

**CITY OF BAXTER, MINNESOTA  
RESOLUTION NO. 2024-085**

**A RESOLUTION APPROVING A COMPROMISE AGREEMENT AND A  
SETTLEMENT STIPULATION BETWEEN BAXTER PS 2016, LLC AND THE CITY  
OF BAXTER RELATING TO THE 2024 MILL & OVERLAY AND FULL DEPTH  
RECLAMATION AND RECONSTRUCTION IMPROVEMENTS PROJECT,  
MUNICIPAL PROJECT NO. 4424**

**WHEREAS**, Baxter PS 2016, LLC (the “Property Owner”) owns a parcel of real property in the City of Baxter, identified by parcel identification number 40070529 (the “Property”); and

**WHEREAS**, on May 7, 2024, the City levied a special assessment against the Property owned by the Property Owner for the City’s 2024 Mill & Overlay and Fully Depth Reclamation and Reconstruction Improvements Project, Municipal Project No. 4424, payable in equal installments extending over a period of 12 years beginning in 2024 and bearing interest at the rate of seven percent (7%) per year; and

**WHEREAS**, the special assessment amount levied against the Property in the amount of \$172,381.63, comprised of an assessed amount of \$164,856.93 plus \$7,524.70 in interest, identified as the Assessment Levy Amount; and

**WHEREAS**, the Property Owner appealed the May 7, 2024, special assessment by filing a special assessment appeal action as Crow Wing County District Court File No. 18-CV-24-1982; and

**WHEREAS**, the Property Owner and the City have prepared a proposed Compromise Agreement intended to resolve the assessment appeal filed as Crow Wing County District Court File No. 18-CV-24-1982; and

**WHEREAS**, the salient terms of the Compromise Agreement between Property Owner and the City are as follows:

- The City agrees to reduce the Assessment Levy Amount against the Property to a total amount of \$125,000.00 plus any accrued interest due and payable.
- The Compromise Agreement is intended to resolve the dispute between the parties arising from the Project and the Property Owner’s filing of Crow Wing County District Court File No. 18-CV-24-1982.

**NOW, THEREFORE**, be it resolved by the City Council of the City of Baxter, as follows:

1. The Council hereby approves the attached Compromise Agreement Pursuant to Minnesota Rules of Evidence Rule 408, for Dismissal of Assessment Appeal.

2. The Council also approves the attached Settlement Stipulation, Order and Judgment in connection with the special assessment appeal in Crow Wing County District Court File No. 18-CV-24-1982.
3. The Mayor and City Clerk are authorized to execute the Compromise Agreement.
4. The City Attorney is authorized to execute and file the attached Settlement Stipulation, Order and Judgment.
5. The City Clerk, Finance Director and City Attorney are authorized to implement the provisions in the attached Compromise Agreement and to finalize the settlement and dismissal of the special assessment appeal in Crow Wing County District Court File No. 18-CV-24-1982.

Enacted by the City Council of the City of Baxter, Minnesota this 15th day of October, 2024.

**CITY OF BAXTER**

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Darrel Olson  
Mayor

ATTEST:

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Kelly Steele  
Assistant City Administrator/City Clerk