CITY OF

BENSON MINNESOTA

May 21, 2012

Peter Ollendick
201 – 18th St. S.
Benson, MN 56215

RE: 201 – 18th St. S.

Dear Mr. Ollendick:

This letter is your official notification from the City of Benson to correct a public nuisance by removing the trash, junk, bikes, pick-up bed liner and worthless or unused materials from your property at 201 – 18th St. S. in Benson.

Please tend to this matter within the next 14 days to avoid special assessments being assigned to your property to cover the cost of the City abating the nuisance as per Chapter 429 of the Minnesota State Statutes.

The City of Benson appreciates your cooperation in removing this public nuisance.

Sincerely,

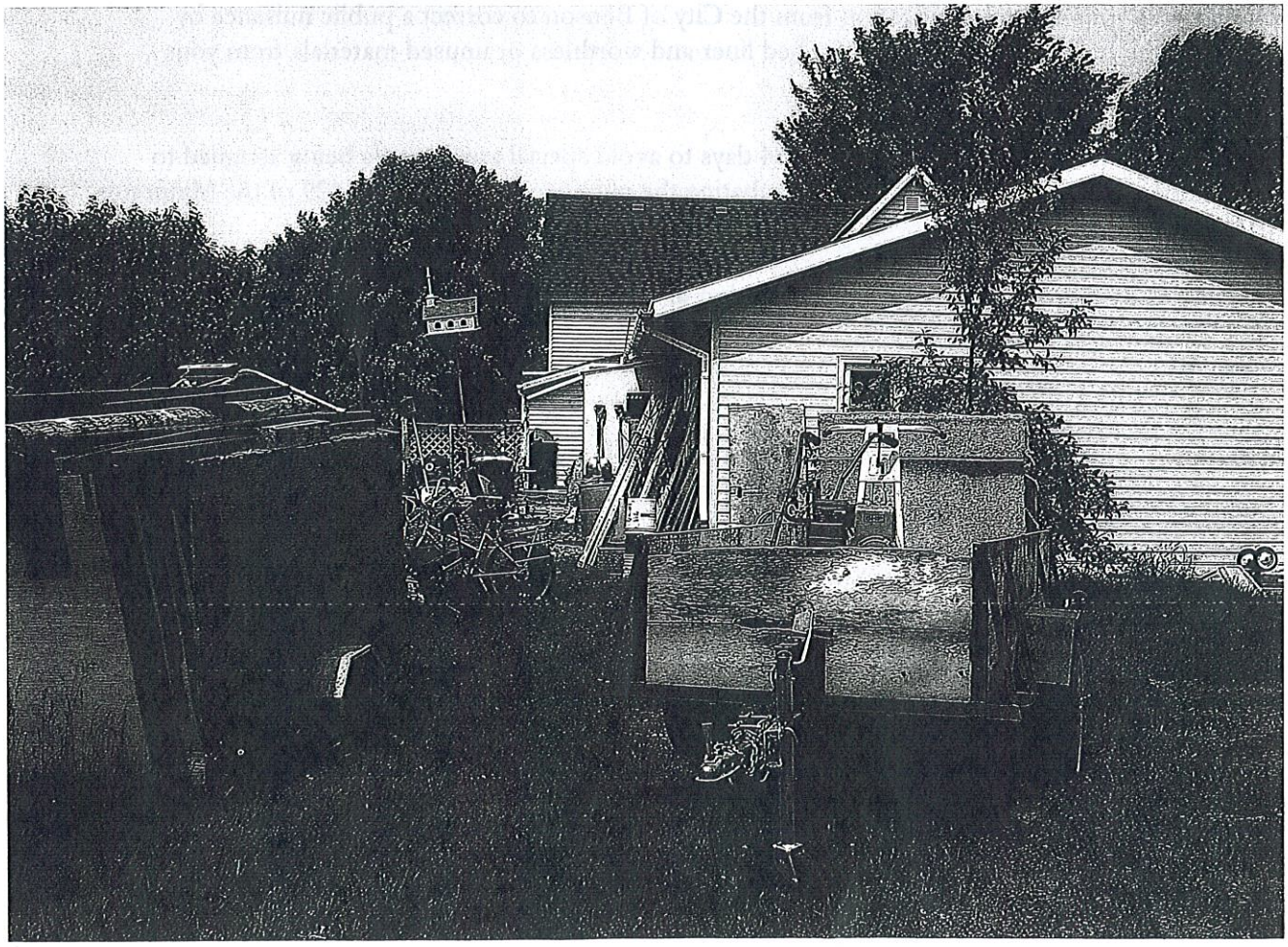
CITY OF BENSON

Rob Wolfington
City Manager

Enclosure

1410 KANSAS AVE. • BENSON, MINNESOTA 56215
City Offices: 320-843-4775 City Fax: 320-842-7151 Municipal Utilities: 320-843-3707
WWW.BENSONMN.ORG E-MAIL: STAFF@BENSONMN.ORG

JOHN DEERE



CITY OF BENSON MINNESOTA

June 6, 2012

Peter Ollendick
201 – 18th Street South
Benson, MN 56215

Dear Mr. Ollendick:

We have contacted you in the past to correct a public nuisance at the property you own at 201 – 18th Street South in Benson. Again, this property is in violation. Photos are enclosed of the nuisance conditions of trash, old lawnmowers, rubbish, construction debris, worthless or unused materials or articles. You have until 12:00 Noon on June 20, 2012 to clean up the described nuisance conditions from this address. If these items are not removed by 12:00 Noon on June 20, 2012, the City will advertise the enclosed public hearing notice in the June 27 and July 4 editions of the Swift County Monitor News. **PLEASE NOTE:** You will be responsible for costs incurred by the City if you do not comply by 12:00 Noon on June 20 even if you clean up the nuisance between June 20 and the hearing.

Please tend to this matter by 12:00 Noon on June 20, 2012 to avoid special assessments being assigned to your property to cover the cost of the City abating the nuisance. Mike Jacobson, Building Official for the City of Benson, will be conducting the inspection of your property and may be reached at 843-4775 or at City Hall for any questions you may have.

