

RESOLUTION R2024-061

**A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA ORDERING THE
ABATEMENT OF A HAZARDOUS PROPERTY AND
BUILDING AND PUBLIC NUISANCES LOCATED AT 2405 JENNIFER LANE**

WHEREAS, the real property located at 2405 Jennifer Lane, Shakopee, Minnesota 55379 and legally described on the Exhibit A attached hereto, Scott County PID 271350021 (the “Property”); and

WHEREAS, the Property is located in the Residential District of the City of Shakopee (the “City”); and

WHEREAS, according to property records obtained by the City, the Property is owned by David W. Meyers and Marsha A. Meyers, husband and wife, as joint tenants (the “Owners”); and

WHEREAS, the Property contains a residential dwelling (the “Dwelling”), a detached steel garage, and a small outbuilding (collectively, the “Buildings”); and

WHEREAS, the Dwelling and the Buildings are not currently occupied by the Owners or any other occupant and have been vacant and unmaintained for several years; and

WHEREAS, an inspection of the Property revealed that the Buildings are in an extreme state of disrepair and revealed the following hazardous conditions:

- The Buildings have not been adequately maintained for several years;
- The Dwelling does not appear to have been used for dwelling purposes for several years;
- There are multiple holes in the exterior and roof of the Dwelling and therefore, the Dwelling is open to the environment and provides refuge for pests and vermin;
- Many of the windows on the Buildings windows have been broken out or are otherwise not in sound condition;
- There are unsecured doors on all of the Buildings;
- There is at least one inoperable vehicle and pieces of machinery on the Property that do not appear to have been moved for years;
- There are items of household furniture, household furnishings, appliances and parts of appliances, building materials, abandoned personal property, and other trash strewn about the Property both inside and outside of the Buildings; and

WHEREAS, the Property and the Buildings have become an attractive nuisance to children, a harborage for rodents, and an invitation to vandals and vagrants; and

WHEREAS, the City has communicated with the Owners on multiple occasions with regard to the repair or removal of the Buildings and the hazardous conditions on the Property;

WHEREAS, despite communicating with the Owners and providing the Owners the opportunity to repair or abate the hazardous conditions on the Property, the Owners have taken no steps to address the hazardous condition of the Buildings or the Property;

WHEREAS, the City has exhausted its efforts attempting to accommodate the Owners and has significant concerns about the hazardous conditions of the Building and the Property;

WHEREAS, Minnesota Statutes, section 463.15, subdivision 3 defines a “hazardous building or hazardous property” as “any building or property, 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, sections 463.16 and 463.17, authorize the City Council to order the owner of any hazardous building or property within the City to remove the hazardous conditions of the building or property or to raze or remove the building; and

WHEREAS, Minnesota Statutes, section 463.161 *et seq.*, authorizes a city to correct or remove a hazardous condition of any hazardous property or 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

WHEREAS, Minnesota Rules, section 1300.0180 defines a building as unsafe “if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life” and specifically deems all unsafe buildings as public nuisances that “must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26”, the Hazardous or Substandard Buildings state abatement statutes; and

WHEREAS, Minnesota Statutes, section 609.74, in addition to Shakopee City Code, section 130.11, deem it a public nuisance to maintain or permit a condition that unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of residents of the public; and

WHEREAS, Shakopee City Code, section 130.18, deems it a nuisance to “park or store any unlicensed, unregistered, or inoperable vehicle, furniture, household furnishings, or appliances or parts or components thereof on any property ... unless housed within a building”; and

WHEREAS, Shakopee City Code, section 111.08, deems it a nuisance to allow a building to remain vacant and unoccupied for the purpose for which it was erected, and for which a certificate of occupancy may have been issued, in substantially such a condition for a period of at least 6 months; and

WHEREAS, Shakopee City Code further authorizes the City to abate public nuisances; and

WHEREAS, to date, the Owner has failed to take any steps necessary to abate the hazardous conditions of the Buildings and the Property and has failed to cooperate with the City in response to the City’s efforts; and

WHEREAS, based on information presented, the City Council of the City of Shakopee finds that the condition of the Property and the Buildings, as summarized in this Resolution, is hazardous, unsafe, a danger to the health, safety, and general welfare of the citizens of the City, and a public nuisance, and therefore, said conditions must be abated in accordance with applicable state and local laws; and

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

1. The City Council adopts, as factual findings, all of the above recitals.
2. The Property and the Buildings are hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15 and unsafe, as that term is defined by Minnesota Rules, section 1300.0180.
3. The condition of the Property and Buildings also constitutes a public nuisance within the meaning of Minnesota Statutes, section 609.74, Minnesota Rules, section 1300.0180, and City Code sections 111.08, 130.11, and 130.18.
4. The City Attorney shall prepare an Abatement order substantially similar to that attached hereto as Exhibit B (the “Abatement Order”).
5. The City Attorney is authorized to take all necessary legal steps to effectuate service of this resolution and the corresponding Abatement Order in the manner required by law.
6. The City Attorney, along with City staff, is further authorized to take all necessary legal steps in order to secure compliance with the Abatement Order and may effectuate the securing of the Buildings and otherwise abate the hazardous conditions on the Property by either agreement with the Owner or by court order and subsequently assess the costs thereof against the Property in accordance with law.

