



Legislation Text

File #: RLH RR 23-18, **Version:** 7

Fourth Making finding on the appealed substantial abatement ordered for 318 EDMUND AVENUE in Council File RLH RR 21-11. (Public hearing closed, laid over from August 16, 2023)

AMENDED 1/10/2024

WHEREAS, the City Council adopted RLH RR 21-11 on August 4, 2021 which granted 180 days to repair the structure, correct all of the deficiencies listed in the Order to Abate Nuisance Building and the Code Compliance Report at 318 Edmund Avenue; and

WHEREAS, the Legislative Hearing Officer reviewed this case on April 11, 2023 to determine if the owner and/or responsible party abated the nuisance conditions and found these conditions were not abated with building inspections reporting the rehabilitation is 55% complete after reviewing permit status and inspecting the building; and

WHEREAS, the Legislative hearing Officer also found that the work was 45% six months earlier when this order was reviewed for City Council; and

WHEREAS, no plans or financing to execute the plans were forthcoming at or subsequent to the April 11, 2023 Legislative Hearing, which the property owner did not attend; and

WHEREAS, the Legislative Hearing Officer found that history of the abatement efforts at this property did not make it likely that the nuisance condition would be abated by this owner, to wit

- 1) 318 Edmund Avenue has been a Registered Vacant Building since October 2012 and in January 2021 the Department of Safety and Inspections issued an Order to Abate a Nuisance Building within 30 days, for which there was no compliance, resulting in the department's referral to the City Council for issuance of an order for the rehabilitation or razing and removal of the property; and
- 2) order for the rehabilitation or razing and removal of the property of 318 Edmund Avenue was originally considered by the City Council April 21, 2021, and the owner was given 4 months to work with the Legislative Hearing Officer, over the course of 6 hearings, to provide acceptable plans and evidence of financing to execute those plans; and
- 3) August 4, 2021, the Council granted 180 days for the rehabilitation or razing and removal of the property; and
- 4) January 25, 2022 the Legislative Hearing Officer made the finding that the conditions were not abated and the plans and financing provided by the owner did not result in the completion of the rehabilitation; and
- 5) the City Council gave the owner 10 weeks, over the course of 3 Legislative Hearings and 5 City Council public hearings to provide acceptable new plans and evidence of financing to execute those plans; and
- 6) April 6, 2022, the Council granted 180 days for the rehabilitation or razing and removal of the property, if and additional \$5,000 performance deposit was posted, as allowable under Saint Paul Legislative Code Chapter 33 and this deposit was posted April 8, 2022; and
- 7) November 22, 2022, the Legislative Hearing Officer made the finding that the conditions were not abated, with building inspection staff reporting between 45% and 50% completion, thus the plans and financing provided by the owner did not result in the completion of the rehabilitation; and
- 8) January 4, 2023, the Council granted 3 months for the rehabilitation or razing and removal of the property, noting failure to comply will result in forfeiture of the \$10,000 performance deposit; and

- 9) April 11 ~~and April 25~~, 2023, the Legislative Hearing Officer made the finding that the conditions were not abated, with building inspection staff reporting between 55% completion, thus the plans and financing provided by the owner did not result in the completion of the rehabilitation; and

WHEREAS, the Legislative hearing Officer recommends the City Council forfeit the \$10,000 performance deposit per Resolution RLH RR 22-26 adopted January 4, 2023; and

WHEREAS, the Legislative hearing Officer recommends the City Council authorize the Department of Safety and Inspections to proceed with the abatement originally authorized by the City Council August 4, 2021;

WHEREAS, a Certificate of Code Compliance was issued by the Department of Safety and Inspections November 17, 2023 and therefore the Legislative Hearing Officer finds the nuisance/dangerous conditions have been abated; now, therefore, be it

RESOLVED, that the Saint Paul City Council adopts the findings of the legislative hearing officer that the nuisance condition is not abated; forfeits the \$10,000 performance deposit and authorizes the Department of Safety and Inspections to proceed with this substantial abatement.

- ~~1) forfeits \$5,000 of the \$10,000 performance deposit, requiring that money be replaced by an additional \$5,000; forfeits the \$10,000 performance deposit;~~
~~2) requires an outside, 3rd party contractor to manage completion of the project; and requires that this party provide a plan for the work to be completed, with deadlines, all of which must be approved by the City Council;~~
~~3) requires that the owner, Oudam Tea sign the 3rd party contract; and~~
~~4) refers the matter to Legislative Hearing on May 23, 2023, to review compliance with the Council requirements listed above.~~

and be it finally

RESOLVED, that the Saint Paul City Council confirms previous forfeiture of the \$10,000 performance deposit, finds that the nuisance/dangerous conditions have been abated and the matter resolved.