

August 11, 2008

FAX COVER SHEET

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Send to: Problem Properties Unit Attention: Kelli and Gayla Facsimile: 612.673.3262	From: Laura A. Hage
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Total pages, including cover: 19

Comments:

400 - 31 st Avenue North

 Original to follow by mail Original will NOT follow by mail

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Sent Via Facsimile & U.S. Mail

August 11, 2008

Minneapolis Public Safety & Regulatory Services Committee Members
Attn: Beverly
307 S. 5th Street
City Hall
Minneapolis, Minnesota 55415
Facsimile: 612.673.3940

Problem Properties Unit
Notice of Appeal – Chapter 249
Attention: Kelli and Gayla
300 Public Service Center
250 South 4th Street
Minneapolis, MN 55415
Facsimile: 612.673.3262

Re: 400 – 31st Avenue North
PIN: 10-029-24-32-0036

Nuisance Condition Process Review Panel –
Objection to Recommendation to Uphold Director of Inspections
Order to Demolish

Dear Committee Members:

My office represents United Homes, Inc. in connection with the above matter, which is scheduled to be heard by you on Wednesday, August 13, 2008. United Homes submits this statement in support of its request that this Committee reject the Nuisance Condition Process Review Panel's recommendation to uphold the Director of Inspections' Order to Raze the home located at 400 31st Avenue North, which is attached hereto for your convenience.

On May 6, 2008, the Director of Inspections issued an Order to Raze and Remove the building located at 400 31st Avenue North in the City of Minneapolis. United Homes filed an appeal of this Order on or before May 27, 2008, and a hearing was held before the Nuisance Condition Process Review Panel on July 10, 2008.

At the hearing, United Homes presented to the Panel the following support and evidence for its position that it should be allowed to rehabilitate 400 31st Avenue North: United Homes purchased 400 31st Avenue North in April of 2008. United Homes has

recently purchased and rehabilitated several properties in North Minneapolis. After rehabilitating a property, United Homes finds suitable tenants, and provides the day-to-day maintenance of the property. United Homes is not an inactive landlord; rather, it shares the City's desire to rebuild the community and to protect its investments. At the time it purchased 400 31st Avenue North, the property was bank owned and had numerous code compliance violations that needed to be satisfied.

After purchasing 400 31st Avenue North a few months ago, United Homes applied for the necessary permits to rehabilitate the property, but was denied. The reason provided for the denial was that an Order to Raze was going to be issued. The inability to obtain the necessary permits prevented United Homes from immediately satisfying the outstanding code compliance issues.

On May 6, 2008, an Order to Raze and Remove Building was posted. The conditions leading to the Nuisance determination, as set forth on the Notice, are as follows:

1. This building was condemned on Oct 3, 2007 and now requires a Certificate of Code Compliance before it can be occupied.
2. This property has been determined to be substandard. There are 28 open housing orders in addition to the required engineer's evaluation.
3. This structure sustained a fire July 28, 2007 and no work has been done to repair the fire damage.

At the hearing, United Homes presented uncontested evidence that it has the financial wherewithal and commitment to satisfy each of the stated conditions leading to the Nuisance determination.

As set forth in the Order to Raze, there are certain adverse conditions related to the property that must be addressed. There are not, however, 28 as specified by the Notice and Order to Raze. On January 15, 2008, a Code Compliance report was issued delineating all conditions that needed to be satisfied before a Certificate of Code Compliance would be issued (attached hereto please find a copy of January 15, 2008 Code Compliance for your review). A careful review of this report shows that in addition to certain plumbing and heating work, in large part, only relatively minor repairs to be completed, such as:

1. Providing positive drainage away from the dwelling and remove vegetation growing against foundation;
2. Repair/replace rafters, adequate roof ventilation, and replace missing shingles;
3. Tuck pointing around chimney and masonry cap;
4. Repair/replace siding/stucco;
5. Repair any cracks in foundation;
6. Repair/replace windows; and
7. Repair/replace basement stairs.

The Code Compliance report repeatedly identifies the need for a structural engineer's evaluation to determine the true condition of the roof, walls, foundation footings, basement stairs and garage. The requirement was necessary because, not only was the preparer unable to view much of the property at the time of inspection, the preparer did not possess the expert qualifications to provide a structural evaluation.

