



113 South Fourth Street • Marshall, Minnesota 56258-1223  
Telephone: 507-537-7005 • Fax: 507-537-6836 • [www.marshallutilities.com](http://www.marshallutilities.com)

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February 19, 2020

Marshall Housing and Redevelopment Authority  
Sharon Hanson Executive Director  
City Offices  
344 W. Main  
Marshall, MN 56258

Re: Option to purchase land

Dear Sharon:

The MMU Commission has directed me to exercise the Option pursuant to the attached Amended Option Contract for lot 2 block 7 in Commerce Park. Please work with the City Attorney and HRA/City Council to affect the purchase of said lot.

The 2020 use of the lot is not scheduled to change and can continue to be leased for agricultural purposes with whomever the HRA and/or City selects. The future uses of the lot may include hosting a solar array in the 2-5-year horizon and in a longer view, the future water treatment plant. The use for a water plant would be after the current plant completes its useful life. That could be 50 years from now. The fact that the raw water line lies adjacent make the lot valuable for that purpose.

The Right of First Refusal (ROFR) on the adjacent portion of lot 1 block 7 in Commerce Industrial Park expires December 31, 2022. MMU expects that the ROFR will terminate at that time unexercised.

Sincerely,

A handwritten signature in blue ink that reads 'Brad Roos'.

Brad Roos  
General Manager

Encl:

CC: Bob Byrnes and Dennis Simpson (email)

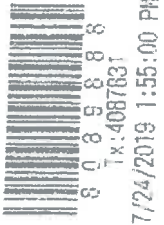
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OFFICE OF COUNTY RECORDER  
LYON COUNTY MINNESOTA

CERTIFIED, FILED, AND/OR  
RECORDED ON

07/24/2019 01:55:01 PM

MICHELLE DESMET  
COUNTY RECORDER



**AMENDED OPTION CONTRACT**

WHEREAS, the Housing and Redevelopment Authority in and for the City of Marshall, Minnesota, a municipal corporation, and Marshall Municipal Utilities, a municipal entity, previously entered into an exclusive 50 year option contract dated September 26, 2017, a copy of which is attached hereto and identified as Exhibit A; and

WHEREAS, the original option contract identified property subject to the option as being located within the Commerce Park Addition to the City of Marshall, Lyon County, Minnesota; and

WHEREAS, said property has recently been re-platted and the description of the property subject to the option contract has hereby been amended.

NOW, THEREFORE, IN CONSIDERATION WHEREOF, the parties hereto agree that the terms and conditions of the original Option Contract dated September 26, 2017, hereby apply to the same property which is hereby been re-platted and is now described as follows:

Lot Two (2) in Block Seven (7), Commerce Industrial Park Second Addition to the City of Marshall, Lyon County, Minnesota, according to the recorded plat thereof.

Further, the parties agree that all terms and conditions of said exclusive 50 year Option Contract apply to the re-platted property as described herein.

ref 218143

IN WITNESS WHEREOF:

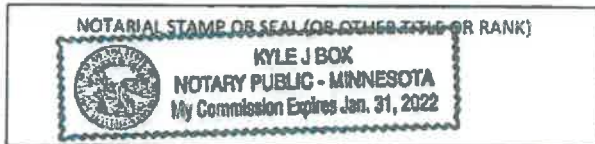
HOUSING AND REDEVELOPMENT AUTHORITY IN AND  
FOR THE CITY OF MARSHALL

By:   
Robert J. Byrnes  
Its: Chairman

By:   
Sharon Hanson  
Its: Executive Director

STATE OF MINNESOTA     )  
  )ss.  
COUNTY OF LYON         )

The foregoing instrument was acknowledged before me this 05 day of June,  
2019, by Robert J. Byrnes and Sharon Hanson, the Chairman and Executive Director of Housing and  
Redevelopment Authority, in and for the City of Marshall, Minnesota, a municipal corporation under the  
laws of the State of Minnesota, on behalf of the Authority.



  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

OPTIONEE, Marshall Municipal Utilities, hereby accepts this option and agrees to each and all of its terms.

