



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Lauren Deutz
Meeting Date:	Tuesday, October 22, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider the Approval of Partial Release of Development Contract and Modification of Declaration of Restrictions for Stone Meadows
Background Information:	<p>Kuepers Inc, a family-owned and operated development and construction company based out of Brainerd, has approached staff about the development of a 108-unit market rate housing development. The project, Stone Meadows, would include three, 36-unit apartment buildings.</p> <p>The identified project site is parcel 27-420005-0 identified as Outlot B of J-C Boyer Addition located directly behind the former Shopko building. The site has a recorded Declaration of Restrictions controlled by Wal-Mart Stores, Inc which restricts residential development without prior consent from Wal-Mart and surrounding property owners. The City, as the successor declarant of Outlot D and Outlot C, must also approve the release/amendment to the restrictive covenants. The City's Modification of Declaration of Restrictions will be subject to the consent of Wal-Mart Real Estate Business Trust.</p> <p>Following review by Wal-Mart Real Estate Business Trust, further clarification was requested resulting in an updated version of the Modification of Declaration of Restrictions. Kuepers Inc is also seeking Partial Release of the Development Agreement releasing the company from all of the restrictions, covenants, encumbrances, obligations, terms and conditions of the Development Contract.</p> <p>Also included is a resolution to fully terminate the development contract at a later date which would still require review and approval from Wal-Mart Real Estate Business Trust. This resolution would clear up any remaining obligations and would not delay the closing of the property for Kuepers Inc.</p>
Fiscal Impact:	-
Alternative/Variations:	
Recommendations:	<ol style="list-style-type: none"> 1) To adopt Resolution 24-090 Approving the Partial Release of a Development Contract and authorizing approval of a Modification of Declaration of Restrictions for Stone Meadows. 2) To adopt Resolution 24-094 Approving the Termination of a Development Contract with Wal-Mart RE.