Prior to the hearing, United Homes submitted a structural engineer's report from a licensed professional engineer, Bernie Stroh, P.E., of Stroh Engineering (attached hereto please find the report). Mr. Stroh reviewed the Code Compliance report, examined the interior and exterior of the property, and provided a detailed report addressing each structural concern raised in the report. It was his qualified opinion that the building was in "good and reparable structural condition" and that it did not have any "framing deficiencies or footing/foundation problems that would present any safety concerns for the restoration and rehabilitation of the building."

Mr. Stroh also attended the July 10, 2008 hearing and provided testimony to the Panel. Mr. Stroh testified that he is familiar with the Hawthorne neighborhood, and that the structure fit in well with the other structures in the community. He further concluded that there is no legitimate reason for 400 31st Avenue North to be demolished.

The Director did not provide any evidence contradicting the expert testimony on the issue of whether the building is structurally sound. Please note that the Findings submitted to this Committee for approval completely fails to address any of the evidence submitted on this issue.

Prior to the hearing, United Homes submitted a written estimate of the costs to rehabilitate the property. At the hearing, Noel Kleindl of United Homes testified that he has extensive experience rehabilitating properties. He also testified that: (1) United Homes could complete rehabilitation of the property in 30 - 60 days; (2) United Homes was committed to rehabilitating the property; (3) United Homes has the financial resources to complete the project; (4) even if the cost of the project doubled or tripled, United Homes could and would meet the financial needs necessary to timely complete the project; and (5) the fire damage to the property was fairly minimal, and would be completely abated as part of the rehabilitation. From his considerable experience in rehabilitating properties, he determined that the cost of repair would be \$28,750.00, plus the cost to tear down the garage.

The Director, on the other hand, offered an opinion that the cost of rehabilitation would be \$127,000 to \$147,000. This opinion is not supported by any facts or expert opinion. In fact, no one from the Problem Properties Unit inspected the interior of this property, which makes this capricious estimate worthless.

On August 8, 2008, the City provided my office with a copy of the written Findings of Facts, Conclusions, and Recommendations. The Panel's Recommendation completely ignores the evidence presented at the hearing reaching the conclusion that this Committee should uphold the Director's decision to demolish 400 31st Avenue North.

The Recommendation of the Panel appears to be based mainly on the cost of rehabilitation and statements made by neighbors. United Homes is a corporation with significant experience in rehabilitating similar properties, and has successfully rehabilitated several homes in the North Minneapolis area. Conversely, no one from the Director's office has even conducted an interior viewing of this property. Given the qualifications of United Homes and the Director's failure to submit any contradictory evidence or opinion, the evidence submitted by United Homes should not have been wholly disregarded by the Panel.

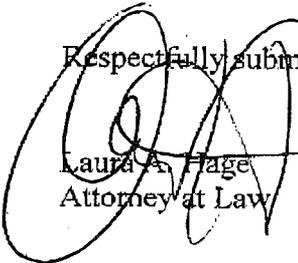
The Panel found that the cost of rehabilitation would be \$144,000 - \$182,500. The finding is \$20,000 - \$40,000 higher than the Director's guess as to cost of rehabilitation. Therefore, not only is there no credible evidence to support the Panel's finding, there is no evidence supporting the conclusion that this "cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the property." The Panel's determination is simply arbitrary.

The Panel also based its recommendation on the community impact statements issued by four neighbors to the property. Upon careful review of the statements, it is evident that the comments were, in part, directed at other properties and/or based upon conditions that would be alleviated upon the rehabilitation of the property. In fact, one of the impact statements recommends such rehabilitation. As such, this factor should not weigh so heavily in favor of demolishing the property.

If the evidence presented to the Panel was given due consideration, it would be readily apparent that a restoration agreement should have been reached and/or the Panel should have overturned the Director's Order to Raze and Demolish the home located at 400 31st Avenue North. It is difficult to fathom that in the face of a committed property owner's desire and capability to rehabilitate a home, a city would choose to raze a structure thereby making the value of the property to the owner worthless. This is not a case where you have an absent landlord, or a property owner that created a nuisance by ongoing illegal activities and/or simply allowed the structure to remain in a state of disrepair so long that the City was left with no choice but to demolish. Here you have a new owner who is committed to restoring the building, and shares Minneapolis' desire to rebuild this community. To discourage future investment in North Minneapolis based upon a recommendation wholly unsupported by evidence will certainly have a chilling effect on this goal.

For the above reasons, United Homes requests this Committee to reject the recommendation of the Nuisance Condition Process Review Panel and allow it the opportunity to rehabilitate its property.

Respectfully submitted,


Laura A. Hage
Attorney at Law

Cc: United Homes, Inc.

