

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

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**In the matter of the Appeal of  
Director's Order To  
Demolish the Property  
Located at 2222 4<sup>th</sup> Street N.  
Minneapolis, Minnesota.**

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

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This matter came on for hearing before the Nuisance Condition Process Review Panel on September 25, 2008, in City Council Chambers located in Minneapolis City Hall. Burt Osborne, chair, presided and other board members present included Patrick Todd, Bryan Tyner and Elfric Porte. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Brian Young and Wayne Murphy represented the Inspections Division. Mahmood Khan, owner of 2222 4<sup>th</sup> Street N., appeared on his own behalf. Based upon the Board's consideration of the entire record, the Board makes the following:

**FINDINGS OF FACT**

1. 2222 4<sup>th</sup> Street N. is a two-family home in the Hawthorne neighborhood. The 1 ½ story structure was built in 1900. Each unit has four rooms, including one bathroom and one bedroom. The building is 1,623 square feet, with 903 being the first floor and 720 being the second floor and 677 being the basement. The building sits on a 6,280 square-foot lot.

2. The property located at 2222 4<sup>th</sup> Street N. is in extreme disrepair. There are 27 open housing orders on the property, most as the result of the Code Compliance Inspection conducted in April 2008. The basement is moldy, there are holes in the walls, water damage shows on the ceilings throughout the house, kitchens and bathrooms have been trashed, the copper has been stripped and the roof is substandard.

3. The Assessor rates the overall building condition as fair but lists the building as uninhabitable.

4. The Inspections Division of the City of Minneapolis determined that the property at 2222 4<sup>th</sup> Street 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.*

*(3) Evidence, including but not limited to neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building; or*

*(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 \$129,843 to \$234,372 based on the MEANS square footage estimate. The assessed value of the property in 2007 was \$147,500; the 2008 assessed value is \$70,000, a drop of \$77,500.

b. The Preservation and Design Team staff conducted a historic review of the property finding that the property's historical integrity are impaired due to past work or current conditions, but the property still exhibits features and design that make the structure work rehabilitation; however, demolition is okay and the demolition permits have been signed and returned.

d. The Hawthorne Are Community Council and property owners within 350 feet of 2222 4<sup>th</sup> Street N. were mailed a request for a community impact statement. The Department of Inspections received three in return. All said the house has a negative impact on the neighborhood, does not fit the housing needs of the neighborhood and should be demolished.

d. The vacant housing rate in the Hawthorne neighborhood is around 9%. Of the approximately 944 houses on the city's Vacant Building Registration, 142 are in the Hawthorne neighborhood, a neighborhood of approximately 1,853 housing units.

6. Yong Yia Vue purchased the property located at 2222 4<sup>th</sup> Street N. on December 1, 2005; the property went into foreclosure; and a sheriff's sale was conducted on June 20, 2006,

with Deutsche Bank National Trust as Trustee for AMC Mortgage Services submitting the highest bid. The redemption period expired on December 20, 2007, and the property was put up for sale “as is.”

7. On July 17, 2007, the property was condemned for being a boarded building and added to the City’s Vacant Building Registration. The property has remained vacant and boarded since that time.

8. On April 1, 2008, a Code Compliance Inspection was ordered and paid for by Kyle White, the realtor attempting to sell the property. On June 25, 2008, the current owner, Mahmood Khan, purchased the property.

8. Taking into account the criteria listed in § 249.40(1) a notice of the Director’s Order to Raze and Remove was mailed on July 23, 2008, to AMC Mortgage Services, Inc.; Yong Yia Vue; Kyle White; Vang Phay; Argent Mortgage Co. and Shapiro, Nordmeyer and Zielke. On August 19, 2008, Mahmood Khan filed an appeal indicating “Code Compliance, will be brought up to code by licensed contractors.”

9. On September 22, 2008 Mr. Khan sent the Department of Inspections an estimate to rehabilitate the property at a cost of \$100,000 but was unable to meet with staff to discuss a restoration agreement detailing the proposed rehabilitation including timelines for completion.

10. Mr. Khan stated at the hearing that he plans to convert the building to a single family home with hope to provide housing to low-income families.

11. Mr. Habib Moghul spoke on the owner’s behalf and indicated that he has observed the owner do good work in rehabbing other houses in the city.

## CONCLUSIONS

1. The building located at 2222 4<sup>th</sup> Street 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 2222 4<sup>th</sup> Street N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(2) as 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 2222 4<sup>th</sup> Street N. meets the definition of a nuisance condition as set forth in M.C.O. § 249.30(a)(3) as evidence, including but not limited to neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building;

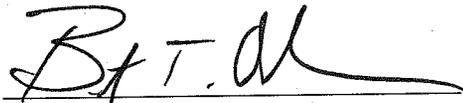
4. The building located at 2222 4<sup>th</sup> Street N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(4) as evidence clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.

5. Pursuant to M.C.O. § 249.40 *Abatement of nuisance condition*, the Director of Inspection's recommendation to raze the building located at 2222 4<sup>th</sup> Street 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 has been vacant and boarded for approximately one and a half years. This property has been neglected to the point that it has had a negative impact on the community and will continue to have a negative impact if it is not razed as attested to by the community impact statements submitted by neighbors requesting that the building be torn down.

### RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 2222 4<sup>th</sup> Street N. Minneapolis, Minnesota, be upheld.

A handwritten signature in black ink, appearing to read "Burt Osborne", written over a horizontal line.

Burt Osborne  
Chair,  
Nuisance Condition Process Review Panel