



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Mark DuChene, City Engineer
MEETING DATE: May 14, 2019
SUBJECT: Approve Execution of Release and Termination Agreements for a Portion of Outlot A Sage HVM-1 Expansion (Proposed Lot 1, Block 1 Northern Industrial Park Eleventh Addition)

Background:

A request has been submitted to clear obligations of past development documents for the property proposed to be developed for Quality Equipment (Kubota dealership).

Deferred assessments on this property go back as far as 1995, and complicating matters is not only the fact that the properties have been platted more than once, but that the parcel identification numbers for the various parcels of land have also changed multiple times over the past years. As part of the sale of this property, outstanding special assessments have been paid based on a prorated share of the lot area of Lot 1, Block 1, Northern Industrial Park Eleventh Addition. The remainder of the special assessments will continue to be deferred until Outlot A, Northern Park Industrial Eleventh Addition is developed.

Recommendation:

Approve Release and Termination Agreements

Attachments:

- Partial Release of Park Avenue Special Assessments Agreement
- Partial Release of City of Faribault Resolution 2001-171
- Partial Release of City of Faribault Resolution 95-214

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PARTIAL RELEASE OF PARK AVENUE SPECIAL ASSESSMENTS AGREEMENT

THIS PARTIAL RELEASE is made this ___ day of May, 2019, by and between the CITY OF FARIBAULT, MINNESOTA a Minnesota municipal corporation ("**City**"), and NORTHERN PARTNERS, LLC, a Minnesota limited liability company ("**Owner**", and together with the City, the "**Parties**").

RECITALS

- A. The Parties entered into that certain Park Avenue Special Assessments Agreement dated July 21, 2004, which agreement was recorded in the Office of the Recorder of Rice County, Minnesota on August 27, 2004 as Document No. 544177 ("**Park Avenue Assessments Agreement**").
- B. The Park Avenue Assessments Agreement set forth certain conditions and obligations of the Owner and the City related to the construction of improvements on the real property legally described in the Park Avenue Assessments Agreement ("**Property**"), including, but not limited to, Owner's payment of assessments duly levied by the City.
- C. The Owner and the City have satisfied all of the conditions and obligations under the Park Avenue Assessments Agreement with respect to the parcel legally described as Outlot A, Sage HVM-1 Expansion, Rice County, Minnesota and identified as Parcel ID 18.13.4.27.002 (the "**Released Property**").
- D. The Parties wish to release the Released Property from the Park Avenue Assessments Agreement.

COVENANTS

NOW THEREFORE, in consideration of the foregoing recitals, and other good and valuable consideration, the Parties hereby agree as follows:

1. Owner and the City have satisfied all of their obligations under the Park Avenue Assessments Agreement with respect to the Released Property, and there are no special assessments due thereunder with respect to the Released Property.
2. The Released Property is hereby released from the Park Avenue Assessments Agreement and the Parties are released from any further obligations thereunder with respect to the Released Property.
3. Nothing in this Partial Release shall release any other portion of the Property besides the Released Property from the Park Avenue Assessments Agreement. Except as provided herein, the Park Avenue Assessments Agreement shall remain in full force and effect.

[Signature Pages Follow]

In witness whereof, this Partial Release is hereby executed as of the date first written above.

CITY OF FARIBAULT, MINNESOTA
a municipal corporation

By: _____
Kevin F. Voracek
Its: Mayor

By: _____
Timothy C. Murray
Its: City Administrator

STATE OF MINNESOTA)
)
COUNTY OF RICE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Kevin F. Voracek and Timothy C. Murray, Mayor and City Administrator, respectively, of the City of Faribault, Minnesota, a municipal corporation, for and on behalf of said corporation.

Notary Public

NORTHERN PARTNERS, LLC, a Minnesota
limited liability company

By: _____

Name: _____

Its: _____

STATE OF MINNESOTA)
)
COUNTY OF RICE)

The foregoing instrument was acknowledged before me this _____ day of _____,
2019, by _____, the _____ of NORTHERN PARTNERS,
LLC, Minnesota limited liability company, for and on behalf of said limited liability company.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

City of Faribault
208 NW 1st Avenue
Faribault, MN 55021

(Top 3 inches reserved for recording data)

PARTIAL RELEASE OF CITY OF FARIBAULT RESOLUTION 2001-171

DATE: **May** ____, **2019**

The payment of assessments and all other obligations have been satisfied under that certain Resolution adopted October 23, 2001, by the Faribault City Council on behalf of the CITY OF FARIBAULT, a Minnesota municipal corporation, which resolution was recorded in the Office of the Recorder of Rice County, Minnesota on April 7, 2004 as Document No. 536470 ("**Resolution**") with respect to the property legally described as (i) Lot 1, Block 1, Northern Industrial Park Eleventh Addition, Rice County, Minnesota and identified as Parcel ID _____, (the "**Released Property**"), therefore, the Resolution is hereby released and removed from title to the Released Property. Except as provided in this Partial Release, the Resolution shall remain in full force and effect.

[Signature page follows]

In witness whereof, this Partial Release is hereby executed as of the date first written above.

CITY OF FARIBAULT, MINNESOTA
a municipal corporation

By: _____
Kevin F. Voracek
Its: Mayor

By: _____
Timothy C. Murray
Its: City Administrator

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Notary Public

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City of Faribault
208 NW 1st Avenue
Faribault, MN 55021

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PARTIAL RELEASE OF CITY OF FARIBAULT RESOLUTION 95-208

DATE: **May** ____, **2019**

The payment of assessments and all other obligations have been satisfied under that certain Resolution adopted November 28, 1995, by the Faribault City Council on behalf of the CITY OF FARIBAULT, a Minnesota municipal corporation, ("**Resolution**") with respect to the property legally described as (i) Lot 1, Block 1, Northern Industrial Park Eleventh Addition, Rice County, Minnesota and identified as Parcel ID _____, (the "**Released Property**"), therefore, the Resolution is hereby released and removed from title to the Released Property. Except as provided in this Partial Release, the Resolution shall remain in full force and effect.

[Signature page follows]

In witness whereof, this Partial Release is hereby executed as of the date first written above.

CITY OF FARIBAULT, MINNESOTA
a municipal corporation

By: _____
Kevin F. Voracek
Its: Mayor

By: _____
Timothy C. Murray
Its: City Administrator

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