

# DOVE FRETLAND

A PROFESSIONAL LIMITED LIABILITY PARTNERSHIP

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SPECIALIST BY THE MN BAR ASSOCIATION

ATTN: Robert Barbian  
City Administrator  
City of Princeton  
705 2<sup>nd</sup> St. N.  
Princeton, MN 55371

RE: Shopko Vacant Property

Mr. Barbian;

Pursuant to your request, below is an informational memorandum regarding the City's ability to regulate the ongoing situation pertaining to the Shopko vacant property.

Princeton City Ordinance Section 380 regulates the securing of vacant buildings and properties. Princeton City Ordinance Section 380.01 sets forth various definitions. One of which is defining a "vacant building", which outlines 7 sub-definitions for what is considered a "vacant building". Sub-definition (6) defines a vacant building as one where "law enforcement agencies have received at least two reports of trespass, vandalism or other illegal acts being committed on the property within 12 months".

The manner in which the owner of the Shopko property has elected to enforce the no-parking and trespass restrictions within the parking lot has resulted on more than 2 reports of trespass within the past 12 months. Furthermore, the manner in which the owner of the Shopko property has elected to enforce the no-parking and trespass restrictions has resulted in physical confrontations with members of the public and the agents of the owner of the Shopko property that would potentially be defined as "other illegal acts" such as disorderly conduct. Based upon the aforementioned, the City may order the property be secured. Princeton City

Ordinance 380.01 defines “secure”, in part, as “fencing the property”.

Pursuant to Princeton City Ordinance 380.02, the City Council may order the owner of the property so “secure” the property. This notice must outline what is required by the City to “secure” the property and must also (1) Inform the owner of record that it has 12 days to secure the building or provide the council with a reasonable plan and schedule to comply with the order and that costs may be assessed against the property if the person does not secure the building; and (2) provides the owner of record with a copy of Minn. Stat. § 582.031 (right of entry by holder of mortgage or sheriff’s certificate to protect the premises from waste and trespass). The City must also notify any mortgage holders. Service by mail is completed upon mailing.

If the City Council were to elect to move forward, I would need direction as to what actions would be necessary to “secure” the property. I will then move forward with an order for the same and arrange to serve the owners of the property in question. It may take a bit more time to ascertain if there is a mortgage holder on the property, but my hope is we would obtain compliance, rather than seeking court intervention.

Sincerely,

*Damien F. Toven*

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