

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2016-48**

*A RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS CREATING A NUISANCE  
AND A HAZARDOUS PROPERTY EXISTING AT 8004 50<sup>th</sup> STREET NORTH, IN THE CITY OF  
LAKE ELMO*

**WHEREAS**, the property located at 8004 50<sup>th</sup> Street North, legally described as:

Lots Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Fifty-seven (57), Fifty-eight (58), Fifty-nine (59), Sixty (60), and Sixty-one (61), LANE'S DEMONTREVILLE COUNTRY CLUB, as surveyed and platted and now on file and of record in the office of the Registrar of Titles of Washington County, Minnesota

contains a single family dwelling (the "Subject Property"); and

**WHEREAS**, a physical inspection by the City Building Official of the Subject Property on May 12, 2016 found that the foundation has caved in and no longer supports the structure, siding, windows, soffits and fascia are rotting and have mold and water damage, there is exposed high voltage electrical wiring, and there are broken windows and doors; and

**WHEREAS**, by notice dated May 16, 2016, the owner was ordered by the City of Lake Elmo to repair these items; and

**WHEREAS**, the owner did not complete the repairs as required by the notice; and

**WHEREAS**, the City Building Official has determined that failing foundation, the exposed high voltage electrical wiring, the rotting windows, siding, soffits and fascia, and the broken windows and doors are a violation of Section 96.03(B)(10) of the City Code and create hazardous and nuisance conditions and that the City must perform all work necessary in order to abate the hazardous and nuisance conditions on the Subject Property unless the owner performs all work set out in the attached order; and

**WHEREAS**, Marysville LLC, the owner of the Subject Property has taken no steps to abate the hazardous conditions; and

**WHEREAS**, Minnesota Statutes Section 463.161 authorizes the governing body of any city or town to order the owners of any hazardous building within the municipality to correct or remove the hazardous condition; and

**WHEREAS**, Minnesota Statutes Section 463.15, subdivision 3 defines a "hazardous building" as "any building..., which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health;" and

**WHEREAS**, Minnesota Statutes Section 463.161 et seq. authorizes a city to correct or remove a hazardous condition of any hazardous building if the owner of record fails to do so after a reasonable time and the district court enters a judgment sustaining the city's order; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo as follows:

1. The house and garage located on the Subject Property, specifically the foundation, siding, soffits, fascia, exterior doors and windows, are hazardous as defined by Minnesota Statutes Section 463.15.
2. The house and garage also constitute a public nuisance within the meaning of Minnesota Statutes Section 609.74 and Section 96.03(B)(10) of the Lake Elmo City Code.
3. An Abatement Order substantially similar to that attached hereto as Exhibit A shall be served upon all parties with an interest in the Subject Property in order to effectuate this Resolution.
4. The City Attorney is authorized to take all necessary legal steps to secure compliance with the Order and to obtain authority to remove and abate the hazardous conditions on the Subject Property by court order or consent and assess the costs thereof against the Subject Property.

Passed and duly adopted this 21<sup>st</sup> day of June, 2016, by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk