

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #17-06-159

RESOLUTION AUTHORIZING STAFF TO COMMENCE AN ACTION IN ANOKA COUNTY DISTRICT COURT SEEKING AN ORDER RE-VESTING TITLE TO LOT 2, BLOCK 1, COR TWO, CITY OF RAMSEY

WHEREAS, on February 26, 2014, the housing and redevelopment Authority in and for the City of Ramsey, Minnesota executed a Quit Claim Deed conveying Lot 2, Block 1, COR TWO, Anoka County, Minnesota to McDonald's USA, LLC; and

WHEREAS, the Deed contained a right of re-entry in favor of The Housing and Redevelopment Authority in and for the City of Ramsey, Minnesota. Pursuant to the terms of the right of re-entry contained in the Deed, the HRA may commence an action in Anoka County District Court seeking an order re-vesting title to the Property in the HRA if either of the following conditions are not met:

- a) McDonald's does not commence construction of the improvements on the Property within 720 days after the date of the Deed (deadline was February 16, 2016), or
- b) McDonald's does not substantially complete the construction of the improvements within 1080 days after the date of the Deed (Deadline was February 10, 2017); and

WHEREAS, pursuant to Resolution No. 14-12-262 and Resolution No. 14-11-236, The Housing and Redevelopment Authority in and for the City of Ramsey, Minnesota was dissolved and all of the property and property rights owned by the HRA were transferred to the City; and

WHEREAS, McDonald's has not obtained a building permit or taken any steps to commence construction on the Property by the required deadline (February 16, 2016), and McDonald's did not substantially complete the construction of the improvements by the required deadline (February 10, 2017), so both conditions in the Deed have not been met and the City can commence an action in Anoka County District Court seeking an order re-vesting title to the Property; and

WHEREAS, City has an interest in the immediate development of the Property; and

WHEREAS, McDonald's desires to continue to hold the property and develop the site at an unspecified future date; and

WHEREAS, City has invested substantial resources into the platting and development of the McDonald's parcel and the adjacent site in reliance upon the previous agreement with McDonald's, and desires to see return on its investment.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

- 1) The City Administrator is hereby authorized to commence and complete a District Court action seeking an order re-vesting title to Lot 2, Block 1, COR TWO, Anoka County, Minnesota to the City. The City Administrator is authorized to manage the District Court action in his reasonable judgment.
- 2) The City Administrator is hereby authorized to complete any action necessary with the Examiner of Titles in and for Anoka County to (i) complete the transfer of the right of re-entry from the HRA to the City, including without limitation the execution of a deed if necessary, and (ii) complete the transfer of title to Lot 2, Block 1, COR TWO, Anoka County, Minnesota from the McDonald's USA, LLC to the City .
- 3) The City Administrator is hereby authorized to execute any documents necessary to effectuate the actions authorized herein.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 27th day of June, 2017.

Sarah Strommen, Mayor

ATTEST:

Jo Ann M. Thieling, City Clerk