

**CITY OF MINNEAPOLIS**

**CITY COUNCIL**

**PUBLIC SAFETY & REGULATORY SERVICES COMMITTEE**

In Re: Minneapolis Code of Ordinances (MCO)  
Chapter 249 nuisance abatement proceeding  
At 3448 20<sup>th</sup> Avenue South

**FINDINGS OF FACT  
AND  
RECOMMENDATION**

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The above-entitled matter came before the Standing Committee on Public Safety and Regulatory Services of the Minneapolis City Council on May 17, 2006, in Room 317, City Hall, 350 South Fifth Street, Minneapolis, MN 55415. The matter was before the Committee for a public hearing pursuant to MCO Chapter 249 to consider abatement of an identified nuisance condition at the property located at 3448 20<sup>th</sup> Avenue South. The Committee now makes the following findings:

**FINDINGS**

1. The property located at 3448 20<sup>th</sup> Avenue South is an 89 year old, 4-unit apartment building owned by Mr. Donald Skay according to the title report dated April 7, 2006. Mr. Andrew Ellis is the taxpayer and landlord of record for the property.
2. On January 10, 2006, a major fire occurred at the property that destroyed the roof and heavily damaged the rest of the building. The City of Minneapolis Building Official made a determination that the building should be immediately razed because of safety concerns related to the remaining structural integrity of the property. Pursuant to a request by Mr. Ellis, a short extension of the demolition order was granted by the Building Official on the condition that the

structure be secured and a structural evaluation be done by a licensed professional.

3. A site inspection after the fire revealed significant major water damage to the property and a rotting rim joist and foundation on the southwest corner of the property, which caused the stucco to fall off the property and the foundation to crumble.
4. By letter order dated February 2, 2006, Inspections Division staff, Mr. Wayne Murphy, notified Mr. Ellis of the potential that the City may evaluate the property for nuisance abatement pursuant to MCO Chapter 249.
5. On April 10, 2006, the City condemned the property because it had been a vacant and boarded building without a roof since the fire and was unfit for human habitation. The property was deemed to be a nuisance condition pursuant to MCO § 249.30 and was placed on the City's Chapter 249 list to be considered for nuisance abatement by the City Council.
6. According to Zoning and Planning Department staff, the neighborhood vacancy rate is 2.9% for single-family residential and 5.8% for multi-family residential. The subject site is zoned R2B and the Comprehensive Plan land use classification is "low density residential."
7. According to Heritage Preservation Planning staff, the property does not warrant historic preservation protection pursuant to the Heritage Preservation regulations in MCO Chapter 599 because it has lost its historical integrity and does not appear to be historically significant based on architecture or

- historical association. Heritage Preservation Planning staff indicate that there would be no adverse effect if the property were razed.
8. According to the seventeen (17) neighborhood impact statements received by the City, this property has a negative impact on the neighborhood and its ability to attract future residents. All 17 neighborhood impact statements recommended razing the property. There is no evidence that the property can be put to use by the neighborhood.
  9. According to the Assessor's Office, the property has a rating of "7-Poor."
  10. Eleven (11) Inspections' violation orders have been issued since 2000 at this address pertaining to a failure to cut the grass, the removal of inoperable vehicles on site, and the failure to secure the necessary permits to do structural work on the property.
  11. The estimated market value prior to the fire was \$273,000.00. The Inspections Division (Problem Properties Unit) provided an estimate to rehabilitate the property at \$506,000.00 to \$576,800.00 based on a square footage estimate at union scale wages. The estimated after-rehabilitation market value of the property is \$262,000.00.
  12. The estimated cost to demolish the property is \$31,500.00 to \$38,450.00, plus the cost of asbestos removal.
  13. On April 21, 2006, written notice of this MCO Chapter 249 nuisance abatement public hearing was provided by certified mail to individuals with a demonstrated interest in the property, including Mr. Ellis. The notice indicated the date, time, and location of the public hearing. In addition, it notified the

recipient that they had a right to be represented by legal counsel at the hearing, the opportunity to review the Inspections Division files on this property prior to the hearing, the right to examine witnesses appearing at the hearing, the right to cross-examine witnesses at the hearing, the right to offer such evidence relating to the required decision of the City Council to either order rehabilitation or demolition of the property. A return receipt card signed by Mr. Ellis was received by the City on April 24, 2006.

14. On May 9, 2006, the property was placarded with a Notice of Public Hearing that prominently listed the date, time, and location of this May 17, 2006, nuisance abatement public hearing.
15. Notice of the MCO Chapter 249 nuisance abatement public hearing was published in the City's official newspaper, "Finance and Commerce," on April 27, 2006.
16. On May 15, 2006, Mr. Ellis submitted a document to the Inspections Division that provided the "estimated costs to repair the damage caused by the January 10<sup>th</sup> fire." The document estimated these repair costs at \$134,560. Inspections staff indicate that this estimate is undervalued and may not reflect all that would be required for a Code Compliance inspection and rehabilitation required by the Building Official after condemnation, include providing required fire sprinkler installations throughout the 4-unit complex.
17. The Inspections Division and Community Planning and Economic Development Department both recommend demolition of the property.

Therefore, based on the foregoing Findings of Fact, the Committee makes the following recommendation:

**RECOMMENDATION**

1. That the nuisance property located at 3448 20<sup>th</sup> Avenue South be demolished.
2. That these Findings and Recommendation be adopted by the City Council and made a part of the official record herein.