

CITY MARSHALL, MINNESOTA

RESOLUTION NO. _____

Resolution Approving the Petition and Waiver Agreement with Knochenmus Enterprises as Exhibit B to the Lease with Knochenmus Enterprises and Delegating Authority for Final Resolution and Execution of the Agreement

WHEREAS, the City of Marshall on May 9, 2023 approved the lease for the property legally described as Lot 2, Block 1, Schwan’s Corp I Addition to the City of Marshall, Lyon County, Minnesota and commonly referred to as the Ralco parking lot (“the Property”); and

WHEREAS, the Owner of the property has petitioned the City to have improvements constructed to serve the Property, with said improvements being generally described as the repaving of the parking lot; and

WHEREAS, the Owner represents and warrants that the Owner is the sole owner of the Property, has full legal power and authority to encumber the Property, and has fee simple absolute title in the Property, which is not subject to any liens, interests or encumbrances; and

WHEREAS, the Owner, desires to enter into a Petition and Waiver Agreement, which waives the notice of hearing and hearing pursuant to Minnesota Statutes Section 429.031, on the Improvement Project and notice of hearing and hearing on the special assessments levied to finance the Improvement Project pursuant to Minnesota Statutes Section 429.061, and specifically requests that the Improvement Project be constructed and special assessments be levied against the Subject Property therefor without hear; and

WHEREAS, the Owner, as part of the Petition Agreement, further desires to waive the right to appeal the levy of the special assessments, or reapportionment thereof upon land division, or otherwise, and further specifically has agreed with respect to such special assessments against the Subject Property or reapportionment that:

- a. Any requirements of Minnesota Statutes Chapter 429 or any other law or regulation relating to the special assessments with which the City does not comply are hereby waived by the Owner;
- b. The increase in fair market value of the Subject Property resulting from construction of the Improvement Project will be at least equal to the amount specified in paragraph 3, and that such increase in fair market value is a special benefit to the Subject Property that the Owner does not contest; and
- c. Assessment of the amount against the Subject Property is reasonable, fair, and equitable.

WHEREAS, the Petition and Waiver agreement has some non-essential terms being negotiated between the Owner and the City; and

NOW, THEREFORE BE IT RESOLVED, that the Petition and Waiver Agreement is accepted; and

ALSO, BE IT RESOLVED, that the City Administrator or her delegee is authorized to finalize this Agreement, and any amendments thereto reflecting a mutually agreed upon increase in assessment, and that the Mayor is hereby authorized and directed to execute this Agreement, and any Amendment thereto reflecting a mutually agreed upon increase in assessment, as attested by the clerk.

Approved by the City Council of the City of Marshall, Minnesota this 23rd day of May, 2023.

City of Marshall, Minnesota

Robert J. Byrnes, Mayor

ATTEST:

Steven Anderson, City Clerk