**CITY OF MINNEAPOLIS
NUISANCE CONDITION PROCESS REVIEW PANEL**

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 400 31st Avenue N.
Minneapolis, Minnesota.**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

This matter came on for hearing before the Nuisance Condition Process Review Panel on July 10, 2008 in City Council Chambers located in Minneapolis City Hall. Board Chair Burt Osborne presided and other board members present included Patrick Todd, Bryan Tyner and Geri Meyer. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Tom Deegan represented the Inspections Division. The Laura Hage, Attorney at Law, was present and represented the owner United Homes, Inc. Phil and Noel Kleindl of United Homes, Inc. were present with structural engineer Bernie Stroh. Also present were Jeff Skrenes from the Hawthorne Neighborhood Council and Pam Patrick, a neighborhood resident. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. 400 31st Avenue N. is a single family dwelling in the Hawthorne neighborhood. The building was built in 1914 and has three bedrooms and two bathrooms. The building is 1,336 square feet and sits on a 4,756 square foot lot.
2. The property located at 400 31st Avenue N. sustained a fire on July 28, 2007, that severely damaged the building. The property was condemned for being a boarded building on October 3, 2007, and added to the City's Vacant Building Registration on October 4, 2008.
3. The Assessor rates the overall building condition as poor and uninhabitable.

4. The Inspections Division of the City of Minneapolis determined that the property at 400 31st Avenue N. met the definition of a Nuisance under Minneapolis Code of Ordinances (hereinafter "M.C.O.") § 249.30. The applicable sections of M.C.O. § 249.30. provide that (a) *A building within the city shall be deemed a nuisance condition if:*

(1) *It is vacant and unoccupied for the purpose for which it was erected and for which purpose a certificate of occupancy may have been issued, and the building has remained substantially in such condition for a period of at least six (6) months.*

(2) *The building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, or the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty (60) days.*

(4) *Evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building*

5. Pursuant to M.C.O. § 249.40(1) the building was examined by the Department of Inspections to ascertain whether the nuisance condition should be ordered for rehabilitation or demolition. Considering the criteria listed in M.C.O. § 249.40(1) the Inspections Department found:

a. The estimated cost to rehabilitate the building is \$144,000 - \$182,500, based on the MEANS square footage estimate. The assessed value of the property is

\$64,200 (2008). In 2007 the assessed value was \$105,200. The decreased value was the result of the damage from the fire.

b. The Preservation and Design Team staff conducted a historic review of the property finding that the property does not have historic integrity and the demolition will have little or no adverse impact on historical neighborhood context. The Team has signed off on the wrecking permits.

c. The Hawthorne Neighborhood and the owners within 350 feet of 400 31st Avenue N. were mailed a request for a community impact statement. The Department of Inspections received five in return. Four statements referred to the negative impact of the house, stated that it does not fit the housing needs of the neighborhood and asked that it be demolished. One statement referred to the fire at the property and said it was in need of demolition. One statement referred to the property as a "piece of junk not worth saving." One statement referred to drug dealing and shootings related to the property.

d. The vacant housing rate in the Hawthorne neighborhood was around 3% according to the 2000 census; the foreclosure crisis in North Minneapolis has probably made that number higher. Of the approximately 924 houses on the city's Vacant Building Registration, 132 are in the Hawthorne neighborhood alone, a neighborhood of approximately 1,853 housing units.

6. Yulanda R. Mitchell purchased the property located at 400 31st Avenue N. on October 13, 2006, for \$153,000. Ms. Mitchell defaulted on her mortgage and a Sheriff's Foreclosure sale was set for October 1, 2007. At the Sheriff's sale Mortgage Electronic

Registration Systems, Inc. purchased the property for \$21,250. United Homes, Inc. purchased the property in the spring of 2008.

7. The property at 400 31st Avenue N. was subject to a fire on July 28, 2007, and was boarded as a result of the fire. The boards were not removed and the building was condemned for being a boarded building on October 3, 2007, and placed on the Vacant Building Registration on October 4, 2007.

8. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Demolish was mailed on May 6, 2008, to Mortgage Electronic Registration Systems, Inc.; Saxon Mortgage Services; Kurt Christensen of Coldwell Banker Burnet and Reiter & Schiller P.A., the law firm that handled the foreclosure. On May 27, 2008, Laura Hage, the attorney representing United Homes, Inc., filed an appeal of the Director's Order to Demolish stating that United Homes had recently purchased the property and wished to rehab the property and begin renting it. United Homes' appeal also included an engineer's report from Bernic Stroh, a licensed engineer stating that the building was in sound structural condition.

