



## Legislation Details (With Text)

**File #:** RLH RR 11-17      **Version:** 3

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

**In control:** Legislative Hearings

**Final action:** 6/1/2011

**Title:** Ordering the rehabilitation or razing and removal of the structures at 1091 COOK AVENUE EAST within fifteen (15) days after the June 1, 2011, City Council Public Hearing.

**Sponsors:** Dan Bostrom

**Indexes:** Substantial Abatement Orders, Ward - 6

**Code sections:**

**Attachments:** 1. 1091 Cook Appt Ltr 1/11/11, 2. 1091 Cook Photos 1/27/11, 3. 1091 Cook Order to Abate Nuisance 2/8/11, 4. 1091 Cook Pub Hrng Notice 4/15/11, 5. 1091 Cook Ave E.Kipp Ltr R-R 5-10-11.pdf, 6. 1091 Cook Ave E.Mortensen Email 5-23-11.pdf, 7. 1091 Cook Ave E.Estimate with proceeds, 8. 1091 Cook Ave E.Report, 9. 1091 Cook Ave.Estimate by Category, 10. 1091 Cook Ave E.Mortensen Ltr R-R 5-24-11.pdf, 11. 1091 Cook Ave E.Minutes 5-10-11.pdf

Date	Ver.	Action By	Action	Result
6/6/2011	3	Mayor's Office	Signed	
6/1/2011	2	City Council	Adopted As Amended	Pass
5/24/2011	2	Legislative Hearings	Referred	
5/10/2011	3	Legislative Hearings	Laid Over	

Ordering the rehabilitation or razing and removal of the structures at 1091 COOK AVENUE EAST within fifteen (15) days after the June 1, 2011, City Council Public Hearing.

Need the following by the close of business on Tuesday, May 31, 2011 for recommendation that time be granted for the rehabilitation of the property:

1. post the \$5,000 performance deposit;
2. financial information committing the funds for the project; and
3. acceptance of bids..

### AMENDED June 1, 2011

WHEREAS, the Department of Safety and Inspections has requested the City Council to hold public hearings to consider the advisability and necessity of ordering the repair or razing and removal of a single story, wood frame, single family dwelling located on property hereinafter referred to as the "Subject Property" and commonly known as 1091 COOK AVENUE EAST. This property is legally described as follows, to wit: Governor Johnson Addition Lot 23 Blk 1

WHEREAS, based upon the records in the Ramsey County Recorder's Office and information obtained by the Department of Safety and Inspections on or before November 14, 2010, the following are the now known owners, interested or responsible parties for the subject property: Bank Of America, 475 Crosspoint Parkway, Getzville NY 14068-9000; BAC Field Services/Escalations Dept, 30870 Russell Ranch Road Floor 3, Westlake Village CA 91362; BAC Home Loan Servicing, 400 National Way, Simi Valley CA 93065; Wilford & Geske, 8425 Seasons Pkwy #105, Woodbury MN 55125; Payne Phalen District 5 Planning Council; and

WHEREAS, the Department of Safety and Inspections has notified the known owners, interested or responsible parties of the "Order to Abate Nuisance Building(s) pursuant to Saint Paul Legislative Code Chapter 45; 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 April 4, 2011; and

WHEREAS, the enforcement officer has posted on March 2, 2011, a placard on the Subject Property declaring this building(s) to constitute a nuisance condition, subject to demolition; and

WHEREAS, this nuisance condition has not been corrected and the Department of Safety and Inspections requested the City Clerk schedule public hearings before the Legislative Hearing Officer and the Saint Paul City Council; and

WHEREAS, the interested and responsible parties have been served notice in accordance with the provisions of Chapter 45 of the Saint Paul Legislative Code, of the time, date, place and purpose of the public hearings; and

WHEREAS, hearings were conducted before the Legislative Hearing Officer of the City of Saint Paul City Council on May 10 and 24, 2011 at which time staff put the following information into the record:

