

**CITY OF MANKATO, MINNESOTA**

**RESOLUTION ORDERING THE ABATEMENT OF HAZARDOUS CONDITIONS,  
CODE VIOLATIONS AND PUBLIC NUISANCES AT 1908 4<sup>th</sup> AVENUE IN THE CITY  
OF MANKATO, MN**

**FINDINGS**

**WHEREAS**, the City has received numerous Complaints over the years and has observed, from public rights-of-way and neighboring yards, significant code violations at the property located at 1908 4<sup>th</sup> Avenue in the City of Mankato, County of Blue Earth, State of Minnesota (the “Property”) and depicted on **Exhibit A**; and

**WHEREAS**, according to Blue Earth County property records, Thomas J. Haack, is the owner of the Property (“Property Owner”) with free and clear title; and

**WHEREAS**, the Property is located in the R-3 Limited Multiple-Family Dwelling District; and

**WHEREAS**, the Property has had structures built on it, without obtaining appropriate building permits or encroachment licenses, which violate applicable setbacks, are located within City rights-of-way and encroach onto neighboring properties, as depicted in **Exhibit B, Violation Packet**; and

**WHEREAS**, fencing exists in the front yard of the Property, for which no permit was pulled, and which exceeds the required height set forth in City Code, are located in rights-of way and encroach onto neighboring properties, as depicted in **Exhibit B, Violation Packet**; and

**WHEREAS**, fencing exists in the rear yard of the Property for which a permit was pulled but for which no final inspection was scheduled and which violates City code by not complying with applicable setbacks and by being built on the property line as depicted in **Exhibit B, Violation Packet**; and

**WHEREAS**, the rear yard of the Property has had additional fill added which appears to exceed 25 cubic yards for which no conditional use permit was pulled as required by City Code for substantial land alteration which significantly changes the documented contour, as shown on **Exhibit C, Contour Map Packet**, and which has an impact on drainage; and

**WHEREAS**, the Property has an accessory structure located in the rear yard of the Property which does not meet required setbacks and is located in the utility easement, as depicted in **Exhibit B, Violation Packet**; and

**WHEREAS**, some, if not all, of the above-mentioned violations were identified by the City on or before February 2023 through observation from public rights-of-way and based on complaints, and prompted the City to meet with the Property Owner in person; and

**WHEREAS**, after meeting with the Property Owner, the City and Property Owner entered into a Plan of Correction action dated February 10, 2023 regarding the violations at the Property with which the Property Owner still has not addressed; and

**WHEREAS**, attached as **Exhibit D, Corrective Action Plan Packet** is the February 10, 2023 Corrective Action Plan between Property Owner and the City, along with the signed acknowledgement by the Property Owner dated February 21, 2023, of receipt of documents memorializing a Compliance meeting between the City and the Property Owner held on February 10, 2023, and detailing agreed upon corrective actions and confirming offers of assistance by the City; and

**WHEREAS**, after the City and the Property Owner entered into the Corrective Action Plan, the City sent a number of letters to Property Owner, attached as **Exhibit E, Correspondence Packet**, regarding the continued and unaddressed violations, and the Property Owner's noncompliance with the Corrective Action Plan, including: (i) a letter dated March 6, 2023 and the signed acknowledgement of that letter which answers questions from Property Owner related to some of the agreed upon corrective actions and provides Property Owner with code sections; (ii) a letter from the City to Property Owner dated April 10, 2023, which answers questions from Property Owner related to some of the agreed upon corrective actions, providing data in response to Property Owner's data requests and, again, offering assistance to Property Owner and (iii) a letter dated August 14, 2023 from Molly Westman, Planning Coordinator for the City of Mankato, reminding Property Owner of compliance deadlines pursuant to the Plan for Correction; and

**WHEREAS**, the City hand delivered a Final Notice and Order to Property Owner on January 24, 2024, with an additional Final Violations letter from the City Attorney to the Property Owner, setting forth dates of compliance. These final notification letters are attached as part of **Exhibit E, Correspondence Packet**; and

**WHEREAS**, after Property Owner did not comply with dates set forth in the final violations letter, the City obtained an administrative warrant on June 18, 2024, with docket number 07-CVF-24-2281, allowing the City to enter the Property for purposes of inspection in order to enforce building code and state nuisance laws, including conducting a survey; taking measurements and photographs of the exterior of buildings, yard and curtilage; taking measurements and photographs of any and all fencing; conducting soil tests; and performing other such duties as are necessary document violations and may hold said evidence in custody according to law.; and