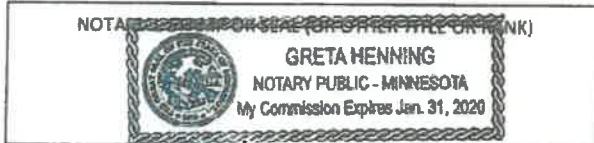
MARSHALL MUNICIPAL UTILITIES



By: Brad Roos  
Its: General Manager

STATE OF MINNESOTA        )  
  )ss.  
COUNTY OF LYON            )

The foregoing instrument was acknowledged before me this 23 day of July, 2019, by Brad Roos, General Manager of Marshall Municipal Utilities, a municipal entity under the laws of the State of Minnesota, on behalf of the Utility.



  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

THIS INSTRUMENT WAS DRAFTED BY:  
QUARNSTROM & DOERING, P.A.  
By: Dennis H. Simpson  
109 South Fourth Street  
Marshall, MN 56258  
(507) 537-1441

**EXHIBIT A**

**(Not previously recorded)**

**OPTION CONTRACT**

For and in consideration of the sum of One and no/100 (\$1.00) Dollar and other good and valuable consideration, (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, Housing and Redevelopment Authority in and for the City of Marshall, a municipal corporation, and its successors and assigns, hereby grants unto Marshall Municipal Utilities, a municipal entity, and its successors and assigns, an Exclusive Option for fifty (50) years from the 26<sup>th</sup> day of September, 2017 to purchase, for the sum of said One and no/100 (\$1.00) Dollar (already paid) the following-described lands situated in the County of Lyon and State of Minnesota, to-wit:

Lot Two (2) and the Easterly 551.76 feet of Lot One (1) all in Block Four (4), Commerce Industrial Park Addition to the City of Marshall, Lyon County, Minnesota, according to the recorded plat thereof.

Upon the following terms and conditions, to-wit: \$1.00 Cash, the receipt of which is hereby acknowledged, and the balance \$0. Said optionee, MMU shall signify its intention to take said property by due notice in writing, and shall perform the conditions and comply with the terms of this Option, all within the time above specified. The failure to give such notice, and failure to comply with the terms and perform the conditions herein, within the time specified, shall terminate this Option, and all rights thereunder, without further act or notice whatsoever, time being the essence of this agreement

in case said notice shall be given in due time, but transaction is not completed, then an additional 180 days shall be given in which to examine titles, make conveyances and close the transaction

IN WITNESS WHEREOF

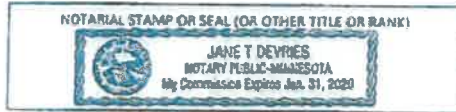
HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF MARSHALL

By: [Signature]  
Robert J. Byrnes  
Its: Chairman

By: [Signature]  
Sheila Dubs  
Its: Interim Executive Director

STATE OF MINNESOTA        )  
  )ss.  
COUNTY OF LYON         )

The foregoing instrument was acknowledged before me this 21 day of Sept, 2017, by Robert J. Byrnes and Sheila Dubs, the Chairman and Interim Executive Director of Housing and Redevelopment Authority, in and for the City of Marshall, a municipal corporation under the laws of the State of Minnesota, on behalf of the Authority.



[Signature]  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

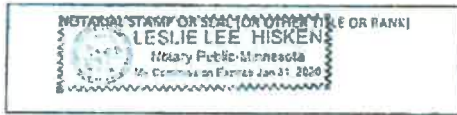
OPTIONEE, Marshall Municipal Utilities, hereby accepts this option and agrees to each and all of its terms.

