



Legislation Text

File #: RLH RR 11-43, **Version:** 2

Ordering the razing and removal of the structure(s) at 736 CASE AVENUE within fifteen (15) days after the August 17, 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 one and one-half story wood frame duplex located on property hereinafter referred to as the "Subject Property" and commonly known as 736 CASE AVENUE. This property is legally described as follows, to wit:

Arlington Hills Add B4045 49 Lot 1 Blk 23

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 April 19, 2011, the following are the now known owners, interested or responsible parties for the subject property: Castlerock Reo 2 LLC, 45 Knollwood Rd, Elmsford NY 10523-2815; HSBC Bank USA, c/o Litton Loan Servicing LP, 4828 Loop Central Dr, Houston TX 77081-2212; Wilford & Geske, 8425 Seasons Pkwy #105, Woodbury MN 55125; Payne Phalen District 5 Planning 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 June 20, 2011; and

WHEREAS, the enforcement officer has posted on May 20, 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 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 July 26, 2011 at which time staff put the following information into the record:

1. This is a 1-1/2 story wood frame duplex on a lot of 4,792 square feet and has been vacant building since May 20, 2010;
2. The current property owner is Castlerock REO 2LLC per Ramsey County property records;
3. On April 26, 2011, 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 May 19, 2011 with a compliance date of June 20, 2011. As of this date, the property remains in a condition which comprises a nuisance as defined by the Legislative Code;

4. Taxation has placed an estimated market value of \$6,100 on the land and \$28,900 on the building. Taxes for the first half of 2011 are delinquent in the amount of \$850.50;
5. The Vacant Building fees were paid by assessment on June 20, 2010;
6. A Code Compliance Inspection was done on June 30, 2011. The \$5,000 performance bond has not been posted;
7. There have been ten Summary Abatement Notices since 2010 and ten Work Orders issued for boarding/securing, garbage/rubbish; grass/weeds, and snow/ice;
8. Code Enforcement officers estimate the cost to repair the structure to exceed \$50,000 and the cost to demolish exceeds \$10,000. DSI recommends removing the building within 15 days;
9. Heritage Preservation Commission (HPC) staff reported that the structure was built in 1884 on a corner lot. The original owner was Cage Beckendor. A one story addition was added to the east façade, asbestos siding was added and side and front porches were removed. It has gone through several alterations. It is in the Legacy Survey Area for Payne Phalen. It contributed to the context of the neighborhood; however, it would not merit designation on its own. Staff would encourage rehab as it is a corner property and does contribute to the context but not to an individual contribution.

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 August 17, 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 736 CASE AVENUE:

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 razing 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 razing and removing the structure(s) in accordance with all applicable codes and ordinances.

The razing and removal of the structure(s) 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.