**WHEREAS**, with notice to the Property Owner, on July 11, 2024, Molly Westman, Planning Coordinator, Dan Schisel, the identified police escort, David Knudson, Building and Development Services Coordinator, Mark Konz, Director of Community Development, Devan Mortwedt, Department of Public Safety, Kurt Klinder, GIS Coordinator, Thomas Olson, GIS Technician, Michael Eichers, licensed surveyor, and Mitch Pettis, survey field technician ("City Inspection Team") entered the Property pursuant to the Administrative Warrant attached hereto as **Exhibit F** to document the code violations; and

**WHEREAS**, during that site visit, City Inspection Team confirmed and documented the above code violations on the property and also observed and documented additional nuisance violations in existence in plain sight, as documented in **Exhibit B, Violation Packet**, including junk, appliances, piles of construction material, fuel tanks covered by tarps and junk vehicles sitting in the yard.

## **MANKATO CODE SECTIONS AND STATE LAW**

### **A. Structures.**

Mankato City Code §6.06, subd. 5 states that “no person shall obstruct, excavate, dig, tunnel, trench, or install any facilities, equipment or improvements above, on, or beneath the surface of any right-of-way in the City or any property owned by the City without first obtaining a permit pursuant to this subsection”.

Mankato City Code §6.08 states that “it is unlawful for any person to erect or place any barricade, fence or obstruction upon any public right-of-way without having first obtained a permit for such erection or placement from the City Manager or designee”.

Mankato City Code §6.16 subd 1 states “[i]t is unlawful for any person, as owner, lessee, occupant or other person in control of any real property within the City, to install, place, build, erect, maintain, occupy or use upon any such property any building, structure or physical encroachment which, in whole or in part, is installed, placed, built, erected, maintained, occupied or used on any portion of the right-of-way ... without first having obtained a written license therefore pursuant to the provisions of this section”.

Mankato City Code §10.15, subd. 6A and 6B addresses yards and setbacks from the R-3 District and requires a minimum of twenty-five (25) feet for Front Yard Setback and a minimum of six (6) feet for side yard setback.

Mankato City Code § 10.96 authorizes enforcement of violations of Chapter 10, including ensuring “compliance with, or to prevent or abate any violation of the provisions of this chapter, and in particular shall, when necessary or appropriate, shall cause the City Attorney to initiate any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this chapter”.

Mankato City Code §12.01 incorporates the state building code, and Minnesota Residential Building Code located at Minn. R. 1300.0120, subpart 1 and states “An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit”.

## **B. Fences.**

Mankato City Code §10.88, subd. 11 requires that no fence or wall shall be erected, enlarged, expanded, altered, relocated, maintained, or repaired in any yard unless it shall first meet the requirements of this section (Section 10.88, subd. 11).

Mankato City Code §10.88, 11.A.2, states “that all fences in residential districts shall be constructed of stone, brick, finished wood, or chain link and the finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties or streets” and Mankato City Code §10.88, subd. 11.A.3 requires that “every fence or wall shall be maintained in a good and safe condition at all times and [e]very damaged or missing element of any fence or wall shall be repaired or replaced immediately”.

Mankato City Code §10.88, subd 11.B.1 states “[n]o fence or wall located in a side or rear yard shall be of a height exceeding eight (8) feet, measured from its top edge to the ground at any point” and 11.B.2, states “No fence or wall located in a front yard shall be of a height exceeding four (4) feet, measured from its top edge to the ground at any point”.

Mankato City Code §10.88 subd. 11.C.1 and 11.C.2 state “[a] fence may be located adjacent to, but not on, a property line and [n]o fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way or be in violation of Section 12.71 of the Mankato City Code”.

Mankato City Code §12.71, subd 1 states “[n]o fence, more than thirty (30) inches in height shall be erected unless a fence permit has first been obtained from the Building Official, or designee”.

Mankato Code Section 12.71, subd. 3 states “[f]ences must be maintained so as not to endanger life or property and any fence which through lack of repair, type of construction or otherwise that imperils health, life or property, or the well-being of a neighborhood shall be deemed a nuisance”.