9. At the July 10, 2008, hearing Mr. Noel Kliendl along with Counsel Laura Hage appeared and requested that United Homes be given an opportunity to rehab the property. Mr. Kliendl submitted an estimate on repairs to the home in the amount of \$30,000 including lighting for the entire house at \$1,000.

10. Photos of the interior of the property show a house in total disarray with extensive damage, which would set the price of rehabilitation much higher than the \$30,000 estimate submitted by United Homes and more along the lines of the estimate of \$144,000 - \$182,500 submitted by the Department of Inspections.

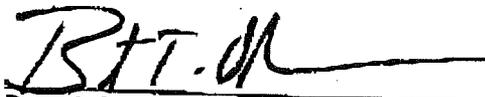
CONCLUSIONS

1. The building located at 400 31st Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(1) as the building is vacant and unoccupied for the purpose for which it was erected and the building has remained in such a condition for a period of at least six months.
2. The building located at 400 31st Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(2) as the building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, and the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty days.
3. The building located at 400 31st Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(4) as evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.
4. Pursuant to M.C.O. § 249.40 *Abatement of nuisance condition*, the Director of Inspection's recommendation to raze the building located at 400 31st Avenue N. is appropriate. The building meets the definition of a nuisance condition as defined by M.C.O. § 249.30 and a preponderance of the evidence, based upon the criteria listed in M.C.O. § 249.40, demonstrates that razing the building is appropriate. The building sustained a fire nearly one year ago and the

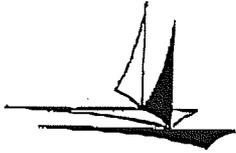
property has remained vacant and boarded building and becoming a nuisance in the neighborhood as attested to by the neighborhood impact statements and the testimony of the neighborhood residents.

RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 400 31st Avenue N., Minneapolis, Minnesota be upheld.



Burt Osborne
Chair,
Nuisance Condition Process Review Panel



MISSION
 Working to ensure the safety, health, and livability of our community through regulation, enforcement, information, and education of applicable laws and regulations.

City of Minneapolis
INSPECTIONS DIVISION

250 South 4th Street Room 300
 Minneapolis MN 55415

PHONE: (612) 348-5800
 FAX: (612) 673-2267
 TTY: (612) 673-3300

To: Laura Hage Fax: 651-690-1599
 Company: Hage Law Office Phone: _____
 From: Mrs PPU Date: _____
 Re: 400 31st Ave N # Pages: 7
Findings of Fact w/cover

PLEASE REVIEW _____

PLEASE COMMENT _____

NOTES/COMMENTS

INFORMATION WILL ALSO BE SENT:

US Mail Hand Carried Interoffice



NOTICE OF VIOLATIONS
REQUIRED CODE COMPLIANCE INSPECTION

DATE: JANUARY 15TH, 2008
ADDRESS: 400 31ST AVENUE NORTH
OWNER/AGENT: KURT CHRISTENSEN
COLDWELL BANKER BURNET
941 HILLWIND ROAD
FRIDLEY MN 55432

SECTION ISSUING ORDERS: BUILDING **INSPECTOR: NEWHAM FOR FLANDERS** 612-685-3319

Our inspection revealed that the following violations exist on this property. You are required to post a deposit (CASHIERS CHECK) of two thousand dollars (\$2,000.00) with the Inspections Division before permits will be issued. All work must be completed and the Certificate of Code Compliance issued within six (6) months of the deposit date OR such deposit shall be forfeited. Further, if this building is subject to a pending Chapter 249 proceeding, the completion date shall be that specified for completion in the Chapter 249 Notice, notwithstanding any other provision stated above.

NOTE: Separate permits are required for all electrical, plumbing, gas, oil, heating, ventilation, refrigeration, building, & plastering work.

