



Legislation Details (With Text)

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Type: Resolution LH Substantial Abatement Order **Status:** Agenda Ready

In control: Legislative Hearings

Final action: 8/17/2011

Title: Ordering the rehabilitation or razing and removal of the structures at 763 FOURTH STREET EAST within fifteen (15) days after the May 18, 2011 City Council Public Hearing.

Sponsors:

Indexes: Substantial Abatement Orders, Ward - 7

Code sections:

Attachments: 1. 763 4th St.Order to Abate.2-14-11.pdf, 2. 763 4th St.Hearing Notice.3-25-11.pdf, 3. 763 Fourth St. E.Photos 9-09-10.pdf, 4. 763 Fourth St E.Bid.pdf, 5. 763 Fourth St E.HPC 5-12-11.pdf, 6. 763 Fourth St E.Memo 8-10-11.pdf

Date	Ver.	Action By	Action	Result
8/23/2011	4	Mayor's Office	Signed	
8/17/2011	4	City Council	Adopted As Amended	Pass
8/9/2011	3	Legislative Hearings	Referred	
7/6/2011	3	City Council	Referred	Pass
6/14/2011	2	Legislative Hearings	Referred	
5/18/2011	2	City Council	Referred	Pass
4/26/2011	1	Legislative Hearings	Referred	

Ordering the rehabilitation or razing and removal of the structures at 763 FOURTH STREET EAST within fifteen (15) days after the May 18, 2011 City Council Public Hearing.

AMENDED 8/17/11

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 one and one half story, wood frame duplex located on property hereinafter referred to as the "Subject Property" and commonly known as 763 FOURTH STREET EAST. This property is legally described as follows, to wit:

Highland Addition Lot 17 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 29, 2010, the following are the now known owners, interested or responsible parties for the subject property: Shapiro, Nordmeyer & Zielke, 12550 W Frontage Road #200, Burnsville, MN 55337; Dayton's Bluff District 4 Community 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 March 16, 2011; and

WHEREAS, the enforcement officer has posted on February 15, 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 April, and August 9, 2011 at which time staff put the following information into the record:

1. This building is a two-story wood frame duplex on a lot of 4,792 square feet. It has been vacant since August 6, 2008;
2. The current property owner is Ya Heu per Ramsey County records;
3. There have been nine (9) Summary Abatement Notices since 2008 and eleven (11) Work Orders issued for removal of tall grass and weeds, improperly stored refuse, garbage and misc debris, removal of snow/ice, and boarding/securing;
4. On January 25, 2011, 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 February 14, 2011 with a compliance date of March 16, 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 went to assessment on August 20, 2010. Taxation has placed an estimated market value of \$16,500 on the land and \$51,800 on the building;
6. As of April 22, 2011, a Code Compliance Inspection has not been obtained and the \$5,000 performance bond has not been posted;
7. Real Estate taxes are delinquent for 2009 in the amount of \$2,063.30 and 2010 in the amount of \$6,201 plus penalty and interest. (Subject to tax forfeiture 8/1/11);
8. Code Enforcement officers estimate the cost to repair this structure to be between \$40,000 to \$60,000; estimated cost to demolish: \$10,000 to \$12,000. Bids are not back on the demo.
9. Heritage Preservation Commission staff reported this property is known as the Julius Coney House. It was constructed in 1888 as a one and one-half story L-shaped cottage. It has cement asbestos over clapboard and a limestone foundation. It is considered contributing to the Dayton's Bluff Historic District.

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)~~ sixty (60) days after the date of the Council Hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on May 18, 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 763 4TH STREET EAST:

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

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)~~ sixty (60) 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.