



Legislation Text

File #: RLH RR 11-21, **Version:** 2

Ordering the razing and removal of the structures at 361 JENKS AVENUE within fifteen (15) days after the June 1, 2011 City Council Public Hearing.

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 361 JENKS AVE. This property is legally described as follows, to wit:

Coopers Addition W 1/2 Of Lot 33 And All Of Lot 32 Blk 1

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 29, 2010, the following are the now known owners, interested or responsible parties for the subject property: Pheng Xiong, 1371 Ames Avenue, Saint Paul MN 55106-3518; BankUnited FSB, 7815 NW 148th Street, Miami Lakes FL 33016; Maribella Mortgage, 3600 Minnesota Drive #650, Edina MN 55435; Dayton's 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 raze and remove the structures(s) located on the Subject Property by March 28, 2011; and

WHEREAS, the enforcement officer posted, on February 16, 2011, 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 to 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 May 10, 2011 at which time the following information was put into the record:

1. This building is a two-story, wood frame duplex with a detached two-stall garage on a lot of 4,792 square feet and has been vacant since April 23, 2009;
2. The current property owner is Pheng Xiong per Ramsey County records;
3. There have been ten (10) Summary Abatement Notices since 2009 and seven (7) Work Orders issued for garbage/rubbish, tall grass/weeds, and boarding/securing;
4. On February 2, 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 February 15, 2011 with a compliance date of March 28, 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 in the amount of \$1,100 are due and owing as of April 23, 2011. (To date, fees for 2011 have not gone to assessment.) Taxation has placed an estimated market value of \$14,000 on the land and \$35,100 on the building;

6. As of May 6, 2011, a Code Compliance Inspection has not been done and the \$5,000 performance deposit has not been posted;

7. Real Estate taxes for 2009 and 2010 are delinquent in the amount of \$8,543.86 plus penalty and interest. (Note: property is currently in forfeiture; redemption period ends July 1, 2011.);

8. Code Enforcement officers estimate the cost to repair this structure between \$30,000 and \$40,000; the cost to demolish exceeds \$10,000.

9. Heritage Preservation Commission (HPC) and Planning and Economic Development (PED) staff reported this worker's cottage was built in 1889 or 1890. It is a two-story Victorian era building but most of the detailing has been stripped and the eaves have been clipped. Originally, it was a wood-frame house; it has been stuccoed since. The form still relates to the surrounding buildings which are all of similar era. The integrity has been compromised; however, there still is an open porch. It is not in a survey area and it has not been surveyed in the past. Demolition will have no adverse effect.

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 razing and removing the structure in accordance with all applicable codes and ordinances within fifteen (15) days after the date of the Council Hearing; and

WHEREAS, a hearing was held before the Saint Paul City Council on June 1, 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 361 JENKS AVE:

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 wrecking and removal;
7. That this building(s) has been routinely monitored by the 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; Now, Therefore Be It

FINALLY 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 razing this structure 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 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.