1. Exterior grade around foundation for proper drainage.	<ul style="list-style-type: none"> • PROVIDE PROSITIVE DRAINAGE AWAY FROM DWELLING. IRC SECTION 401. • REMOVE ALL VEGETATION GROWING AGAINST FOUNDATION.
2. Roof (leaks, flashing, decking, shingles, etc.)	<ul style="list-style-type: none"> • ROOF PARTIALLY OBSCURED WITH SNOW. SUBJECT TO FURTHER ORDERS. UNABLE TO VIEW CONDITION OF ROOF SUPPORT SYSTEM. STRUCTURAL ENGINEER TO EVALUATE AND REPORT. • REPAIR/REPLACE ROOF AS NEEDED, INCLUDING DECKING, FLASHING AND ROOF VENTILATION. R903, 904, 905 (ASPHALT SHINGLES) R806 • REPAIR/REPLACE FLASHING, ROOF FLASHING AT DORMER SIDEWALLS AND CHIMNEY INADEQUATE. • REPAIR/REPLACE RAFTERS. • SHINGLES CURLING/MISSING, NEW ROOF SHINGLES REQUIRED. • ROOF VENTILATION REQUIRED, ROOF VENTILATION IS NOT ADEQUATE.
3. Masonry chimney. (tuck-pointing, proper height, mortar)	<ul style="list-style-type: none"> • UNABLE TO VIEW EXISTENCE OF MASONRY CHIMNEY CAP, OR EXISTENCE/INTEGRITY OF CHIMNEY FIREBLOCKING. MAKE THE NECESSARY REPAIRS TO INCLUDE THE ITEMS LISTED BELOW: • TUCKPOINTING REQUIRED AROUND CHIMNEY WITH FLASHING. • MASONRY CAP REQUIRED. • CHIMNEY FIREBLOCKING IS REQUIRED. R1003.19 • REPAIR CHIMNEY AS NEEDED.
4. Retaining walls.	<ul style="list-style-type: none"> • N/A
5. Other exterior items. (structure, steps, porch)	<ul style="list-style-type: none"> • REPAIR/REPLACE DAMAGED/MISSING SIDING/STUCCO. • REPAIR/REPLACE DAMAGED SOFFITS, FASCIA.
6. Building footings and foundations.	<ul style="list-style-type: none"> • UNABLE TO VERIFY EXISTENCE/INTEGRITY OF BUILDING FOOTINGS. STRUCTURAL ENGINEER EVALUATION/REPORT IS REQUIRED.
7. Foundations (tuck-pointing, buckling, settlement).	<ul style="list-style-type: none"> • REPAIR ANY CRACKS IN FOUNDATION.
8. Floor slabs. (oversized cracks, heaving, or sinking).	<ul style="list-style-type: none"> • OK AT TIME OF INSPECTION.
9. Basement or crawl space ventilation, light. (operable windows, etc..)	<ul style="list-style-type: none"> • REPAIR/REPLACE BASEMENT WINDOWS. BASEMENT WINDOWS BOARDED AND BROKEN. • UNFINISHED BASEMENT WITH 7 FOOT ¾ INCH CEILING HEIGHT.
10. Columns. (condition of base, proper footings, plumb).	<ul style="list-style-type: none"> • STRUCTURAL ENGINEER EVALUATION/REPORT REQUIRED ON THE CONDITION OF THE COLUMNS INCLUDING PROPER FOOTINGS.
11. Beams. (level, proper support at each end and columns, positive connection).	<ul style="list-style-type: none"> • STRUCTURAL ENGINEER EVALUATION/REPORT REQUIRED ON THE CONDITION OF BEAMS. SOME APPEAR ROTTED; OTHERS HAVE IMPROPER SUPPORT AT ENDS. BEAM ENDS POCKETED INTO FOUNDATION (UNABLE TO VIEW).
12. Joists. (notches, bearing, undersized or over-spaced, level, hangers)	<ul style="list-style-type: none"> • STRUCTURAL ENGINEER EVALUATION/REPORT REQUIRED ON CONDITION OF FLOOR JOISTS. SOME APPEAR ROTTED AND HAVE BEEN SISTERED WITH NEW JOISTS. JOIST ENDS COVERED WITH CONCRETE IN-FILL AND CAN'T BE OBSERVED.