The City of Benson appreciates your cooperation in removing this public nuisance.

Sincerely,

CITY OF BENSON

Rob Wolfington
City Administrator

Enclosures: Public Hearing Notice
Photo of Property

1410 KANSAS AVE. • BENSON, MINNESOTA 56215
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NOTICE OF PUBLIC HEARING TO DETERMINE WHETHER A PUBLIC NUISANCE EXISTS ON PRIVATE PROPERTY, WHETHER ABATEMENT OF PUBLIC NUISANCE ON PRIVATE PROPERTY BY CITY OF BENSON IS REASONABLE AND NECESSARY, AND DETERMINATION OF SPECIAL ASSESSMENT AGAINST THE PRIVATE PROPERTY.

PLEASE TAKE NOTICE that on the 9th day of July, 2012 at 5:30 p.m. the City Council of Benson at the City Council Chambers at City Hall, 1410 Kansas Avenue, Benson, MN 56215, will hold a public hearing to determine proposed abatement by the City of Benson of proposed nuisance condition of old lawnmowers, junk, construction debris, and worthless or unused materials or articles and special assessment for cost of abatement of said nuisance conditions against the following property:

Lots 23, 24 & North 10' of Lot 22, Block 50, Stone Addition
201 – 18th Street South, Benson, MN

The Council shall first determine whether a public nuisance exists on the above-named real property based on whether the condition unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.

Second the Council shall determine whether abatement/removal of the public nuisance by the City of Benson is reasonable and necessary and the time limit in which the property owner/occupant has to remove the public nuisance prior to the City of Benson entering premises and removing the offending item or items, and cleaning up the nuisance.

If a condition is determined to be a public nuisance and must be abated by the City of Benson, the special assessment is estimated to be the following minimum amount for the above-described property:

$500.00

A reasonable estimate of the impact of the special assessment will be available at the hearing for review. Also, the proposed special assessment roll is on file with the Benson City

Clerk. Written and oral objections regarding the proposed special assessment against the above-named property will be considered at the public hearing.