Adopted by the City Council of the City of Shakopee, Minnesota this _____, 2024.

Mayor

ATTEST:

City Clerk

EXHIBIT A

Legal Description of the Property

All that part of Lots 1 and 2, Block 1, HUKRIEDE'S FIRST ADDITION, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota, lying East of the following described line:

Beginning at a point on the North line of said Lot 1, Block 1, HUKRIEDE'S FIRST ADDITION, distant 622.46 feet East of the Northwest corner, said point being the Southwest corner of Lot 13, Block 2, VALLEY CREEK CROSSING SECOND ADDITION, according to the record plat thereof; thence Southerly to a point on the South line of said HUKRIEDE'S FIRST ADDITION, distant 615.90 feet East of the Southwest corner thereof and said line there terminating, Scott County, Minnesota.

Parcel ID Number 271350021

EXHIBIT B

ABATEMENT ORDER

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SCOTT

FIRST JUDICIAL DISTRICT

Case Type: Other Civil

In the Matter of the Hazardous and Nuisance
Property and Building Located at 2405 Jennifer Lane,
Shakopee, Minnesota

**ORDER FOR ABATEMENT OF
HAZARDOUS AND NUISANCE
PROPERTY AND BUILDING**

TO: All owners, occupants, and lienholders of record.

The City Council of the City of Shakopee (the “City”) orders that within 30 days of service of this Abatement Order you abate the hazardous and nuisance conditions which currently exist on the property located at: 2405 Jennifer Lane, Shakopee, Minnesota, which property is legally described on Exhibit A attached to this Abatement Order (the “Property”), including those conditions related to the residential dwelling, the detached garage, and the outbuilding located on the Property (collectively the “Buildings”). As further detailed in this Abatement Order, such abatement shall occur either by (1) demolishing and removing the Buildings in their entirety and removing all remaining materials and personal property, or (2) by carrying out in full the list of items outlined below.

The City of Shakopee, pursuant to Minnesota Statutes Sections 463.15 to 463.261, finds the Buildings and Property located at the above-referenced property constitutes hazardous buildings and hazardous property within the meaning of Minnesota Statutes Section 463.15 subdivision 3, specifically due to the structural deficiencies and defects of the Buildings, the poor condition of the exterior, the broken windows and unsecured doors, inadequate roof covering, the

water intrusion and exposure to the elements, and the overall condition of the Buildings and Property.

Accordingly, it is hereby ORDERED that you abate the aforementioned conditions within 30 days of the date of service of this Abatement Order by either: (1) demolishing and removing the Buildings in their entirety and removing all remaining materials and personal property so as to restore the Property to a safe and vacant condition, or (2) by completing in full the following steps:

1. All Buildings located on the Property at 2405 Jennifer Lane shall be secured against entry by boarding up all windows and either boarding up or locking all doors so as to prevent access by trespassers, children, squatters, and thieves.
2. All inoperable or unregistered vehicles, machinery, furniture, household furnishings, building materials, appliances or parts or appliances, and any other personal property (collectively, the “Personal Property”) shall be removed from the Property or stored indoors.
3. If any Personal Property is retained on the Property, it shall be stored in a safe and legal manner in compliance with all applicable codes, so as not to unreasonably cause a danger of fire.
4. All work on the Property must be completed in compliance with all applicable codes and regulations, pursuant to proper permits from the City.

Certain work listed above may require building permits and you must first apply for and obtain any such permits required for the work you intend to perform from the appropriate City offices and any other entity with jurisdiction. This Abatement Order is not a permit. Further, all such work completed is subject to inspection by the City’s Building Official, Fire Inspector, or other City staff as may be required to ensure compliance with applicable laws, regulations, and this Abatement Order.

You are further advised that unless such corrective action is taken or an Answer is timely served on the City within 20 days of the date of service of this Abatement Order upon you, a motion for summary enforcement of this Abatement Order will be made to the Scott County District Court.

Finally, you are further advised that if you do not comply with this Abatement Order and the City is compelled to take corrective action, as authorized under law, all necessary costs incurred by the City in enforcing this Abatement Order will be assessed against the Property pursuant to Minnesota Statutes, section 463.21 and the Shakopee City Code. In connection to such assessment, the City further intends to recover all of its expenses incurred in carrying out this Abatement Order, including specifically but not exclusively, filing fees, service fees, publication fees, attorneys' fees, appraisers' fees, witness fees, including expert witness fees and traveling expenses incurred by the City from the time this Abatement Order was originally made pursuant to Minnesota Statutes, section 463.22 and the Shakopee City Code.

Dated _____, 2024

KENNEDY & GRAVEN, CHARTERED

By: _____
Joshua P. Weir (#0402328)
700 Fifth Street Towers
150 South Fifth Street
Minneapolis, MN 55402
(612) 337-9300

**ATTORNEYS FOR THE CITY
OF SHAKOPEE**

ACKNOWLEDGMENT

The undersigned acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, subd. 2, to the party against whom the allegations in this pleading are asserted.

Joshua P. Weir

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Parcel ID Number 271350021