



## Legislation Details (With Text)

**File #:** RLH RR 11-19      **Version:** 3

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

**In control:** City Council

**Final action:** 12/7/2011

**Title:** Ordering the rehabilitation or razing and removal of the structure(s) at 936 EARL STREET within fifteen (15) days after the August 3, 2011 City Council Public Hearing. (Public hearing continued from October 5)

**Sponsors:** Dan Bostrom

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

**Code sections:**

**Attachments:** 1. 936 Earl Appt Ltr 2/7/11, 2. 936 Earl Order to Abate Nuisance 3/2/11, 3. 936 Earl Code Compl Rpt 3-10-11, 4. 936 Earl Pub Hrng Notice 4/15/11, 5. 936 Earl St McCracken R-R Ltr 5-10-11.pdf, 6. HPC res 936 Earl - HRR.pdf, 7. 936 Earl St.Minutes 5-10-11.pdf, 8. 936 Earl.Photos.2-4-11.pdf, 9. 936 Earl St.Kujala Ltr 7-26-11.pdf

| Date       | Ver. | Action By            | Action                  | Result |
|------------|------|----------------------|-------------------------|--------|
| 12/13/2011 | 3    | Mayor's Office       | Signed                  |        |
| 12/7/2011  | 3    | City Council         | Adopted                 | Pass   |
| 10/5/2011  | 3    | City Council         | Continue Public Hearing | Pass   |
| 9/27/2011  | 3    | Legislative Hearings | Referred                |        |
| 8/23/2011  | 3    | Legislative Hearings | Referred                |        |
| 8/3/2011   | 3    | City Council         | Referred                | Pass   |
| 7/26/2011  | 2    | Legislative Hearings | Referred                |        |
| 6/1/2011   | 2    | City Council         | Referred                | Pass   |
| 5/24/2011  | 1    | Legislative Hearings | Referred                |        |
| 5/10/2011  | 2    | Legislative Hearings | Laid Over               |        |

Ordering the rehabilitation or razing and removal of the structure(s) at 936 EARL STREET within fifteen (15) days after the August 3, 2011 City Council Public Hearing. (Public hearing continued from October 5)

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 two story, wood frame duplex and its two stall, wood frame, detached garage located on property hereinafter referred to as the "Subject Property" and commonly known as 936 EARL STREET. This property is legally described as follows, to wit:

Dawsons Earl St Addition Lot 25 Blk 71

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 December 5, 2010, the following are the now known owners, interested or responsible parties for the subject property: Federal National Mortgage Assoc, 3415 Vision Dr, Columbus OH 43219-6009; Brian Herrick and Jennie Semler, 396 Dewey St #1, St Paul MN 55104-3877; Prodigy Real Estate , 2035 County Road D East Ste E , Maplewood MN 55109; Usset & Weingarden,

4500 Park Glen Road #300, St. Louis Park MN 55416; 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 on March 3, 2011 posted 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, May 24, and July 26, 2011 at which time staff put the following information into the record:

1. This is a two-story, wood frame duplex with a detached two-stall garage on a lot of 3,920 square feet and has been vacant since March 26, 2010;
2. The current property owner is Federal National Mortgage Association per Ramsey County Property records;
3. There have been five (5) Summary Abatement Notices since 2010 and four (4) Work Orders for garbage/rubbish, tall grass/weeds, snow/ice, and boarding/securing;
4. On February 17, 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 were paid by assessment on April 22, 2011. Taxation has placed an estimated market value of \$9,900 on the land and \$62,900 on the building;
6. A Code Compliance inspection was done on March 10, 2011 and 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 starting between \$40,000 and \$50,000; the cost of demolition starting between \$10,000 and \$12,000; and
9. Heritage Preservation Commission (HPC) and Planning and Economic Development (PED) staff reported that this is a 2-1/2 story ornate Victorian era probably built in 1889 (record not clear) at a cost of \$1,800. This is very prominent high-style architecture similar to the one across the street. It still has context in this immediate area and it still has a lot of integrity from the exterior. The wood siding is still there, a lot of the windows are still there. It has a unique triple-arched window on the front elevation and a projecting bay with a corner tower. It was surveyed in 1983. Because of all the potential, an extensive survey would need to be done to find out if it were worthy of designation. A photo revealed that the original old fireplace and mantel are gone.

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, hearings were held before the Saint Paul City Council on June 1, 2011 and August 3, 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 936 EARL ST:

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;
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 Further

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.