13. Subfloor.	<ul style="list-style-type: none"> REPAIR/REPLACE AS NECESSARY WHERE ROTTED AND/OR SOFT.
14. Stair structural members. (proper support at top and bottom)	<ul style="list-style-type: none"> BASEMENT STAIRS TO BE REPLACED AS BOTTOM OF STRINGERS ARE ROTTED AND THEY HAVE IMPROPER RISE/RUN.
15. Other interior items:	<p>A. Provide smoke detectors throughout including in each bedroom, hallway and on every level including the basement as required by code. Per IRC section R317.</p> <p>B. Provide required egress windows in all areas as required by code. Each bedroom shall have a window which meets the minimum requirements of the MHM Code. IRC section R310.</p> <p>C. Provide handrails/guardrails in all areas as required by code. Handrails shall be installed at all stairs; both interior/exterior in accordance with IRC sections R315. (handrails are required where there are 4 or more risers, and shall be continuous and have returned ends). Guardrails shall be installed at open sides(s) of stairs, including basement (R316)</p> <p>D. Safety glazing in all areas as required by code. Including tub areas and landings. Any windows which are replace must meet the applicable safety glazing requirements of IRC section R308 (examples are shower/tub areas, in stairways, and adjacent to doors).</p>
16. Garage structure (siding, roof, trim, doors)	<ul style="list-style-type: none"> UNABLE TO ACCESS GARAGE. APPEARS TO NEED SIGNIFICANT REPAIR. STRUCTURAL ENGINEER TO EVALUATE/REPORT IF GARAGE IS TO BE SAVED.
17. Garage floor	<ul style="list-style-type: none"> UNABLE TO ACCESS GARAGE. APPEARS TO NEED SIGNIFICANT REPAIR. STRUCTURAL ENGINEER TO EVALUATE/REPORT IF GARAGE IS TO BE SAVED.
	MULTIPLE DWELLINGS OR COMMERCIAL BUILDINGS (items 1 thru 17 above)
18. Fire doors and stair shafts.	<ul style="list-style-type: none"> N/A
19. Rated corridors, doors, and closers.	<ul style="list-style-type: none"> N/A
20. Exit signs and exit illuminations.	<ul style="list-style-type: none"> N/A
21. Floor and wall penetrations.	<ul style="list-style-type: none"> N/A
22. Walls and ceilings rated separations.	<ul style="list-style-type: none"> N/A.
23. Commercial buildings exterior wall and trim maintenance.	<ul style="list-style-type: none"> N/A
24. Evidence of roof leakage or other maintenance items.	<ul style="list-style-type: none"> N/A
ADDITIONAL COMMENTS REQUIREMENTS:	<ul style="list-style-type: none"> ALL BROKEN AND/OR ROTTED WINDOWS SHALL BE REPAIRED OR REPLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE IRC SECTION R308 (SAFETY GLAZING AT SHOWER/TUB AREAS AND IN STAIRWAYS AND ADJACENT TO DOORS) IRC SECTION R308. REPAIR ALL FLOORS/WALLS/CEILINGS AND DOORS AS NEEDED. REPAIR/REPLACE ALL MISSING AND BROKEN GLASS. HANDRAIL/GUARDRAIL NEEDED FOR BASEMENT STAIRS.
Structural Engineer/plans required	STRUCTURAL ENGINEERS EVALUATION REQUIRED. SEE #2, #6, #10, #11, #12, #16 AND #17.
ZONING -612-673-5836	ZONED R2B, SINGLE FAMILY DWELLING.

OCCUPANCY OF THIS BUILDING IS NOT ALLOWED UNTIL ALL WORK IS COMPLETE AND A CERTIFICATE OF CODE COMPLIANCE HAS BEEN ISSUED.

OWNER/CONTRACTOR MUST BRING IN THIS COMPLETE SET OF CODE COMPLIANCE ORDERS WHEN APPLYING FOR THE BUILDING PERMIT.

ALL WORK ORDERS TO REMAIN ON JOB SITE

NOTICE OF VIOLATIONS
REQUIRED CODE COMPLIANCE INSPECTION

DATE: DECEMBER 21, 2007

ADDRESS: 400 31ST AVEN

OWNER: KURT CHRISTENSEN
COLDWELL BANKER BURNET
941 HILLWIND ROAD
FRIDLEY, MN 55432

SECTION ISSUING ORDERS: GAS/H.W.

INSPECTOR COURTNEY **PHONE NO** 685-8471

Our inspection revealed that the following violations exist on this property. You are required to post a deposit (CASHIERS CHECK) of two thousand dollars (\$2,000.00) with the inspections Division before permits will be issued. All work must be completed and the Certificate of Code Compliance issued within six (6) months of the application date for this inspection, or such deposit shall be forfeited. **FURTHER, IF THIS BUILDING IS SUBJECT TO A PENDING CHAPTER 249 PROCEEDING, THE COMPLETION DATE SHALL BE THAT SPECIFIED FOR COMPLETION IN THE CHAPTER 249 NOTICE, NOTICE, NOTWITHSTANDING ANY OTHER PROVISION STATED ABOVE.**

NOTE: Separate permits are required for all the electrical, plumbing, gas, oil, heating, ventilation, refrigeration, building, or plastering work **ALL WORK ORDERS TO REMAIN ON THE JOB SITE**

