



Office of the City Attorney
109 South Fourth Street
Marshall, MN 56258
Ph. (507) 537-1441
Fax: (507) 537-1445
Email: dsimpson@qdlawfirm.com

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
CC: Sharon Hanson, City Administrator; Karla Drown, Finance Director; Glenn Olson,
Director of Public Works/City Engineer
FROM: Dennis H. Simpson, City Attorney
DATE: January 3, 2019
RE: Commerce Industrial Park Re-Plat

The City Engineer's office is bringing forward for Council action Commerce Industrial Park Second Addition (re-plat). There are two documents that go with the plat that have been prepared but have not yet been returned to the City Attorney's office. I am providing an explanation of the two documents that have been submitted back to the State of Minnesota for signature. Approval of the re-plat is subject to and contingent upon execution of the following documents:

1. Minnesota law requires that any individual or any entity having "an interest" in property to be platted or re-platted, must agree to the terms of the plat and must sign the plat. The State of Minnesota Department of Management and Budget (MMB) does have an interest in the Commerce Industrial Park to be re-platted as Commerce Industrial Park Second Addition. MMB's interest in the property arises pursuant to the BDPI grant agreement and that grant agreement interest is referenced pursuant to the "Declaration" securing the financial obligation as referenced in the BDPI grant agreement. The declaration was originally dated September 27, 2017, was filed in the office of the Lyon County Recorder on September 28, 2017 and is recorded as Document No. 214016. Because the legal description on the Commerce Industrial Park Second Addition changes from the description on the original plat, an amendment to the declaration has been provided and the amendment to declaration has been sent to MMB for signature. The requested amendment was submitted to MMB on December 21, 2018. As of the date of preparation of this memorandum, the signed amendment has not been returned to the City Attorney's office.
2. Any entity in interest must sign the plat. Instead of sending the original Mylar plat to the St. Paul for signature, I have drafted a consent to plat document which would be signed by MMB and filed contemporaneously with the original plat. The consent to plat document was also provided to MMB on December 21, 2018. As of the date this memorandum, however, the original signed consent to plat has not been returned to the City Attorney's office.

Copies of both documents are attached for your review and information. Approval of the Commerce Industrial Park Second Addition (re-plat) is subject to and contingent upon the original amendment to declaration and consent to plat documents being provided and recorded.

DHS:hjr