

**Resoluitiion #2008-02**  
**Lynden Township - Stearns County, Minnesota**

**A RESOLUTION TO CONDUCT A SPEED STUDY ALONG  
EAGLEWOOD ROAD**

RESOLUTION APPROVING AN ORDER  
FOR ABATEMENT OF A HAZARDOUS EXCAVATION OR BASEMENT  
PURSUANT TO MINNESOTA STATUTES CHAPTER 463

WHEREAS, the Town Board has previously determined that the premises located at 19564 County Road 145 in Lynden Township, and legally described in the Order attached as 'Exhibit A' to this resolution, is a hazardous building within the meaning of Minnesota Statutes §463.15 subdivision 3 and is a hazardous excavation within the meaning of Minnesota Statutes §463.25; and

WHEREAS, the property owner in response to the Town Board's Order started demolition and removal of the above-referenced premises which prior to completion has now stalled with no substantial progress made since early November 2007; and

WHEREAS, the above-referenced premises has an open excavation or basement that is not filled to grade or otherwise protected within the meaning of Minnesota Statutes §463.25; and.

WHEREAS, the above-referenced premises endangers the public health, safety and welfare and, further, it is in the public's best interest that said excavation be filled or otherwise protected within the meaning of Minnesota Statutes §463.25; and

WHEREAS, the Town's efforts to remedy this situation through informal negotiation with the record property owner have not been fruitful.

NOW THEREFORE BE IT RESOLVED by the Lynden Town Board as follows:

1. The Order for removal of the above-referenced hazardous excavation or basement is hereby adopted and its findings, terms and conditions are incorporated herein by reference; and
2. The Town Board Chair, Town Clerk and Building Inspector, in cooperation with the Town Attorney, are authorized and directed to prepare, sign and serve documents, or cause the same to occur, and take such other actions as are necessary to enforce the terms and conditions of the attached Order.

The foregoing resolution was duly adopted the   7th   day of April, 2008 by the Lynden Town Board.

\_\_\_\_\_  
/s/ Anne Ackerman, Town Board Chair

\_\_\_\_\_  
/s/ Del Moeller, Town Clerk

EXHIBIT A

LYNDEN TOWNSHIP  
COUNTY OF STEARNS  
STATE OF MINNESOTA

## FINDINGS AND ORDER

In the Matter of Hazardous Real Estate located at 19564 County Road 145 in Lynden Township, Stearns County, Minnesota, as legally described on attached Exhibit B.

To: The property owner and all others claiming any right, title or interest in the above-described real property:

1. Pursuant to Minnesota Statutes §463.15 et seq., the Lynden Town Board , having duly considered the matter, finds the above-described property to be a hazardous building in that it has an open excavation or basement that is not filled to grade or otherwise protected within the meaning of Minnesota Statutes §463.25.
2. Pursuant to the foregoing findings and in accordance with Minnesota Statutes §463.15 through §463.261, the Town Board hereby orders the record owners of the above-described property to immediately cause said excavation or basement to be filled to grade or otherwise protected or in the alternative that erection of a building begin forthwith.
3. The property owners shall obtain all necessary demolition or other permits as may be required by state agencies or local units of government prior to performing the work required hereunder.
4. The property owners shall comply with all applicable state and local laws and regulations in performing the work as required hereunder.
5. The Town Board further orders that if the owner of the land, after the order is served, fails to comply with the order by June 15, 2008, the Town Board shall cause the excavation to be filled to grade or protected and that all costs incurred by the Township shall be charged against the real estate as provided in Minnesota Statute §463.21.
6. The Town Board Chair, Town Clerk, Town Attorney and other officers, agents and employees of the Town are authorized and directed to take such action, prepare, sign, and serve such papers as are necessary to enforce this Order and to collect the costs thereof, or seek such other relief, in any manner as may be provided by law.

Adopted by the Lynden Town Board this \_\_7th\_\_ day of April, 2008.

\_\_\_\_\_  
/s/ Anne Ackerman, Town Board Chair

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/s/ Del Moeller, Town Clerk

## EXHIBIT B

PID: 19.10820.000

Lot 1, Block 1 of Nicole Kristeen Addition, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder, Stearns County, Minnesota.

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