NO APPEAL MAY BE TAKEN AS TO THE AMOUNT OF THE SPECIAL ASSESSMENTS UNLESS A WRITTEN OBJECTION SIGNED BY THE AFFECTED PROPERTY OWNER IS FILED WITH THE BENSON CITY CLERK PRIOR TO THIS PUBLIC HEARING OR PRESENTED TO THE PRESIDING OFFICER AT THE PUBLIC HEARING.

PURSUANT TO MINNESOTA STATUTE SECTION 429.081, WITHIN THIRTY (30) DAYS AFTER THE ADOPTION OF THE SPECIAL ASSESSMENTS, ANY AFFECTED PROPERTY OWNER, WHO IS NOT PRECLUDED BY FAILURE TO OBJECT PRIOR TO OR AT THE SPECIAL ASSESSMENTS HEARING, MAY APPEAL TO THE DISTRICT COURT BY SERVING NOTICE UPON THE MAYOR OF BENSON OR BENSON CITY CLERK, AND BY FILING SAID NOTICE WITH THE COURT ADMINISTRATOR OF THE DISTRICT COURT WITHIN TEN (10) DAYS OF SERVING NOTICE UPON THE MAYOR OF BENSON OR THE BENSON CITY CLERK.

Pursuant to Minnesota Statute Sections 435.193 to 435.195, any county, statutory or home rule charter city, or town making special assessments may in its discretion defer the payment of that special assessment for any homestead property owned by a person sixty-five (65) years of age or older or retired by virtue of a permanent and total disability for whom it would be hardship to make the payments, and homeowner shall make application for deferred payment of special assessments on forms prescribed by the county auditor of the county in which the homestead is located.

Adoption by the Council of the proposed special assessments may be taken at the hearing, and the property owners have the right to prepay the entire special assessments to the City of Benson, and partial prepayment has not been authorized by ordinance. Prepayment of the entire special assessments may be made no later than 14 days after the date the resolution is passed without the accrual of interest, and interest shall accrue at the rate of 8 percent per annum if the entire special assessments are not prepaid.

/s/ Rob Wolfington
Zoning Administrator

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING TO DETERMINE IF PUBLIC NUISANCE CONDITION EXISTS ON PRIVATE PROPERTY AND WHETHER ABATEMENT OF PUBLIC NUISANCE ON PRIVATE PROPERTY BY CITY OF BENSON IS REASONABLE AND NECESSARY.

Name: Peter Ollendick
Address: 201 – 18th Street South
Benson, MN 56215

PLEASE TAKE NOTICE that on the 9th day of July, 2012 at 5:30 p.m. the City Council of Benson at the City Council Chambers at City Hall, 1410 Kansas Avenue, Benson, MN 56215, will hold a public hearing to determine if a public nuisance exists on the real property set forth below and if abatement of proposed nuisance by the City of Benson is reasonable and necessary. The proposed nuisance condition at the real property set forth below is as follows: old lawnmowers, construction materials, debris, and rubbish:

201 – 18th Street South, Benson, MN 56215

The council shall first determine whether a public nuisance exists on the above-named real property based on whether the condition unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.

Second the council shall determine whether abatement/removal of the public nuisance by the City of Benson is reasonable and necessary and the time limit in which the property owner/occupant has to remove the public nuisance prior to the City of Benson entering premises and removing the offending item or items, and cleaning up the nuisance.

Any written objection or oral objection to the proposed abatement of the proposed nuisance condition will be presented to the presiding officer at the public hearing.

Dated: June 6, 2012

/s/ Rob Wolfington
Zoning Administrator

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Peter Ollendick
201- 18th St. S.
Benson, MN 56215

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) Peter Ollendick
C. Date of Delivery 6/7/12

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7009 2820 0003 5023 9969

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

201 - 18th St. S. 6/4/12 3:00 pm

201-18th S.A.S. 6/4/12 3:00PM

6/20/12