

# Judge orders Minneapolis to fix long-disputed retaining wall | Star Tribune

 [startribune.com/politics/statelocal/236487711.html](https://www.startribune.com/politics/statelocal/236487711.html)

The city of [Minneapolis](#) was ordered Wednesday to fix a cracked and leaning retaining wall it's been trying to get the homeowner to repair for five years, in a ruling that an attorney said could put the city on the hook for millions of dollars worth of similar repairs across the rolling urban landscape.

More than 700 Minneapolis property owners were ordered to fix retaining walls between 2006 and 2010, said attorney Kristin Rowell, who won the recent case for homeowner Elizabeth Howell. "I suspect there will be many homeowners asking questions about their walls," she said. "My phone's been ringing with people asking questions already."

City Attorney Susan Segal said the implications of the court ruling may not be widespread. Similar cases in the future will likely be "archaeological explorations," involving searches of public records going back many decades to when neighborhoods were first developed, without clear evidence of why walls were built or for whose benefit.

The city's Public Works and Regulatory Services departments are looking at possible ramifications of the ruling, but it's too early to tell what policy changes might result, she added.

"We're not interested in shifting burdens. If it's the city's responsibility, the city will step up," Segal said. "On the other hand, if the wall is benefiting the homeowner, it's their responsibility to maintain it."

At issue was a wall next to the public sidewalk along a hilly block of W. 48th Street in southwest Minneapolis, next to the corner home Howell bought in 1989. Although the city had cited Howell for ordinance violations numerous times since 2008, she maintained the wall was actually 8 feet from her property line and in the city's right of way, and therefore the city's responsibility. In fact, she said, she paid little attention to the wall's condition when she bought the house, since it did not appear in legal documents describing her property. But in the years she has owned the home, she has maintained what to many people would appear to be a sloping, private yard between her home and the wall.

Howell sued the city in 2011. A district judge tossed the case out, but Howell, who said she has spent hundreds of thousands of dollars on the dispute, took it to the state Appeals Court, which sent it back. In November, a Hennepin County jury ruled that the city had legal responsibility for the wall, and Wednesday, District Judge Denise Reilly ruled that the city has to pay to repair it. Howell described the ruling as a matter of "common sense."

Howell, who said she doesn't routinely battle City Hall, said the dispute meant she couldn't have sold her house even if she'd wanted to. Meanwhile, neighbors in her hilly part of town have been watching the wall dispute.

"It would have been much easier for them to settle it," she said of the city. "I really don't get it."