ALL WORK TO BE DONE BY LICENSED HEATING CONTRACTOR WITH PERMITS PULLED

- **INSTALL GAS TO FURNACE**
- **SAFETY CHECK FURNACE AS SAFE OPERATION**
- **AND OR REPLACE HOUSE HEAT WITH NEW TO CODE**

NOTICE OF VIOLATIONS
REQUIRED CODE COMPLIANCE INSPECTION

DATE: DECEMBER 21, 2007

ADDRESS: 400 31ST AVENUE NORTH

OWNER: COLDWELL BANKER BURNET
 941 HILLWIND ROAD
 FRIDLEY MN 55432

SITE CONTACT: KURT
 CHRISTENSEN

PHONE NO.: 612-414-8304

SECTION ISSUING ORDERS: PLUMBING

INSPECTOR: KARA TOPPER

PHONE NO.: 685-8489

Our inspection revealed that the following violations exist on this property. You are required to post a cash deposit of two thousand dollars (\$2,000.00) with the Department of Inspections before permits will be issued. All work must be completed and the Certificate of Code Compliance issued within six (6) months of the application date for this inspection, or within the approved extension date if so granted, or such cash deposit shall be forfeited to the City and all permits shall be cancelled.

FURTHER, IF THIS BUILDING IS SUBJECT TO A PENDING CHAPTER 249 PROCEEDING, THE COMPLETION DATE SHALL BE THAT SPECIFIED FOR COMPLETION IN THE CHAPTER 249 NOTICE, NOTWITHSTANDING ANY OTHER PROVISION STATED ABOVE.

NOTE: Separate permits are required for all the electrical, plumbing, gas, oil, heating, ventilation, refrigeration, building or plastering work.

WATER SERVICE: <small>CODE SECTION: MINNESOTA CODE OF ORDINANCES SECTION 409</small>	INSTALL TO CODE.
WATER PIPING: <small>CODE SECTION: MINNESOTA PLUMBING CODE SECTION 4715.1730</small>	SOME PIPING MISSING - REPLACE ALL WATER PIPING TO CODE AS NEEDED.
WASTE & VENTS: <small>CODE SECTION: MINNESOTA PLUMBING CODE SECTIONS 4715.0200 AND 4715.1370 TO 4715.2660</small>	FIRE IN HOME - ALL DRAIN / WASTE / VENT ABOVE GROUND NEEDS TO BE REPLACED.
SILL COCKS: <small>CODE SECTION: MINNESOTA PLUMBING CODE SECTIONS 4715.1000</small>	INSTALL TO CODE.
FLOOR DRAINS: <small>CODE SECTION: MINNESOTA PLUMBING CODE SECTION 4715.1200</small>	INSTALL TO CODE.
LAUNDRY TRAY: <small>CODE SECTION: MINNESOTA PLUMBING CODE SECTION 4715.1360</small>	INSTALL TO CODE.
KITCHEN SINK: <small>CODE SECTION: MINNESOTA PLUMBING CODE SECTION 4715.1390</small>	INSTALL TO CODE.
BASIN: <small>CODE SECTION: MINNESOTA PLUMBING CODE SECTION 4715.1370</small>	BOTH MISSING - INSTALL TO CODE.
BASEMENT WATER CLOSET: <small>CODE SECTION: MINNESOTA PLUMBING CODE SECTIONS 4715.1420 AND 4715.1430</small>	N/A.
BATHROOM WATER CLOSET: <small>CODE SECTION: MINNESOTA PLUMBING CODE SECTIONS 4715.1420 AND 4715.1430</small>	TOILETS ARE OKAY BUT NOT THE WATER SUPPLY, WASTE AND VENTING TO THEM.

BATHTUB / SHOWER:

CODE SECTION: MINNESOTA PLUMBING CODE SECTION 4715.1240.

BRING BOTH TUB / SHOWERS TO CODE. - TRAP ACCESS FOR TUBS REQUIRED. ANTI-SCALD PROTECTION REQUIRED ON SHOWERS.

WATER HEATER:

CODE SECTION: MINNESOTA FUEL GAS CODE (MFC), CHAPTER 4 & CHAPTER 8 AND MINNESOTA PLUMBING CODE SECTION 4715.1800.

REPLACE OR REPAIR TO CODE.

GAS PIPING:

CODE SECTION: MINNESOTA FUEL GAS CODE CHAPTER 4

REPLACE ALL GAS PIPING - ALL GAS PIPING IS RUSTED.

GAS RANGE:

CODE SECTION: MINNESOTA MECHANICAL CODE SECTION 504.