Mankato Code Section 12.71, subd. 5 states that “a violation of this (Fence) Section represents a public nuisance pursuant to Chapter 9 of the Mankato City Code, which City may abate under Section 9.77 of Mankato Code”.

## **C. Unpermitted Fill.**

Mankato City Code Section 10.82, subd. 9 addresses substantial land alterations and states that a Conditional Use Permit shall be required where the excavation, grading, and filling of any land would result in the movement of earth and materials in excess of twenty-five (25) cubic yards and would significantly change the existing ground contour and existing drainage, or cause flooding and/or erosion

## **D. Junk & Garbage.**

Mankato Code Section § 9.13 requires “[t]he owner of any premises within the City upon which premises refuse, garbage, swill or waste matter is or may be present, shall provide and maintain

on such premises sufficient containers for the storage of all refuse, garbage, swill, or waste matter placed, accumulated or stored on such premises....”.

Mankato Code Section § 9.13, subd. 4 provides that “[a]ny accumulation upon any premises within the City of any refuse, garbage, swill or waste matter not stored in a container or containers as required by subdivision 2 of this section or stored in such a container or containers upon such premises for a period in excess of seven (7) days, is hereby declared to be a hazard to the public health and safety, and a public nuisance, and shall be abated according to the provisions of Section 9.77”.

Mankato Code Section § 9.14, subd. 2 states that it is “unlawful for any person to park, store or leave any junked motor vehicle, whether attended or not, upon any public or private property within the City” and subd. 3 of that same section states “[t]he presence of a junked motor vehicle upon private or public property within the City is hereby declared to be a hazard to the public health and safety and a public nuisance and shall be abated according to the provisions of Section 9.77”.

Mankato Code Section § 9.15 makes it “unlawful for any person to deposit garbage, rubbish, offal, the body of a dead animal, or other litter in or upon any public street, public or private lands, water or the ice thereon”.

#### **E. Enforcement.**

Mankato Code § 9.66 makes it “unlawful for any person to maintain a public nuisance by his act of failure to perform a legal duty, and for purposes of this section, a public nuisance shall be defined as any of the following: (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; (2) interfering with, obstructing or rendering dangerous for passage, any street, public right-of-way, or waters used by the public; or (3) any other act or omission declared by law to be a public nuisance”.

Mankato Code § 9.67 makes it “unlawful for any person to permit real or personal property under his control to be used to maintain a public nuisance or let the same to another knowing it is to be so used”.

Mankato Code § 9.77, subd. 3 states that “[n]o person shall directly or indirectly or by omission create a nuisance, and [n]o owner or responsible party shall allow a nuisance to remain upon or in any property or structure under his or her control”.

Mankato Code § 9.77, subd. 11 and subd. 12 provide for abatement of various nuisances if the Property Owner fails to comply with the notice and order provisions to remedy the issues.

Mankato City Code § 10.96 authorizes enforcement of violations of Chapter 10 (Land Use Regulations), including ensuring “compliance with, or to prevent or abate any violation of the provisions of this chapter, and in particular shall, when necessary or appropriate, shall cause the City Attorney to initiate any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this chapter”.

Mankato Code Section 12.71, subd. 5 states that “a violation of this (Fence) Section represents a public nuisance pursuant to Chapter 9 of the Mankato City Code, which City may abate under Section 9.77 of Mankato Code”.

Minnesota Statutes Section 462.357 provides City authority to pursue remedying land use violations, including recognizing them as nuisances and abating them for non-compliance

Minnesota Statutes § 609.74, 561.01 Minnesota Statutes defines nuisance as "[a]nything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property" and provides both civil and criminal statutory remedies to protect the public against such nuisances.

