

CITY OF SHAKOPEE, MINNESOTA

RESOLUTION R2023-088

RESOLUTION ORDERING THE SECURING OF VACANT BUILDINGS

WHEREAS, the City Council (“City Council”) of the City of Shakopee, Minnesota (“the City”) finds that each of the following buildings located at the below addresses are vacant and hazardous, because they are open to trespass and have not been secured, and that pursuant to Minn. Stat. § 463.251 the buildings could be made safe by securing them.

WHEREAS, each of the buildings and properties described herein are owned by Mark Elliot Homes, LLC.

WHEREAS, each of the buildings and properties described herein are part of a residential housing development where construction began, stopped prior to completion, and has left each of the buildings in various unfinished states.

2815 Trinity Drive

WHEREAS, the City Council finds that the building located at 2815 Trinity Drive, Shakopee, Minnesota (Scott County Parcel No. 275040740) is vacant and hazardous, because it is open to trespass and has not been secured, based on the following circumstances:

1. Construction of the building is incomplete, and no work has been done on the property for well over a year; and
2. The Property is a hazard because someone could enter the property and be hurt without the proper fall protection in place and no windows on the structure.

WHEREAS, the conditions regarding the building at 2815 Trinity Drive are more fully documented in the photographs taken by building City Official Nathan Buska on June 15, 2023, copies of which are attached to this resolution as **Exhibit A**.

WHEREAS, pursuant to Minn. Stat. § 463.251, the City Council finds the building could be made safe by securing the building.

2831 Trinity Drive

WHEREAS, the City Council finds that the building located at 2831 Trinity Drive, Shakopee, Minnesota (Scott County Parcel No. 275040730) is vacant and hazardous, because it is open to trespass and has not been secured, based on the following circumstances:

1. Construction of the building is incomplete, and no work has been done on the property for well over a year;
2. The building consists of a foundation and basement that are open to the elements; and
3. The Property is a hazard because someone could enter the property and fall into the unprotected foundation without the proper fall protection in place.

WHEREAS, the conditions regarding the building at 2831 Trinity Drive are more fully documented in the photographs taken by building Official Nathan Buska on June 15, 2023, copies of which are attached to this resolution as **Exhibit B**.

WHEREAS, pursuant to Minn. Stat. § 463.251, the City Council finds the building could be made safe by securing the building.

2843 Trinity Drive

WHEREAS, the City Council finds that the building located at 2843 Trinity Drive, Shakopee, Minnesota (Scott County Parcel No. 275040720) is vacant and hazardous, because it is open to trespass and has not been secured, based on the following circumstances:

1. Construction of the building is incomplete, and no work has been done on the property for well over a year; and
2. The Property is a hazard because someone could enter the property and be hurt without the proper fall protection in place and no windows on the structure.

WHEREAS, the conditions regarding the building at 2843 Trinity Drive are more fully documented in the photographs taken by building Official Nathan Buska on June 15, 2023, copies of which are attached to this resolution as **Exhibit C**.

WHEREAS, pursuant to Minn. Stat. § 463.251, the City Council finds the building could be made safe by securing the building.

2947 Trinity Drive

WHEREAS, the City Council finds that the building located at 2947 Trinity Drive, Shakopee, Minnesota (Scott County Parcel No. 275041220) is vacant and hazardous, because it is open to trespass and has not been secured, based on the following circumstances:

1. Construction of the building is incomplete, and no work has been done on the property for a significant period of time; and
2. The Property is a hazard because someone could enter the property and be hurt without the proper fall protection in place and no windows on the structure.

WHEREAS, the conditions regarding the building at 2947 Trinity Drive are more fully documented in the photographs taken by building Official Nathan Buska on June 15, 2023, copies of which are attached to this resolution as **Exhibit D**.

WHEREAS, pursuant to Minn. Stat. § 463.251, the City Council finds the building could be made safe by securing the building.

3016 Trinity Drive

WHEREAS, the City Council finds that the building located at 3016 Trinity Drive, Shakopee, Minnesota (Scott County Parcel No. 275041310) is vacant and hazardous, because it is open to trespass and has not been secured, based on the following circumstances:

1. Construction of the building is incomplete, and no work has been done on the property for well over a year; and
2. The Property is a hazard because someone could enter the property and be hurt without the proper fall protection in place and no windows on the structure.

WHEREAS, the conditions regarding the building at 3016 Trinity Drive are more fully documented in the photographs taken by building Official Nathan Buska on June 15, 2023, copies of which are attached to this resolution as **Exhibit E**.

