



Legislation Details (With Text)

**File #:** RLH RR 24- 46      **Version:** 1

**Type:** Resolution LH Substantial Abatement Order      **Status:** Passed Unsigned by Mayor

**In control:** City Council

**Final action:** 11/20/2024

**Title:** Fourth Making finding on the appealed substantial abatement ordered for 346 SHERBURNE AVENUE in Council File RLH RR 24-37. (Public hearing closed and laid over from November 6, 2024)

**Sponsors:** Anika Bowie

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

**Code sections:**

**Attachments:** 1. 346 Sherburne Ave.30 Day Forfeit Notice 8-7-24.pdf, 2. 346 Sherburne Ave.Waletski Notice of PH R-R Ltr.9-6-24.pdf, 3. 346 Sherburne Ave.Waletski R-R Ltr.9-27-24, 4. 346 Sherburne Ave.Waletski email chain.10-9-24, 5. 346 Sherburne Ave.Waletski R-R Ltr.10-11-24, 6. 346 Sherburne Ave.Certificate of Code Compliance 11-20-24.pdf

Date	Ver.	Action By	Action	Result
12/17/2024	1	Mayor's Office	Returned Unsigned	
11/20/2024	1	City Council	Adopted As Amended	Pass
11/6/2024	1	City Council	Laid Over	Pass

Fourth Making finding on the appealed substantial abatement ordered for 346 SHERBURNE AVENUE in Council File RLH RR 24-37. (Public hearing closed and laid over from November 6, 2024)

**AMENDED 11/20/2024**

WHEREAS, the City Council adopted RLH RR 24-7 on March 20, 2024 which granted 180 days to repair the structure, correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code Compliance Report at 346 Sherburne Avenue; and

WHEREAS, the Legislative Hearing Officer reviewed this case on September 24, 2024 to determine if the owner and/or responsible party abated the nuisance conditions and found these conditions were not abated and, therefore, recommends that the City Council take the following actions in order for an extension to be granted: 1) forfeit \$5,000 of \$10,000 Performance Deposit; 2) require an additional (new) \$5,000 be posted; and 3) require the property owner submit a new/updated work plan/schedule; and 4) require that the property owner provide evidence of financing and affidavit if necessary by close of business on October 18, 2024; and

WHEREAS, the Legislative Hearing Officer reviewed this case on October 18, 2024 and found the nuisance conditions were still not abated, as evidenced by Code Compliance Certificate, and none of the conditions in the previous clause had been met; and

WHEREAS, on October 23, 2024 in RLH RR 24-40 the Legislative Hearing Officer recommended that the City Council 1) forfeit \$5,000 of the posted \$10,000 performance deposit; 2) continue to forfeit in \$1,000 increments every 2 weeks, beginning November 6, 2024 until a Certificate of Code Compliance is issued or the \$10,000 performance deposit is depleted; and

WHEREAS, the Legislative Hearing Officer recommends that if the property owner needs time beyond

January 8, 2025, when the entire performance deposit is forfeit, they must 1) submit a new/updated work plan, schedule for completion and evidence of financing sufficient to execute the plan subject to approval by the Department of Safety & Inspection, Legislative Hearing Officer and City Council; 2) replace the performance deposit to bring the balance to \$10,000; or the property is subject to razing and removal; and

WHEREAS, the Code Compliance Certificate for this property was issued November 20, 2024 and the Legislative Hearing Officer recommends that the City Council find that the nuisance is abated and matter resolved; now, therefore, be it

RESOLVED, that the Saint Paul City Council adopts the findings and recommendations of the legislative hearing officer.