

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-0486R

REPLACEMENT

RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE CERTAIN NUISANCES BY REMOVAL OF STRUCTURALLY UNSOUND BUILDINGS IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$260,000.

CITY PROPOSAL:

RESOLVED, that the council finds as follows:

(a) That the building official for the city of Duluth duly issued condemnation orders for structures located upon the parcels of land described below within the city of Duluth after determining that criteria of Section 10-3 of the city of Duluth Legislative Code was met in each case:

Parcel 1: 7445 East Superior Street, tax parcel number 010-0280-00590. Notification of order for condemnation for demolition to owner, Matthew Todd Christensen, publication in Duluth News Tribune August 6, 2010 and August 13, 2010; and

Parcel 2: 1624 Sundby Road, tax parcel number 010-2710-04555. Notification of order for condemnation for demolition to owner, Arrowhead Commercial Partners, delivered by registered mail on February 3, 2012; and

Parcel 3: 30 East Ninth Street, tax parcel number 010-1350-06290. Notification of order for condemnation for demolition to owner, Jason Lindelof, delivered by registered mail on June 28, 2012; and

Parcel 4: 614 North Seventh Avenue East, tax parcel number 010-3490-00110. Notification of order for condemnation for demolition to owner, Matthew E. Russell, delivered by registered mail on March 7, 2012; and

Parcel 5: 225 East Fourth Street, tax parcel number 010-0990-00290. Notification of order for condemnation for demolition to owner, Bellagrace Properties, LLC, delivered by registered mail on March 25, 2011; and

Parcel 6: 1117 West Second Street, tax parcel number 010-1160-00430. Notification of order for condemnation for demolition to owner, James R. Wilton, delivered by registered mail on September 10, 2010; and

Parcel 7: 6303 Nashua Street, tax parcel number 010-2660-02180.

Notification of order for condemnation for demolition to owner, James Olcott C. Etal., delivered by registered mail on March 25, 2011; and

Parcel 8: 641 North 59th Avenue West, tax parcel number 010-4520-09510. Notification of order for condemnation for demolition to owner, State of Minnesota for Adam D. Adams, delivered by personal service to Adam D. Adams in City Hall on May 2, 2012; and

Parcel 9: 17 South 63rd Avenue West, tax parcel number 010-4540-02030. Notification of order for condemnation for demolition to owner, Michael T. Priola, publication in Duluth News Tribune February 10, 2012 and February 17, 2012; and

Parcel 10: 21 East Ninth Street, tax parcel number 010-1350-09230. Notification of order for condemnation for demolition to owner, Harold Gooler A. Etal., publication in Duluth News Tribune February 10, 2012 and February 17, 2012; and

Parcel 11: 118 Fir Avenue, tax parcel number 010-1130-00280. Notification of order for condemnation for demolition to owner, James D. McCauley, delivered by registered mail on February 2, 2012; and

Parcel 12: 3607 Piedmont Avenue, tax parcel number 010-0265-00020. Notification of order for condemnation for demolition to owner, State of Minnesota C278 L35, delivered by registered mail to Saint Louis County Land Department on June 20, 2013;

Parcel 13: 1724 East Fifth Street, tax parcel number 010-1480-07450. Notification of order for condemnation for demolition to owners, Colin R. Kistner and Jeanni Bolte, delivered by registered mail on June 22, 2013.

(b) All such orders are now final; and

(c) The cost for demolition of the structures has been estimated to not exceed \$260,000, and there is a current unobligated balance in fund 110-132-1304-5453 in the amount of \$39,090.

BE IT RESOLVED, that pursuant to Section 10-3(b) of the city of Duluth Legislative Code the building official is authorized to:

(a) Proceed with the work ordered or to contract to have the work done, payable from Fund 110-132-1304-5453; and

(b) Should the sale of the salvage from such work exceed the cost of the demolition, the balance in excess of the cost shall be paid to the owner of said building or to such other persons as may by law be entitled thereto; and

(c) Submit to the city council a statement of the cost of such work for its further determination of the manner by which such costs shall be recouped as provided by Section 10-3(b) of the city of Duluth Legislative Code.

Approved:



Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

CONST SERV DWN:cs 9/13/2013

STATEMENT OF PURPOSE: This resolution identifies buildings that are subject to final demolition orders and authorizes the building official to take appropriate action for their removal. The council finds that these structures are substandard and constitute spot slum and blight conditions on the community. Buildings damaged or deteriorated in excess of 60% of their market value are subject to order to the owner for demolition within 30 days. Owners are notified via registered mail, or, if confirmed delivery is unsuccessful, through publication in the Duluth News Tribune on two dates. Owners are informed of their right to appeal to the Building Appeal Board within 15 days of receipts of the order. If appealed, the Board can grant up to 18 months additional time for rehabilitation if the appellant shows dedication of sufficient funds and has entered into a valid contract to complete the work within the prescribed time. Demolition orders are final when the appeal period has lapsed without the filing of an appeal or when an appeal has been granted but the given time has elapsed

without completion of repair and rehabilitation. Once a demolition order is final, the city council may direct the building official to proceed with the work ordered or to contract to have the work done.

Estimated cost for this work is an average of \$20,000 per building to include abatement of hazardous materials for a total of \$280,000. With a demolition account balance of \$39,090, approximately \$241,000 will need to be funded through other sources like community development block grants or other stipulated agreement. The city's costs for demolition are typically assessed against the property. Currently, about 215 buildings in the city are condemned for habitation and about 35 of those are condemned for demolition.

BUDGET INFORMATION: 110-150-1504-5453
CURRENT UNOBLIGATED AMOUNT: \$39,090
ESTIMATED COST OF DEMOLITION: \$260,000