MARSHALL MUNICIPAL UTILITIES

[Signature]  
By: Brad Roos  
Its: General Manager

STATE OF MINNESOTA     )  
  )ss.  
COUNTY OF LYON         )

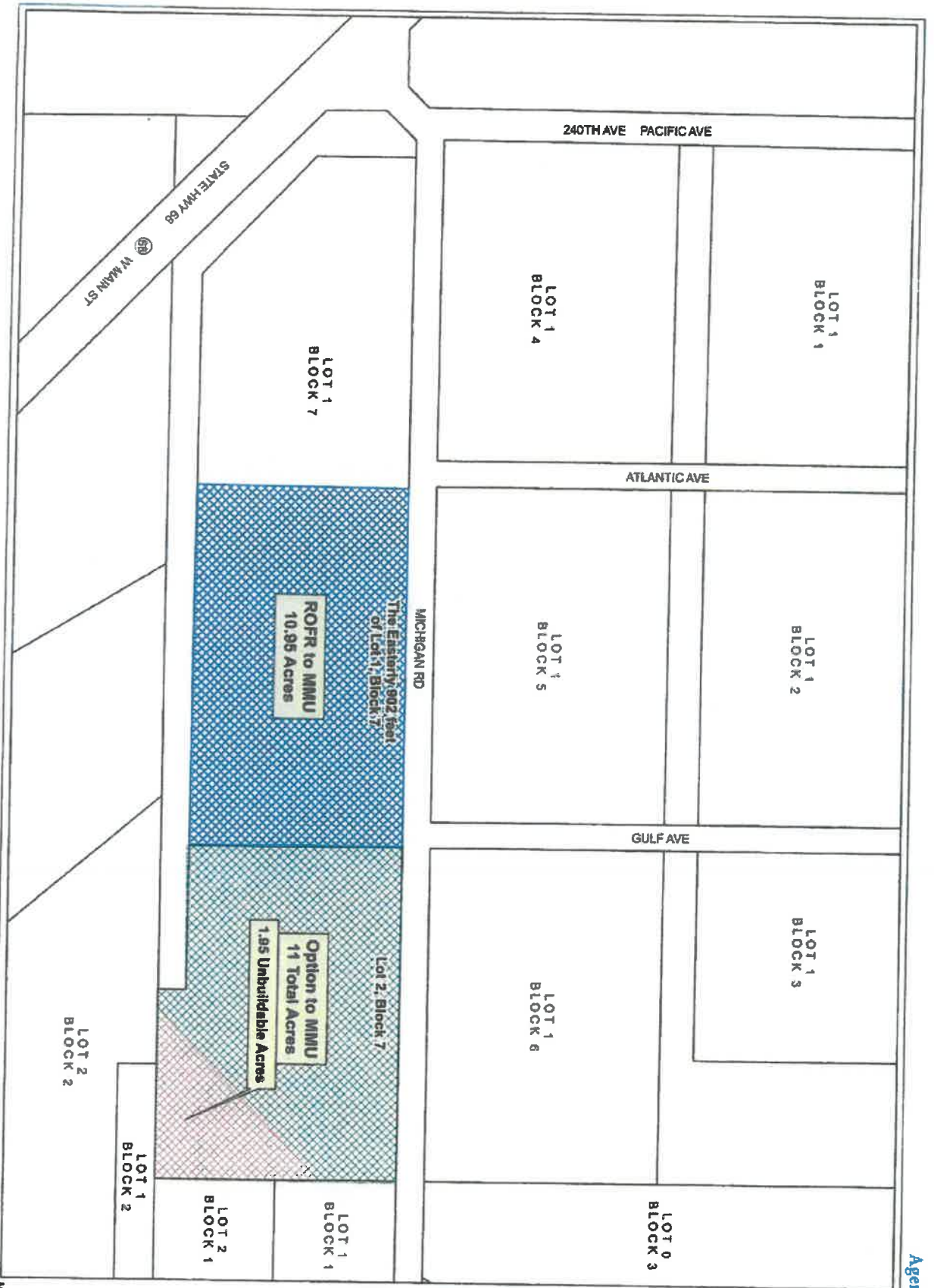
The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of October 2017, by Brad Roos, General Manager of Marshall Municipal Utilities, a municipal entity under the laws of the State of Minnesota, on behalf of the Utility.






*Leslie Lee Hisker*  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

THIS INSTRUMENT WAS DRAFTED BY:  
QUARNSTROM & DOERING, P.A.  
By: Dennis H. Simpson  
109 South Fourth Street  
Marshall, MN 56258  
(607) 537-1441

# Marshall Commerce Industrial Park



-  Option to MMU
-  ROFR to MMU
-  Unbuildable Property