### **FURTHER FINDINGS**

**WHEREAS**, Mankato City Code §10.96, subd. 2 provides authorization for legal action to enforce city zoning and to ensure compliance with, or to prevent or abate any violation of the zoning code, including directing the City Attorney to initiate any and all actions to enforce of city zoning; and

**WHEREAS**, the existing documented set-back violations, unpermitted work, and evidence of structures that have been built encroaching upon rights-of-way or private property of others, fall within the purview of Mankato City Code §10.96; and

**WHEREAS**, a violation of State Building Code includes performing unpermitted work on structures and fences, and the Building Code is incorporated into the Mankato City Code, by reference, and Minnesota Statutes § 462.357 provides City authority to pursue remedying these types of land use violations, including recognizing them as nuisances and abating them for non-compliance; and

**WHEREAS**, Mankato Code § 12.71, subd. 5 states that “a violation of this (Fence) Section represents a public nuisance pursuant to Chapter 9 of the Mankato City Code, which City may abate under Section 9.77 of Mankato Code”; and

**WHEREAS**, the existing fences built on the Property are unpermitted, exceed height restriction, are installed improperly, are located on rights-of-way or are placed on or over the property and fall within the purview of Mankato Code § 12.71; and

**WHEREAS**, Section 9.15 of the City of Mankato City Code states “it is unlawful for any person to deposit garbage, rubbish, . . . or other litter in or upon any public street, public or private lands, water or the ice thereon”; and

**WHEREAS**, Section 9.66 of the Mankato City Code makes “[i]t . . . unlawful for any person to maintain a public nuisance by his act of failure to perform a legal duty and defines a public nuisance to include: (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public”; and

**WHEREAS**, Minnesota Statutes §§609.74, 561.01 similarly define nuisance as “[a]nything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property” and provides both civil and criminal statutory remedies to protect the public against such nuisances; and

**WHEREAS**, the garbage, junk, construction materials, junk vehicles and fuel tanks covered by tarps, evidenced and documented by the City Inspection Team represent nuisances which City has authority to abate; and

**WHEREAS**, Property Owner, based upon the documentation, is in violation of the mutually agreed upon Plan of Corrective Action, City Code and Minnesota Statutes by (1) not removing the fence in the front yard; (2) not removing the fence in the front yard right-of-way; (3) not removing structures identified as Numbers 1, 2, 3, 4 and 5 in **Exhibit B, Violation Packet**; (4) not removing the fill and regrading to the original grade; (5) not removing the fence and the retaining wall upon which the fence sits in the rear yard; (6) not removing right of way encroachments, including large boulders; (7) not removing all nuisance items in the yard, including garbage, construction materials, junk vehicles, and fuel tanks; and (8) not moving the accessory structure/shed to comply with setback distances to not sit within the utility easement; and

**WHEREAS**, the documentation shows Property Owner has allowed and continues to allows these violations and nuisances; and

**WHEREAS**, based on all the code and state law violations, the Property creates a hazard to public health and safety and a public nuisance; and

**WHEREAS**, Minnesota Statutes, section 463.161 et seq., in addition to Mankato City Code Sections 9.77, authorizes a city to correct or remove a hazardous condition of any property if the owner of record fails to do so after a reasonable time and the district court enters a judgment sustaining the city’s order; and

**WHEREAS**, Minnesota Statutes, section 609.74, in addition to Mankato City Code Sections 9.77, 10.96 and 12.71, authorizes the City Council to abate public nuisances following notice and an opportunity to be heard; and

**WHEREAS**, despite numerous attempts by City staff to communicate with the Property Owner, including multiple notice letters which outline city process to challenge the City’s findings of violations and providing notice to be heard, there have been little to no improvements made to the Property and, to date, the hazardous, unsafe, and nuisance conditions have not been adequately addressed; and

**WHEREAS**, based on information presented, the City Council of the City of Mankato finds that the condition of the Property, as summarized in this Resolution, violates state law and City Code, is hazardous, unsafe and a danger to the health, safety, and general welfare of the citizens of the City, and represents a public nuisance in violation of state and local law, and therefore, said conditions must be abated in accordance with applicable state and local laws; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mankato:

