



Ratwik, Roszak & Maloney, P.A.

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April 3, 2009

Mr. Bill Malinen
City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113-1899

Mr. Pat Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113-1899

RE: *Condemnation of Buildings*
Our File No. 4002(1)-0001

Dear Bill and Pat:

I understand the Council on March 30 discussed dilapidated structures in Twin Lake. The Council requested general information on options available to the City to deal with the same.

Option One is to deal with the building as a nuisance under Chapter 407 of City Code. Under this chapter, buildings that are in poor condition can be addressed through the nuisance process. While this process is more common for residential properties, it has been utilized for commercial properties, ie the former Anderson Steakhouse next to Fuddrucker's at Snelling and County Road C.

Option Two is to deal with the property under the Hazardous Building Law, Minn. Stat. §§ 463.15-.23. Under this law, the City may seek court permission to raze a structure if the structure meets the definition of "hazardous building," which is defined as:

Any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsatisfactory

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cc Council

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conditions, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Minn. Stat. § 462.15.

The Hazardous Building Law process is a judicial process involving the district court. Ultimately, if the court approves the removal or abatement of the hazardous building, the costs of removal may be assessed against the property (along with attorneys' fees).

Option Three would involve an outright condemnation of the property. Given the likely nature of such an action in Twin Lakes, an outright condemnation would presumably require the City to demonstrate that the conditions of "blight" existed, or that the building was "structurally substandard" as these terms are defined in Minn. Stat. § 117.025.

I hope this at least preliminarily addresses the questions raised by the Council. Let us know if you need further information.

Regards,

A handwritten signature in black ink, appearing to read 'Jay T. Squires', with a long horizontal flourish extending to the right.

Jay T. Squires

JTS/sem

RRM: #129812