



Legislation Text

File #: RES 10-1338, **Version:** 2

Ordering the rehabilitation or razing and removal of the structures at 987 EUCLID ST within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

Amended 1/5/2011

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 wrecking and removal of a one and one-half story, wood frame duplex and its wood frame, detached shed located on property hereinafter referred to as the "Subject Property" and commonly known as 987 EUCLID ST. This property is legally described as follows, to wit:

Stinsons Sub Of B80 Lyman Day Lot 28 Blk 80

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 June 15, 2009, the following are the now known owners, interested or responsible parties for the subject property: Secretary Of Housing & Urban Development, c/o Best Assets, Minneapolis, 501 Marquette Ave Suite 1200, Minneapolis MN 55402-6400; Wilford & Geske, PA, 8425 Seasons Pkwy #105, Woodbury, MN 55125; Daytons 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 wreck and remove the structures(s) located on the Subject Property by November 5, 2010; and

WHEREAS, the enforcement officer has posted on September 27, 2010, 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, a hearing was conducted before the Legislative Hearing Officer of the City of Saint Paul City Council on December 14, 2010, at which time staff put the following information into the record:

1. This is a 1 1/2 story, wood frame, duplex with a wood frame shed on a lot of 4,792 square feet. According to the files, it has been a Vacant Building since June 11, 2009.
2. There have been three (3) Summary Abatement Notices since 2007 and one (1) Work Order issued for removal of tall grass and wee three (3) Summary Abatement Notices since 2009 and four (4) Work Orders issued for removing tall grass and weeds, improperly stored refuse, garbage and misc debris and boarding/securing.

3. A Code Compliance Inspection was done on September 27, 2010.
4. The Vacant Building registration fees have gone to assessment.
5. A \$5,000 performance deposit has not been posted with the Department of Safety and Inspections,
6. On September 23, 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 October 1, 2010 with a compliance date of November 5, 2010.
7. Ramsey County Taxation has placed an estimated market value of \$16,500 on the land and \$11,100 on the building. Real Estate taxes for the second half of 2010 are delinquent in the amount of \$2,209.68 plus penalty and interest.
8. Code Enforcement Officers estimate the cost to repair this structure to exceed \$75,000; the cost to demolish is estimated to be \$8,000 - \$15,000.
9. This building is an 1885 Victorian era house with a faceted side bay. The original full length front porch has been enclosed. There is a vacant lot next door so maybe some of these early properties have been removed already. Staff do not believe that the Dayton's Bluff Survey went out this far, but the 1983 survey work did cover this. One of the properties on this block made it into the final report. The exterior on this house does not rise to the same level of integrity that some of the other houses do that are nearby; however, there does seem to be a lot of interior features in tact; including the original trim; leaded glass transom window; turned railing in the stairwell, etc. Heritage Preservation staff report preliminarily that they would encourage rehabilitation, but do not think that this structure has merit on its own for designation, and notes there are no current plans to survey this area, although some houses nearby may be worthy of preservation.

WHEREAS, the Legislative Hearing Officer heard testimony from Phito Alcenat, the owner of the property about his plans to rehabilitate the structure;

WHEREAS, the Legislative Hearing Officer identified the following conditions which need to be met by December 27, 2010, in order for her to recommend on January 5, 2011 that the City Council lay the matter over so that a work plan could be developed for the rehabilitation:

1. the \$5,000 performance bond must be posted with the Department of Safety and Inspections;
2. the property taxes must be brought current;
3. financial documentation must be provided indicates the ability to complete the necessary repairs, and this documentation must include at least \$25,000 available by December 27, 2010 which can be used immediately to commence with the project (the Legislative Hearing Officer noted that evidence of additional financing will need to be provided within the following weeks);
4. an affidavit dedication the funds from an account for this project must be provided;
5. the property must be maintained.

WHEREAS, the Legislative Hearing Officer indicated if the above conditions were acceptably addressed, and the Council granted additional time for the development of a work plan, this plan must clearly indicate the following:

1. the timelines for the rehabilitation of the building and document the labor to be provided by the owner and others and the value to your labor;
2. the supplies to be provided by the owner which are already available for the project, and those which must be purchased and their value;
3. the accepted contractor bids for areas of the project which must be completed by a licensed contractor, per state and local code; and
4. the accepted contractor bids for asbestos removal.

WHEREAS, the Legislative Hearing Officer laid over this matter in Legislative Hearing to January 4, 2011 in order that a report on the completeness of these items be put into the record for Council consideration; and

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 wrecking 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, a hearing was held before the Saint Paul City Council on January 5, 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 987 EUCLID ST :

1. The Subject Property comprises a nuisance condition as defined in the Saint Paul Legislative Code;
2. That costs of wrecking 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 wreck 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 wrecking 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 ~~wrecking and removal of the structure(s) 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 wrecking 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 wreck 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 wrecked and removed by the City of Saint Paul, all personal property or fixtures of any kind which interfere with the wrecking 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.