1. The City Council adopts, as factual findings, all of the above recitals.
2. Based on the aforementioned findings, the Property is hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15.
3. Based on all the findings and documentation, the condition of the Property also constitutes a public nuisance within the meaning of Minnesota Statutes, section 609.74, and Chapter 9.77 of the Mankato City Code.
4. Based on the aforementioned findings, the litter, junk vehicle and fuel tanks allowed to remain on the Property violates Sections 9.14, 9.15, 12.05 of the Mankato City Code respectfully and represents a nuisance which should be abated through removal.
5. Based on the aforementioned findings, the existing documented set-back violations, unpermitted work, and evidence of structures that have been built encroaching upon rights-of-way or private property of others violates city zoning and should be remedied through available processes set forth in Section 10.96 of Mankato City code, which includes abatement through removal of the structures violating setback, encroaching into right of way or onto other's private property.
6. Based on the aforementioned findings, the performance of unpermitted construction of structures and fences located on the Property violates the Building Code, which is incorporated into the Mankato City Code, by reference, and, pursuant to Minnesota Statutes § 462.357, represents nuisances which should be abated by removal.
7. Based on the aforementioned findings, the fences located on the front yard of the Property were built without a permit, exceed height restriction, are installed improperly, are located on rights-of-way or are placed on or over the property represent nuisances which should be abated through removal.
8. Based on the aforementioned findings, the fences and retaining wall located in the rear yard sit on the property line in violation of City Code, represent a nuisance and should be abated by removal.
9. Based on the aforementioned findings, the unpermitted fill added to the Property violated Mankato City Code and should be abated by re-grading the Property to the original grade, which may include removal of fill to return to that grade.
10. Based on the aforementioned findings, the shed accessory building located in the rear yard of the Property should be moved to comply with applicable setbacks set forth in City Code from the applicable property lines and to not be placed in the utility easement.

11. Based on the aforementioned findings, the large boulders located obstructing the right-of-way violate Mankato City Code and should be abated through moving them out of right-of-way.
12. The City Attorney shall prepare an Abatement order substantially similar to that attached hereto as **Exhibit G** (the “Abatement Order”).
13. City staff and consultants are further authorized to take all necessary and convenient steps to secure compliance with the requirements contained in the attached Abatement Order and may further effectuate the removal and abatement of the garbage, construction materials junk vehicles, fuel tanks, and the hazardous and nuisance conditions on the Property by court order or contract and shall subsequently facilitate assessment of the costs thereof against the Property in accordance with state and local laws.
14. The City Attorney and City staff are authorized to take all necessary legal steps to effectuate service of this Resolution and the Abatement Order, in the manner required by state or local law, including by posting the Abatement Order at the Property and by serving the Order on the owner of record, and any lienholders.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Najwa Massad, Mayor

ATTEST:

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Renae Kopischke, City Clerk

(SEAL)

## **EXHIBIT A**

### Legal Description of the Property

Lot 2, Block 1, Stacey's First Addition (1908 4<sup>th</sup> Avenue, Blue Earth County Parcel Identification Number R01.09.06.403.030).

**EXHIBIT B**  
**Violations Packet**

## **EXHIBIT C**

### **Contour Map**

**EXHIBIT D**  
**Corrective Action Plan Packet**

**EXHIBIT E**  
**Correspondence Packet**

## **EXHIBIT F**

### **Warrant**

## **EXHIBIT G**

### **Proposed Abatement Order**

ABATEMENT ORDER

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

Case Type: Other Civil

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In the Matter of the Hazardous and Nuisance  
Property and Building Located at 1908 4<sup>th</sup> Avenue,  
Mankato, Minnesota

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**ORDER FOR ABATEMENT OF  
HAZARDOUS AND NUISANCE  
PROPERTY AND STRUCTURES**

TO: All owners, occupants, and lienholders of record for the property located at 1908 4<sup>th</sup> Avenue, Mankato, Minnesota (the “Property”)

The City Council of the City of Mankato (the “City”) orders that within 30 days of service of this Abatement Order you remove the fencing from the front yard and rear yard; remove the structures identified in **Exhibit B, Violation Packet**, as structures 1, 2, 3, 4 and 5; remove unpermitted fill added to the rear yard and regrade the rear yard to its original grade, as shown in the contour map included as **Exhibit C, Contour Map**; remove the concrete retaining wall; remove the encroachments out of the right of way, including the structures, fencing and boulders shown in **Exhibit B, Violation Packet**; move the shed in the rear yard to comply with applicable setbacks and not be located in the utility easement; remove the garbage, construction materials, fuel tanks and junk vehicle from the Property and generally abate the hazardous and nuisance conditions which currently exist on the Property, as described on **Exhibit A** attached to this Abatement Order (the “Property”).

