



Legislation Text

File #: RLH OA 11-31, **Version:** 1

Second Stay of Council File 10-1185, An Order to Remove or Repair the Buildings at 578 THOMAS AVENUE.
(Public hearing held December 21)

Amendments to this resolution are anticipated, as the deadline for conditions to be met follows the Council Agenda Publication Deadline.

WHEREAS, the Saint Paul City Council adopted Council File #10-1185 on December 15, 2010 an Order to Remove or Repair the building at 578 Thomas Avenue within thirty (30) days; and

WHEREAS, in the City Council's deliberation on this matter, Councilmembers indicated their willingness to reconsider the issue, should a viable plan for rehabilitation of the buildings at 578 Thomas Avenue be found acceptable by both the vacant building's program manager and the legislative hearing officer in the 30-day time period the owner was granted to remove the building; and

WHEREAS, in the ensuing 30-day time period, Nghi Huynh, Property Manager for property owner, Kien Le, completed a plan for the rehabilitation of 578 Thomas Avenue, which provided that all of the following conditions were met:

1. post a \$5,000 performance deposit;
2. provide financial documentation demonstrating adequate funds will be available for the repairs;
3. secure a code compliance inspections report which would provided specific information of the necessary repairs to make this property minimally code compliant;
4. provide a work plan with timelines in accordance with the Code Compliance Inspection Report; and
5. provide a signed contract agreement between the seller and buyer for the completion of the project;

WHEREAS, compliance with these conditions was carefully reviewed in the legislative hearing process by both the legislative hearing officer and the vacant building program manager and found to be acceptable; and

WHEREAS, the City Council subsequently granted a 180 stay in the implementation of Council File #10-1185 in order for the rehabilitation to complete the rehabilitation; and

WHEREAS, upon expiration of this grant of time the Department of Safety and Inspections (DSI) revoked the performance deposit on September 20, 2011for lack of progress; and

WHEREAS, upon the request of Nghi Huynh, Property Manager for property owner, Kien Le and the mother of Kien Le, Lynh Huynh, the Legislative Hearing Officer and Manager of the Vacant Building Program met with them to discuss the situation of the impending demolition of the property; and

WHEREAS, a site visit was made to the property with the senior building inspector and Legislative Hearing Officer to assess the state of the rehabilitation of the property; and

WHEREAS, it was determined that the rehabilitation was likely near 50% complete at that time; and

WHEREAS, the matter of potentially granting additional time for completion of this rehabilitation was discussed in depth with Council Offices and the Department of Safety and Inspections; resulting in the following list of

conditions which would need to be addressed in order for there to be an additional stay of the original Order to Remove or Repair this property:

1. Post \$10,000 Performance Deposit;
2. Demonstration of \$50,000 to Complete Rehabilitation (in the form of a bank account, line of credit or construction loan specific to complete this rehabilitation);
3. Management of Finances by a Third Party to be Approved by the City;
4. Documents Outlining the Legal and Financial Relationships of Kien Le, Linh Huynh and Nghi Huynh ;
5. Address and Complete Contact Information for Linh Hunyh and Kien Le;
6. Management of Construction Decisions (general contractor type of role) by a Third Party to be Approved by the City;
7. Use of Licensed Contractors Working under Permit to Completion of Project;
8. New Work Plan to be Approved by the City Demonstrating Project can and will be Completed in 90 Days;
9. No Occupation, Marketing or Sale of Property Pending Issuance of the Certificate of Code Compliance;
10. Pay Vacant Building Registration Fee (was due 11/21/11); and
11. Maintenance of Property; and
12. Payment of City Costs Incurred in the Demolition Process to Date;

WHEREAS, the above conditions will need to be met by the close of business on December 2, 2011, in order for the Legislative Hearing Officer to recommend a grant of time for the rehabilitation of the property;

WHEREAS, because the above-listed conditions have not been met in part, as described below,

1. Post \$10,000 Performance Deposit; A \$5,000 performance deposit was posted,
2. Demonstration of \$50,000 to Complete Rehabilitation (in the form of a bank account, line of credit or construction loan specific to complete this rehabilitation); \$20,000 has been set aside in an account to be administered by the owner's attorney, Jane Prince;
3. Management of Finances by a Third Party to be Approved by the City; All releases of funds to contractors will be administered by the owner's attorney, Jane Prince;
4. Documents Outlining the Legal and Financial Relationships of Kien Le, Linh Huynh and Nghi Huynh; these have been provided to City staff;
5. Address and Complete Contact Information for Linh Hunyh and Kien Le; these have been provided to City staff;
6. Management of Construction Decisions (general contractor type of role) by a Third Party to be Approved by the City; these decisions will be made by Ken Sorenson;
7. Use of Licensed Contractors Working under Permit to Completion of Project;
8. New Work Plan to be Approved by the City Demonstrating Project can and will be Completed in 90 Days;
9. No Occupation, Marketing or Sale of Property Pending Issuance of the Certificate of Code Compliance;
10. Pay Vacant Building Registration Fee (was due 11/21/11); and this fee has been paid
11. Maintenance of Property; and
12. Payment of City Costs Incurred in the Demolition Process to Date; these costs will be assessed.

WHEREAS, the Legislative Hearing Officer recommends that the City ~~proceed with~~ stay its Order to Remove or Repair the structures on this property for a period of ninety (90) days; Now, Therefore, Be It

RESOLVED, that the City Council accepts and adopts the recommendation of the Legislative Hearing Officer in this matter.

