

EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF
BAXTER, MINNESOTA

HELD: April 2, 2024

Pursuant to due call and notice thereof, a regular meeting of the City Council of City of Baxter, Minnesota, was duly called and held in said City on Tuesday, the 2nd day of April, 2024, at 7:00 o'clock P.M.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-028

**A RESOLUTION AUTHORIZING THE CITY OF BAXTER
TO ADOPT A REASSESSMENT OF CERTAIN PROPERTIES
FOR THE CYPRESS DRIVE AND DOUGLAS FIR DRIVE IMPROVEMENTS
PROJECT, CITY PROJECT NO. 4087**

WHEREAS, the City of Baxter (the "City") performed roadway reconstruction and roundabout construction as part of the City's 2023 Cypress Drive and Douglas Fir Drive Improvements Project, City Project No. 4087 (the "Project"); and

WHEREAS, the City of Brainerd (the "Property Owner") owns two parcels of real property in the city, identified by parcel identification numbers 40170621 and 40080712 (the "Properties"); and

WHEREAS, on March 21, 2023, by Resolution No. 2023-024, the City levied a special assessment against the Properties in the amount of \$59,135.87 for parcel identification number 40170601 (subsequently assigned parcel identification number 40170621) and \$4,112.94 for parcel identification number 40080712 for Project improvements; and

WHEREAS, the Owners objected to the special assessments levied against the Properties for the Project improvements and commenced a special assessment appeal action as Crow Wing County District Court File No. 18-CV-23-1473; and

WHEREAS, the City and Property Owner have entered into an agreement to compromise and settle the special assessment appeal filed as Crow Wing County District Court File No. 18-CV-23-1473 ("Settlement Agreement"); and

WHEREAS, under Minn. Stat. § 429.071, Subd. 2, the City Council may reassess the Property upon the advice of the City Attorney in settlement of a special assessment appeal; and

WHEREAS, in the Settlement Agreement the City and the Property Owner agree that the Properties shall be reassessed in the amount of \$13,000.00 ("Reassessment"); and

WHEREAS, the Property Owner has waived all rights to notices, hearings, and appeals with respect to the Reassessment.

NOW, THEREFORE, be it resolved that the City Council of the City of Baxter does hereby authorize:

1. The City Council hereby reassesses the Properties in the amount of \$13,000.00 pursuant to Minn. Stat. § 429.071, Subd. 2, and the Settlement Agreement.
2. Such reassessment shall be payable to the City of Baxter within thirty (30) days following full execution of the Settlement Agreement or May 15, 2024, whichever occurs first.
3. Upon receipt of the full Reassessment amount prior to May 15, 2024, the City of Baxter shall certify removal of the special assessment against the Properties with the County. Said certification shall be effectuated by the City of Baxter within thirty (30) days following receipt of the full Reassessment amount.
4. The City Clerk shall forthwith transmit a certified copy of this reassessment to the County Auditor to be extended on the property tax lists of the County.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____ and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

WHEREUPON, said resolution was declared duly passed and adopted on this 2nd day of April 2024.

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss
CITY OF BAXTER)

I, the undersigned, being the duly qualified and acting Clerk of the City of Baxter, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes of a meeting of the City Council of the City duly called and held on the date therein indicated, with the original minutes on file in my office and the extract is a full, true, and correct copy of the minutes insofar as they relate to adopting a reassessment of certain properties for CPF 4087, Cypress Drive and Douglas Fir improvements, in said City.

WITNESS my hand as such Clerk of said City this 6th day of February 2024.

Kelly Steele
Assistant City Administrator/City Clerk