INSTALL TO CODE - MISSING BUT GAS LINE IS PRESENT.

DRYER:

CODE SECTION: MINNESOTA MECHANICAL CODE SECTION 504.

INSTALL TO CODE.

BOILER:

CODE SECTION: MINNESOTA PLUMBING CODE SECTION 4715.1940 (BACK-FLOW PREVENTER).

N/A.

GENERAL NOTES:

- 1) ENSURE INTEGRITY OF VENT AND WASTE SYSTEMS.
 - 2) SIZE ALL MISSING WATER PIPING TO CODE.
 - 3) REMOVE ALL UNUSED GAS PIPING.
 - 4) SECURE ALL WATER AND GAS PIPING.
 - 5) CAULK ALL FIXTURES.
 - 6) EACH FIXTURE IN EACH APARTMENT MUST HAVE SHUT-OFFS FOR WATER.
 - 7) ENSURE STACK AND FRONT MAIN CLEAN OUT'S.
 - 8) INSTALL APPROVED METER VALVES.
 - 9) ALL WATER HEATERS NEED TO BE VENTED TO AN INTACT LINER AND HAVE APPROVED SHUT-OFFS FOR GAS AND WATER TO BE INSTALLED.
 - 10) ALL OPEN VENTS AND SEWERS NEED TO BE CAPPED OR PLUGGED.
 - 11) ALL UN-VENTED FIXTURES NEED TO BE VENTED OR REMOVED.
 - 12) ALL BROKEN OR NON-CLEANABLE FIXTURES NEED TO BE REPLACED.
 - 13) BACK-FLOW PROTECTION TO BE INSTALLED WHERE NEEDED.
- ALL PLUMBING AND GAS WORK IS TO BE PERFORMED BY A LICENSED PLUMBING CONTRACTOR.

~~BERNIE STROH, P.E.~~

Stroh
ENGINEERING
STRUCTURAL CONSULTING

May 15, 2008

Mr. Phil Kliendl
United Homes
Minneapolis, MN

Re: Structural Inspection Report
400 31st Avenue North
Minneapolis, MN

Dear Mr. Kliendl:

As requested, I have recently completed an inspection of the property located at 400 31st Avenue North in Minneapolis. I have also reviewed the City of Minneapolis Inspections report citing the numerous code compliance violations for this property. This report summarizes my observations with regard to the structural condition of the property.

Roof Framing

The roof framing appeared to be in good structural condition. There was no evidence of any inadequate structural framing that would require remedial repair or replacement.

Upper Floor Framing

The upper floor framing appeared to be in good structural condition. The floors are uneven which is characteristic of older homes that have undergone some degree of normal differential footing and foundation settlement. I did not observe any structural framing deficiencies that would require remedial repair or replacement.

Main Floor Framing

The main floor framing is fully exposed in the unfinished basement ceiling. The main floor framing including the joists, beams and posts appeared to be in good structural condition considering the age of the house. I did not observe any significant deterioration of the joists, beams or posts. At one location near the stair opening, some minor repairs will be required in the floor joist framing. Some repairs had also previously been made to the floor joist framing with new joists sintered to the original joists. The framing appeared to adequate at these locations.

Foundation Walls

At the time of my inspection, the basement was dry and the poured concrete foundation walls appeared to be good structural condition. I did not observe any significant cracks in the foundation walls that would require any remedial repairs.

Structural Inspection Report
400 31st Avenue North
Minneapolis, MN

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Footings

Since the basement has a concrete floor slab, the footings are not exposed to view and obviously cannot be visually inspected. As a practical matter, structural engineers and housing inspectors rely on other visual evidence of foundation problems or inadequacies. Other than normal differential settlement, there was no evidence of any footing or foundation problems.

Basement Stairs

Basement stairs are in poor structural condition and should be replaced to code.

Detached Garage

The garage at the rear of the property is in poor structural condition and would require extensive work for safety and code compliance. My recommendation would be to demolish and remove the structure entirely including the slab foundation.

SUMMARY

In my professional opinion, the existing house is in generally good and repairable structural condition considering the age of the house. I did not observe any significant framing deficiencies or footing/foundation problems that would present any safety concerns for the restoration and rehabilitation of the building.

I agree to provide any additional structural engineering review and re-inspection of the house as necessary during construction and to provide a final report to the City of Minneapolis Inspections Department upon completion.

Please contact me with any questions or comments regarding this report or if I can be of any further service at this time.

Sincerely,

Stroh Engineering



Bernie Stroh, P.E.

