

RESOLUTION NO. 22-65

A RESOLUTION ORDERING THE CORRECTION OF HAZARDOUS CONDITIONS AND FURTHER FOR THE ABATEMENT OF PUBLIC NUISANCES, SAFETY AND HEALTH HAZARDS WITH RESPECT TO THAT REAL ESTATE LOCATED AT 8064 GARFIELD STREET NE, SPRING LAKE PARK, MINNESOTA

WHEREAS, Minnesota Statutes §463.15 et seq 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 hazard to the public safety or health; and

WHEREAS, the correction of hazardous conditions and the abatement of public nuisances is necessary to protect the health, safety and welfare of the public by elimination of dangerous conditions, attractive nuisances and for the elimination of harborage for vermin, rats and other animals that may pose a danger to the public safety and health thereby providing for more sanitary and safe conditions and to further protect the integrity and desirability of neighborhoods; and

WHEREAS, the City of Spring Lake Park has adopted the State Building Code and International Property Maintenance Code and has nominated its Building Official to oversee local property compliance with the same; and

WHEREAS, Minnesota Statute §463.16 empowers the governing body of the City to order the owner of any hazardous building or property within the City to correct or remove the hazardous condition of the building or property or to raze or remove the building; and

WHEREAS, the City Building Official has learned of hazardous conditions on the property located at 8064 Garfield Street NE, legally described as:

Lot 26, Block 2, Spring Lake Estates, Anoka County, Minnesota, according to the recorded plat thereof

(the “Property”); and

WHEREAS, the fee owner of record of the Property is Peter Borowitz; and

WHEREAS, the residential home and garage on the Property and the premises are hazardous by reason of the following:

A thorough inspection of the interior and exterior of the home was completed on September 12, 2022 and the structure was determined to be a hazardous building. Water has been entering the dwelling through the failing roof and exterior wall system for a significant amount of time and has flooded the home. This has resulted in compromised floor surfaces that

are subject to collapse and visible mold. The dwelling has major damage from the elements. The garage and home are also open to entry of pests. The structural integrity of both structures has been compromised where there is a risk of collapse. The house and garage are not habitable and are structurally unsound. The home is without heat or plumbing. Rodent and insect infestation is evident. Human and animal waste accumulations are present. Excessive indoor storage and compromised points of ingress and egress pose a fire hazard; and

WHEREAS, the City has notified the owner of record that the Property is a hazardous building within the meaning of Minnesota Statutes §463.15 et seq and has ordered him to raze and remove the home and garage or otherwise abate the violations and remove all hazardous conditions on the Property; and

WHEREAS, the owner has not complied with said order; and

WHEREAS, the City Council of the City of Spring Lake Park adopts the findings of the Building Official in the reports attached hereto as Exhibit A and incorporated herein, as to the hazardous nature of the structure and the public nuisances existing thereon.

NOW, THEREFORE, the City of Spring Lake Park hereby **RESOLVES** as follows:

1. The foregoing recitals are adopted and incorporated herein as though set out in full.
2. The City Council finds that the single family home and garage at 8064 Garfield Street NE, Spring Lake Park, Minnesota are hazardous buildings because of the extensive damage caused by water intrusion, deferred maintenance, and unsanitary use. The structural integrity of both structures have been compromised where there is a risk of collapse. The home is not habitable and the premises contain an accumulation of debris and junk and the conditions thereon constitute a fire hazard and a public nuisance.
3. The abatement of the public nuisances and hazardous conditions at said premises is hereby ordered by the City Council of the City of Spring Lake Park as follows:
 - A. Immediate razing and removal of said dwelling (including the house and garage) or satisfactory and code-compliant repair of the dwelling and garage and further removal of all debris therefrom, within 30 days of the date of service of the Council's Order upon the owner.
 - B. Should the owner fail to satisfactorily raze and remove or satisfactorily repair the hazardous building and abate the conditions as laid out above, the City Administrator, Clerk/Treasurer is hereby authorized, upon an appropriate court order, to cause and carry out the abatement described herein and to perform all other tasks and functions reasonably incident thereto and to keep an accurate record of the cost of all actions and proceedings herein including administrative time, attorneys' fees, costs and disbursements, and all other costs of the enforcement of this Order; and to send a statement of such costs to the owner

who are directed herewith to pay the same.
C. The Council hereby approves the Order, attached as Exhibit B, and directs City staff to serve notice to the Property owner.

The foregoing Resolution was moved for adoption by Councilmember _____.

Upon Vote being taken thereon, the following voted in favor thereof _____
_____.

And the following voted against the same: _____.

Whereupon the Mayor declared said Resolution duly passed and adopted this the ____ day of _____, 2022.

Robert Nelson, Mayor

ATTEST:

Daniel Buchholtz, Administrator, Clerk/Treasurer

EXHIBIT A

Building Official Report

EXHIBIT B

ORDER

FOR THE CORRECTION AND ABATEMENT OF HAZARDOUS CONDITIONS AND FURTHER FOR THE ABATEMENT OF PUBLIC NUISANCES, SAFETY AND HEALTH HAZARDS WITH RESPECT TO THAT REAL ESTATE LOCATED AT 8064 GARFIELD STREET NE, SPRING LAKE PARK, MINNESOTA

The City Council of the City of Spring Lake Park, Minnesota, pursuant to Resolution No. 22-65 , a copy of which is available for review, upon request, at Spring Lake Park City Hall, hereby orders Peter Borowitz, within 30 calendar days of service of this Order, to either raze and remove the dwelling and the foundations and fill all excavations to grade with clean fill and to remove all junk, rubbish and debris from the premises or in the alternative, to repair and rebuild said dwelling and garage according to law at 8064 Garfield Street NE, Spring Lake Park, Anoka County, Minnesota 55432. These actions are necessary to address substantial water intrusion and damage, animal and insect infestation, unsound structural elements, unsanitary conditions, and excessive interior storage and blocked access creating a fire hazard, all as more particularly described in the above-referenced resolution. Further, if there is no compliance with this Order, a Motion for summary enforcement of this Order shall be made to the Anoka County District Court unless an Answer is filed herein within twenty (20) days of the date of service of this Order upon said parties pursuant to Minnesota Statute §463.18.

If no compliance with this Order shall have taken place or no Answer contesting this action filed herein or if such Answer is filed and the Court orders the enforcement of this Order, then the City of Spring Lake Park shall cause the dwelling and garage, and foundations and junk, rubbish and debris to be removed pursuant to Minnesota Statute §463.21 and City ordinances, with all costs thereof, including attorneys' fees and administrative costs, to be a lien against the real estate on which said building was located, said lien to be levied and collected as a special assessment in the manner provided by Minnesota Statutes Chapter 429 and the provision of Minnesota Statute §463.161.

CITY OF SPRING LAKE PARK

Dated: _____

Daniel R. Buchholtz, Administrator, Clerk/Treasurer