

RESOLUTION NO. 23-055

A RESOLUTION DECLARING A PUBLIC NUISANCE AT 9139 KIRKWOOD LANE NORTH AND ORDERING ABATEMENT AND THE ASSESSMENT OF COSTS

WHEREAS, City staff was alerted to an on-going issue regarding the illegal exterior storage of an excessive amount of material at 9139 Kirkwood Lane North in the City; and

WHEREAS, City staff inspected the properties on a number of occasions and photographed conditions as are visible from the right of way; and

WHEREAS, the City’s Zoning Enforcement Officer sent a series of notices of the Code violations to the owner of record and tenant of the properties on the following dates:

- May 27, 2021
- July 22, 2021
- September 16, 2021
- January 10, 2022
- February 8, 2022
- July 5, 2022
- July 20, 2022
- August 3, 2022
- August 19, 2022
- September 6, 2022
- October 6, 2022

The property remained out of compliance with zoning code requirements; and

WHEREAS, a final notice was issued October 19, 2022 providing until October 31, 2022 to correct code violations;

WHEREAS, that deadline expired on October 31, 2022 and no visible improvement has occurred since that time; and

WHEREAS, on December 1, 2022, a notice was sent via certified mail stating that abatement and material removal is recommended and will be considered by the City Council in 2023; and

WHEREAS, City staff believes it has exhausted its options for obtaining compliance without taking some additional steps beyond continued citations and fines; and

WHEREAS, City Code Section Sec. 26-4 addresses the abatement of nuisances:

On any premises, any accumulation of refuse not stored in containers which comply with this article, or any accumulation of refuse which has remained thereon for more than one week, is hereby declared to be a nuisance and may be abated by

order of the city, and the cost of abatement, together with a certification processing fee in the amount set forth in section 16-32, may be assessed on the property where the nuisance was found as provided by Minn. Stats. § 145A.08. This remedy shall be available both in addition to and as an alternative to the criminal penalties provided in section 1-13;

and

WHEREAS, Minn. Stat. § 145A.08, subd. 2(c) addresses assessment of costs to property tax rolls:

The cost of an enforcement action under section 145A.04, subdivision 8, may be assessed and charged against the real property on which the public health nuisance, source of filth, or cause of sickness was located. The auditor of the county in which the action is taken shall extend the cost so assessed and charged on the tax roll of the county against the real property on which the enforcement action was taken;

WHEREAS, upon approval of this resolution, staff will contact the property owner a final time to require correction of code violations no later than May 1, 2023, staff will order abatement with an exact date to be determined and notification of the same provided to the property owner; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF MAPLE GROVE, MINNESOTA, AS FOLLOWS:

- (1) The extreme conditions of unlawful outdoor storage of materials on the property located at 9139 Kirkwood Lane North, coupled with the inability or unwillingness of the person responsible to take steps to bring the property into compliance with City Code notwithstanding notice and forbearance of City staff, are a public nuisance.
- (2) City officials and staff are hereby authorized to take all necessary and prudent actions to abate the nuisance conditions located at 9139 Kirkwood Lane North and to take all necessary steps to assess the costs of such abatement on the properties for collection pursuant to City Code Sec. 26-4 and Minn. Stat. § 145A.08, subd. 2(c).

Passed by the City Council of Maple Grove, Minnesota this 20th day of March, 2023.

City Clerk