WHEREAS, pursuant to Minn. Stat. § 463.251, the City Council finds the building could be made safe by securing the building.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shakopee, Minnesota as follows:

1. The recitals and findings set forth above are incorporated into this resolution.
2. That pursuant to the foregoing findings and in accordance with Minn. Stat. § 463.251, the City Council orders the owner of the properties be properly secured by taking the following actions:
 - a. The buildings located at **2815, 2843, 2947, and 3016 Trinity Drive** shall be secured against entry by temporarily boarding up all windows and either boarding up or locking all doors, so as to prevent access by trespassers, children, squatters, and thieves.
 - b. The buildings located at **2815, 2843, 2947, and 3016 Trinity Drive** shall each be posted with a prominent “No Trespassing” sign near each entrance to said building.
 - c. The property located at **2831 Trinity Drive** shall be secured by placing a temporary fence around the foundation, so that there is a buffer to prevent access to and falls into the basement by trespassers, children, squatters, and thieves.
 - d. The property located at **2831 Trinity Drive** shall be posted with a prominent “No Trespassing” sign on the side of the fence facing Trinity Drive.
3. That the owner, the owner’s agent, or the holder of the sheriff’s certificate of sale has six (6) days after the order is served to do one of the following:
 - a. Comply with this order.
 - b. Provide the City Council with a reasonable plan and schedule to comply with the order.
 - c. Request a hearing before the City Council challenging the Council’s determination that the property is vacant or unoccupied and hazardous.
4. That if the owner, the owner’s agent, or the holder of the sheriff’s certificate fails to comply with options outlined in Section 2 of this order, the City will take action to secure the building.

5. That all work must be completed in compliance with all applicable codes and regulations, pursuant to proper permits from the City.
6. That the holder of any sheriff's certificate has a duty under Minn. Stat. § 582.031, subd. 1(b) to enter the premises to protect it from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in Minn. Stat. § 582.032, subd. 7.
7. That if the City must take actions to enforce this order, all enforcement costs will be specially assessed against the properties and collected in accordance with Minn. Stat. §§ 463.251, 463.21, and 463.151.
8. That the City Attorney is authorized to serve this order upon the owner of the Properties or its registered agent, the holder of the sheriff's certificate of sale, and all lien holders of record.

Adopted by the City Council of the City of Shakopee, Minnesota this 18th day of July, 2023.

Mayor of the City of Shakopee

ATTEST:

Lori Hensen, City Clerk

Exhibit A
2815 Trinity Drive - Photos of the Property
Taken June 15, 2023



Exhibit B
2831 Trinity Drive - Photos of the Property
Taken June 15, 2023

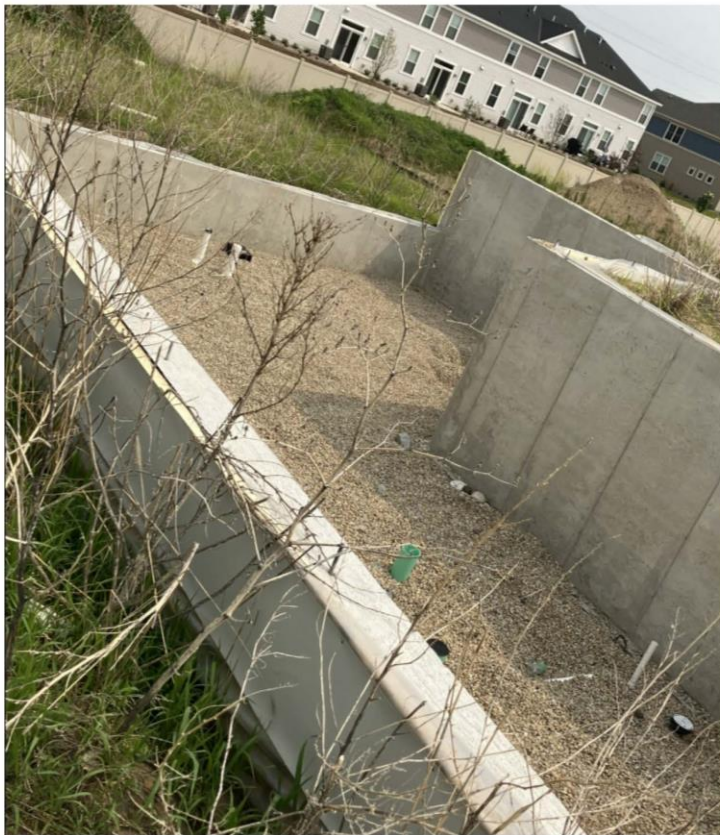


Exhibit C
2843 Trinity Drive - Photos of the Property
Taken June 15, 2023



Exhibit D
2947 Trinity Drive - Photos of the Property
Taken June 15, 2023



Exhibit E
3016 Trinity Drive - Photos of the Property
Taken June 15, 2023

