code violations as requested by a city inspector, without the need for any written correction notice or abatement order, as soon as possible and in no event longer than five business days from the date of the inspector's order; and

Third: Petitioner will post with the City of Saint Paul, by the close of business Friday December 1, 2023, a supersedeas bond in the amount of \$10,000 (ten thousand dollars and no cents) to be used to offset any claims against the City of Saint Paul and said bond will be returned to the Petitioner if they are successful with the Writ of Certiorari; and

Fourth: Petitioner shall provide the City of Saint Paul with proof that the Property is covered with adequate liability insurance by the close of business Friday December 1, 2023, and

Fifth: If Petitioner sells, transfers, devises or assigns their ownership or responsibility in the Property pending this legal action and until all legal action concerning the issues here presented are finally resolved, notification must be given to the City of Saint Paul within 24 hours of such transaction; and

Sixth: no building permits shall be issued to the Petitioner except upon a Resolution by the Saint Paul City Council; and be it

FINALLY RESOLVED, that this resolution shall be served on Towd Point Mortgage Trust, through their attorney, Jessica Zeletes; and any of the other parties required to be notified in Saint Paul Legislative Code §45.12(4) shall be notified through U.S. Certified Mail.