1. This is a two-story, wood frame/stucco single-family dwelling on a lot of 4,792 square feet and has been vacant since September 25, 2009;
2. The current property owner is Bank of America per Ramsey County Property records;
3. There have been four (4) Summary Abatement Notices since 2009 and three (3) Work Orders issued for garbage/rubbish, tall grass/weeds, and vehicles;
4. On January 26, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken; An Order to Abate a Nuisance Building was posted on March 2, 2011 with a compliance date of April 4, 2011. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code;
5. The Vacant Building registration fees are current (paid by check). Taxation has placed an estimated market value of \$15,300 on the land and \$29,700 on the building;
6. A Code Compliance Inspection was done on April 20, 2011. As of May 6, 2011, the \$5,000 performance deposit has not been posted;
7. Real Estate taxes are current;
8. Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000 and the cost to demolish to be between \$10,000 and \$12,000. DSI recommends that this building be removed within fifteen (15) days;
9. Heritage Preservation Commission (HPC) and Planning and Economic Development (PED) staff reported that this house was built in either 1908 or 1910 as a 1-1/2 story worker's cottage. It was originally built as a wood frame but has been stuccoed since. The two (2) block faces are contiguous (they don't have a lot of vacant lots in them). There are a lot of varied setbacks with no particular rhythm or unifying house styles. In 1925, there were a lot of vacant lots in this area so there is a lot of mix; properties were being built in different decades. This is not in a survey area and has not been surveyed in the past. She feels very comfortable in saying that demolition would not have an adverse effect; and

WHEREAS, after reviewing testimony and evidence, the Legislative Hearing Officer made the recommendation to approve the request to order the owners, interested or responsible parties to make the Subject Property safe and not detrimental to the public peace, health, safety and welfare and remove its blighting influence on the community by ~~rehabilitating this structure in accordance with all applicable codes and ordinances, or in the alternative by razing and removing the structure in accordance with all applicable codes and ordinances~~, which is to be completed within fifteen (15) days after the date of the Council Hearing;

and

WHEREAS, a hearing was held before the Saint Paul City Council on June 1, 2011, and the testimony and evidence including the action taken by the Legislative Hearing Officer was considered by the Council; now, therefore, be it

RESOLVED, that based upon the testimony and evidence presented at the above referenced public hearings, the Saint Paul City Council hereby adopts the following Findings and Order concerning the Subject Property at 1091 COOK AVE E:

1. The Subject Property comprises a nuisance condition as defined in the Saint Paul Legislative Code;
2. That costs of razing and removal of this building(s) is estimated to exceed \$5,000;
3. That there now exists and has existed multiple Housing or Building Code violations at the Subject Property;
4. That an Order to Abate Nuisance Building(s) was sent to the then known owners, interested and responsible parties to correct the deficiencies or to raze and remove the building(s);
5. That the deficiencies causing this nuisance condition have not been corrected;
6. That the Department of Safety and Inspections has posted a placard on the Subject Property which declares it to be a nuisance condition, subject to razing and removal;
7. That this building(s) has been routinely monitored by Department of Safety and Inspections Vacant/Nuisance Buildings staff; and
8. That the known interested parties and owners are as previously stated in this resolution and that the notification requirements of Saint Paul Legislative Code Chapter 45 have been fulfilled; and, Be It Finally

RESOLVED, that the Saint Paul City Council hereby makes the following order:

1. The above-referenced owners, interested or responsible parties shall make the Subject Property safe and not detrimental to the public peace, health, safety and welfare and remove its blighting influence on the community by rehabilitating this structure(s) and correcting all deficiencies as prescribed in the above-referenced Order to Abate Nuisance Building(s) in accordance with all applicable codes and ordinances. The ~~rehabilitation or~~ razing and removal of the structure must be completed within fifteen (15) days after the date of the Council Hearing;
2. If the above corrective action is not completed within this period of time, the Department of Safety and Inspections is hereby authorized to take whatever steps are necessary to raze and remove this structure, fill the site and charge the costs incurred against the Subject Property pursuant to the provisions of Chapter 45 of the Saint Paul Legislative Code;
3. In the event the building is to be razed and removed by the City of Saint Paul, all personal property or fixtures of any kind which interfere with the razing and removal shall be removed from the Subject Property by the owners or responsible parties by the end of this time period. If all personal property is not removed, it shall be considered to be abandoned and the City of Saint Paul shall remove and dispose of such property as provided by law; and
4. It is further ordered that a copy of this resolution be mailed to the owners, interested and responsible parties in accordance with Chapter 45 of the Saint Paul Legislative Code.