



## Request for City Council Committee Action from the Department of Regulatory Services

**Date:** February 28, 2011

**To:** Council Member Elizabeth Glidden, Chair – Regulatory, Energy, and Environment Committee

**Subject:** Court of Appeals decision regarding Order to Demolish 2222 4<sup>th</sup> St N

**Recommendation:** Refer matter to Nuisance Condition Process Review Panel to consider new information and make a recommendation regarding the nuisance status of the property

**Previous Directives:** January 9, 2009 – Stay demolition and authorize Restoration Agreement

December 4, 2009 – Rescind stay of demolition and order structure demolished

### Department Information

Prepared by: Ahna Minge (612) 673-3508

Approved by:

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Rocco Forté, Director of Emergency Preparedness & Regulatory Services

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Thomas Deegan, Director of Housing Inspections

Presenters in Committee: Kellie Jones

### Financial Impact

- No financial impact

### Community Impact

- City Goals
- Other

## **Supporting Information**

On January 9, 2009, the City Council voted to stay demolition of the structure and authorized staff to enter into a restoration agreement with the property owner.

The matter returned after staff determined the property owner had failed to meet the terms of the restoration agreement. On December 4, 2009 the Council voted to rescind the stay of demolition and uphold the Director's Order to Demolish the structure.

The property owner appealed this decision to the Minnesota Court of Appeals. The court reversed this decision based on the fact that the City Council did not have the authority to order the demolition of the structure because they did not issue a nuisance declaration in its December 4, 2009 action. The matter was remanded to the City Council.

In order to make a current nuisance declaration, new information will need to be considered (such as the structure of the property). Staff feels the Nuisance Condition Process Review Panel is the most appropriate venue for consideration of those facts.