



Legislation Text

File #: RLH RR 15-38, **Version:** 1

Denying request for a stay of enforcement of Council File RLH RR 13-62 ordering the rehabilitation or razing and the demolition of the structures at 929 SEVENTH STREET WEST within 180 days after the March 5, 2014 City Council Public Hearing.

AMENDED 9/16/2015

WHEREAS, City Council File RLH RR 13-62 ordered the rehabilitation or razing and the demolition of the structure of 929 Seventh Street West within 180 days after the March 5, 2014 City Council Public Hearing; and

WHEREAS, City Council adopted File RLH RR 14-18 on September 24, 2014 granting a stay of enforcement of RLH RR 13-62 for 180 days; and

WHEREAS, a request was made to the City Council to review this case again and consider granting an additional stay of enforcement; and

WHEREAS, the Legislative Hearing Officer conducted hearings on August 25, 2015 and September 8, 2015 to review this request; and

WHEREAS, the Legislative Hearing Officer considered the owner's request in the context of the following:

1. Provision of a detailed work plan with timelines, or in lieu of a work plan, a sworn construction statement - noting that a certificate of occupancy from the city's building official shall be the measure used in determining whether the building has been rehabilitated and the nuisance and dangerous conditions have been abated;
2. Evidence of financing adequate to rehabilitate the building,
3. Posting of a \$10,000 performance deposit with the Department of Safety and Inspections;
4. Payment of outstanding property taxes and
5. Ongoing maintenance of the property.

WHEREAS, the Legislative Hearing Officer recommends the Council deny the request for a stay of enforcement of Council File RLH RR 13-62 ordering the rehabilitation or razing and the demolition of the structures at 929 SEVENTH STREET WEST within 180 days after the March 5, 2014 City Council Public Hearing based on the following findings:

1. a work plan was not presented - the items presented were not adequate to apply for a building permit and no timeline or other details were provided - noting that the application for permits to execute the building's rehabilitation will be used to substitute for a code compliance inspection report, given the building is a completely gutted building with structural problems;
2. evidence of financing to execute a rehabilitation was not presented and no specific bid for the rehabilitation was presented - which would be the foundation for determining the level of financing required;
3. although a pre-approval of funds for the project was provided, no actual loan agreement was executed or is likely to be executed, as the property is not in the name of Hank Hanten, the prospective owner of the property;

4. the fee simple and tax owner of the property continues to be Andre Stouvenel, who was reported to have defaulted on his loan agreement, although no evidence of a default on a loan or contract was presented. Although Hank Hanten indicated his brother, Thomas Hanten, would deed the property to him, no evidence showing Andre Stouvenel has transferred the property to Thomas Hanten was presented subsequent transfer of ownership from Andre Stouvenel to Thomas Hanten. This transfer is necessary to the proposed transfer of ownership from Thomas Hanten to Hank Hanten, who proposes now to rehabilitate the building;
5. the property has been and continues to be marketed as an "as is" property with an unclear title, which is incongruous with the stated current intentions to follow through with actions to abate the nuisance and dangerous conditions of this building, as it has been in its current state since the time the city issued an order to Abate Nuisance Conditions on October 1, 2013; all of this with the Order to Abate the Nuisance and Dangerous Conditions of 929 Seventh Street West which will result in the building's demolition for non-compliance;

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter, denying a stay of enforcement of Council File RLH RR 13-62 ordering the rehabilitation or razing and the demolition of the structures at 929 SEVENTH STREET WEST within 180 days after the March 5, 2014 City Council Public Hearing; and be it

RESOLVED, the Saint Paul City Council hereby affirms its direction to the Department of Safety and Inspections to abate the nuisance and dangerous conditions by removal of the structures and also instructs the department to wait 30 days before commencing demolition.