The City, pursuant to Minnesota Statutes, chapters 463, and 609, and the Mankato City Code, has determined, based on the aforementioned findings and the City Council Findings set forth in the Resolution to Abate attached hereto as **Exhibit D**, that (1) the Property is hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15; (2) based on all

the findings and documentation, the condition of the Property also constitutes a public nuisance within the meaning of Minnesota Statutes, section 609.74, and Chapter 9.77 of the Mankato City Code; (3) the litter, junk vehicle and fuel tanks allowed to remain on the Property violates Sections 9.14, 9.15, 12.05 of the Mankato City Code respectfully and represents a nuisance which should be abated through removal; (4) the structures that have been built encroaching upon rights-of-way or private property of others violate city zoning, represent nuisances and should be removed pursuant to Section 10.96 of Mankato City code; (5) fences, in both rear and front yard, and retaining wall upon which the fences sit violate City Code and should be removed; (6) unpermitted fill added to the Property should be abated by re-grading the Property to the original grade, which may include removal of fill to return to that grade; (7) the shed accessory building located in the rear yard of the Property should be moved to comply with applicable setbacks set forth in City Code from the applicable property lines and to not be placed in the utility easement; and (8) the large boulders located in and obstructing the right-of-way violate Mankato City Code should be moved out of the right-of-way.

Accordingly, it is hereby ORDERED that you abate the aforementioned conditions within 30 days of the date of service of this Abatement Order by:

- (i) removing the front yard fencing;
- (ii) removing the rear yard fencing or, in the alternative, relocating the rear yard fencing after obtaining a permit prior to installing the rear yard fencing in new location, making pins available for inspection prior to installation and obtaining the necessary final inspection from the City to ensure compliance with City Code;
- (iii) removing the concrete retaining wall on which the existing fencing sits;

(iv) removing structures that were built without permits, built out of compliance with setbacks and built on right-of-way or neighboring private properties, as identified as structures 1, 2, 3, 4, and 5 in **Exhibit B, Violations Packet** and obtaining a demolition permit from the City to remove these structures;

(v) removing excess fill added to the rear yard without a permit and returning the rear yard to the original grade as shown on **Exhibit C, Contour**

(vi) moving boulders in and obstructing the right-of-way out of the right-of-way;

(vii) moving the shed accessory structure in the rear yard to a location on the Property compliant with setbacks and not within a utility easement;

(viii) removing the junk vehicle(s) from the Property or into an enclosed structure; and

(ix) removing the garbage, construction materials and fuel tanks from the property.

You are further advised that unless such corrective action is taken or an Answer is timely served on the City within **20 days** of the date of service of this Abatement Order upon you, a motion for summary enforcement of this Abatement Order will be made to the Blue Earth County District Court.

Finally, you are further advised that if you do not comply with this Abatement Order and the City is compelled to take corrective action, as authorized under law, all necessary costs incurred by the City in enforcing this Abatement Order will be assessed against the Property pursuant to Minnesota Statutes, section 463.21 and Chapter 19 of the Mankato City Code, particularly Section 19.12. In connection to such assessment, the City further intends to recover all of its expenses incurred in carrying out this Abatement Order, including specifically but not exclusively, filing fees, service fees, publication fees, attorneys' fees, appraisers' fees, witness fees, including expert

witness fees and traveling expenses incurred by the City from the time this Abatement Order was originally made pursuant to Minnesota Statutes, section 463.22 and the Mankato City Code.

Dated \_\_\_\_\_, 2024

**KENNEDY & GRAVEN, CHARTERED**

By: \_\_\_\_\_

Pamela Whitmore (#0232440)  
700 Fifth Street Towers  
150 South Fifth Street  
Minneapolis, MN 55402  
(612) 337-9300  
*Attorney for City of Mankato*

ACKNOWLEDGMENT

The undersigned acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, subd. 2, to the party against whom the allegations in this pleading are asserted.

\_\_\_\_\_  
Pamela J.F. Whitmore

**EXHIBIT A TO ABATEMENT ORDER**

Legal Description of the Property

**EXHIBIT B TO ABATEMENT ORDER  
VIOLATIONS PACKET**

**EXHIBIT C TO ABATEMENT ORDER  
CONTOUR MAP**

**EXHIBIT D TO ABATEMENT ORDER**  
**COUNCIL RESOLUTION AND RESOLUTION EXHIBITS**  
**(To be completed after adoption)**