**Ordering a Hazardous Excavation Filled, LMC Model Resolution**

*League staff thoughtfully develops models for your city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in* [*“Dangerous Properties.”*](https://www.lmc.org/resources/dangerous-properties/)

**This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.**

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION ORDERING A HAZARDOUS EXCAVATION LOCATED AT** **(ADDRESS) TO BE FILLED, PROTECTED, OR BUILT UPON**

**WHEREAS,** pursuant to Minn. Stat. § 463.25, the City Council of **\_\_\_\_\_\_\_\_\_\_\_** finds there to be a hazardous excavation located at (address) because

Choose one of these options:

*the excavation made for building purposes has been left open for more than six (6) months without proceeding with the erection of a building thereon, whether or not completed.*

*OR*

*the excavation or basement is not filled to grade or otherwise protected after the building was de**stroyed, demolished, or removed*]

**WHEREAS,** the conditions listed above are more fully documented in the (inspection report, personal observation, photographs, etc.) prepared by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_on \_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, a copy (or copies) of which is (are) attached to this resolution as Exhibit A.

*Edit this section to reflect what evidence the city has. Attach all evidence to the resolution as “Exhibit A.”*

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, MINNESOTA AS FOLLOWS:

1. That pursuant to the foregoing findings and in accordance with Minn. Stat. § 463.25, the council orders the property owner of record of the property containing the hazardous excavation located at (address) make the following corrections:

* 1. (List actions needed to remove the hazardous excavation.)

* 1. (Continue to list actions, adding as many lines as necessary.)

1. That the repairs listed above must all be made within fifteen (15) days after the order is served upon the property owner. The repairs must be completed in compliance with all applicable codes and regulations, pursuant to proper permits from the city.
2. That if the owner or the owner’s agent fails to comply with this order, the council will take action to (describe what actions the city will take to remedy the situation).
3. That if the city must take actions to enforce this order, all enforcement costs will be specially assessed against the property and collected in accordance with Minn. Stat. §§ 463.21 and 463.161.

That the city attorney is authorized to serve this order upon the owner of the premises at (address) and all lien-holders of record.

Passed by the City Council of \_\_\_\_\_\_\_, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Attested:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk