

CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: _____

Meeting Date: February 13, 2014

Attachments: Yes No

CITY COUNCIL ACTION

Date: _____

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Planning and Development Services

Agenda Item: Consideration of grant of real property – Rule Tire.

Recommended Action: To approve the resolution granting the real estate to the City of Willmar.

Background/Summary: Over the past several months, the City of Willmar has been dealing with the heirs of Jim Rule regarding the disposition of their property on 7th Street Southwest, between Benson and Pacific Avenues. Environmental testing indicates that there are no significant hazards on the property. The family has agreed to bring the real estate taxes current. The City has identified no definite uses for the property, but has previously expressed a desire to see the buildings demolished to end the decline of conditions in the neighborhood.

Alternatives:

1. Accept the property as proposed.
2. To not accept the property.

Financial Considerations: If the City accepts the property, there will be demolition costs associated with the structure. Those are estimated to be in the neighborhood of \$50,000.

Preparer: Bruce D. Peterson, AICP
Director of Planning and Development Services

Signature:

Comments:



Pacific Ave

Benson Ave

7th St

Rule Family Trust Property

#95-003-2170

#95-003-2180

#95-003-2160



TH No. 12

RESOLUTION NO.: _____

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR,
MINNESOTA ACCEPTING THE GRANT OF REAL PROPERTY IN WILLMAR,
MINNESOTA

WHEREAS, Cindy S. Gardner, as Trustee of the Rule Family Revocable Living Trust dated October 1, 2007, (“Donor”), holds fee title to certain real property located in the City of Willmar, Kandiyohi County, Minnesota, and bearing Parcel ID Numbers 95-003-2160, 95-003-2170, 95-003-2180 (the “Property”); and

WHEREAS, Donor has stated its intent to donate the Property to the City of Willmar, Minnesota (the “City”); and

WHEREAS, A draft Trustee’s Deed has been prepared and is attached hereto as Exhibit A; and

WHEREAS, Donor has presented the City with an appraisal conducted by Holmgren Appraisals, LLC, effective December 9, 2013, which indicated a market value for the Property of \$80,000.00; and

WHEREAS, Minnesota Statutes, Section 465.03 provides that the City may accept a grant of real property and maintain the same for the benefit of its citizens in accordance with the terms prescribed by the Donor, and that acceptance of such grant is subject to a resolution of the City Council adopted by a two-thirds majority of its members, expressing the terms of the grant in full; and

WHEREAS, Section 4.02 of the City’s Home Rule Charter states that no real estate or buildings shall be acquired by the City until the same shall have been submitted to and approved by the City’s Planning Commission; and

WHEREAS, The City’s Planning Commission reviewed the proposed donation of the Property to the City and approved of the same at its meeting on October 23, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:
The City Council hereby: (1) accepts the grant/acquisition of the Property by the Donor to the City; (2) approves the attached Trustee’s Deed, Exhibit A attached hereto; and (3) authorizes and directs the City Clerk to (a) execute such other documentation as is necessary to accomplish the donation to and acquisition of the Property by the City of Willmar, and (b) record such executed deed and such other documentation with the Kandiyohi County Recorder’s Office and pay such related fees.

PASSED by the City Council of the City of Willmar on this ___ day of _____, 2014.

ATTEST

City Clerk

Mayor

EXHIBIT A
Trustee's Deed

COPY

TRUSTEE'S DEED

Individual(s) to Corporation

STATE DEED TAX DUE HEREON \$ 1.65

Date: 12/31, 2013

FOR VALUABLE CONSIDERATION, Cindy S. Gardner, as Trustee of The Rule Family Revocable Living Trust dated October 1, 2007, Grantor, hereby conveys to the City of Willmar, a municipal non-profit corporation under the laws of the State of Minnesota, Grantee, real property in Kandiyohi County, Minnesota, described as follows:

Lots 9, 10, 11 and 12 of Block 21 except the Easterly 20.71 feet of Lot 9 and except the East 2.0 feet of the Westerly 4.29 feet of the North 75.50 feet of said Lot 9 in the Town (now City) of Willmar, according to a recorded plat;

together with all hereditaments and appurtenances belonging thereto.

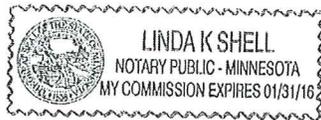
TOTAL CONSIDERATION FOR THIS REAL ESTATE TRANSACTION IS LESS THAN \$500.

By: 
Cindy S. Gardner, Trustee

STATE OF MINNESOTA)
COUNTY OF Washington) ss.

The foregoing instrument was acknowledged before me this 31st day of December, 2013, by
Cindy S. Gardner, as Trustee of The Rule Family Revocable Living Trust dated October 1, 2007, Grantor.

(Notary Stamp)



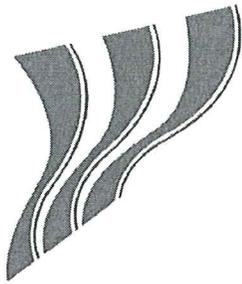
[Signature]
Notary Public

This Instrument was Drafted by:

Bradley J. Schmidt
JOHNSON, MOODY, SCHMIDT & KLEINUIZEN, P.A..
P. O. Box 913
Willmar, MN 56201
320-235-2000
Attorney ID No. 195625

**Tax Statements for the Real Property
Described in this Instrument Should
be sent to:**

City of Willmar
City Office Building
333 SW 6th St.
Willmar, MN 56201



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| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Planning and Development Services

Agenda Item: Consideration of grant of real property - Gesch Properties.

Recommended Action: To accept the grant of real property from Gesch Properties LLC.

Background/Summary: Working with the property owners, the City has proposed the extension of 12th Street Southeast north of Willmar Avenue to be a north/south connecting link. This will be the only north/south connection between 9th Street Southeast and Lakeland Drive, north of Willmar Avenue. The family (Gesch Properties) has agreed to quit claim that property to the City so that we might be able to construct the street in our 2014 street project. A copy of the quit claim deed is attached.

Alternatives:

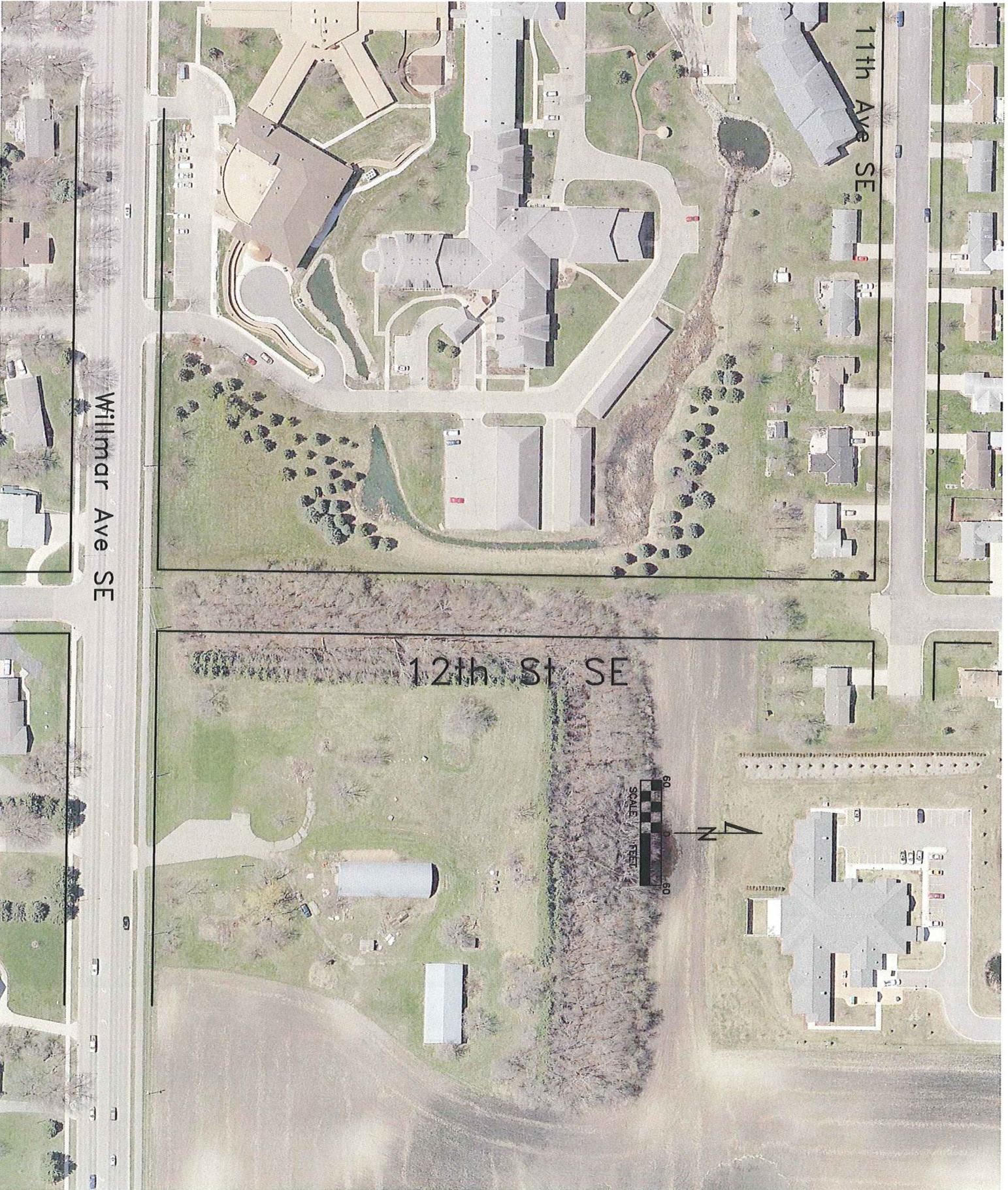
1. Accept the property and construct the street.
2. Don't accept the property and delay street construction.

Financial Considerations: The cost of constructing the street will be borne by the two adjacent property owners, Gesch Properties and Bethesda.

Preparer: Bruce D. Peterson, AICP
Director of Planning and Development Services

Signature: 

Comments:



11th Ave SE

Willmar Ave SE

12th St SE



RESOLUTION NO.: _____

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR,
MINNESOTA ACCEPTING THE GRANT OF REAL PROPERTY IN WILLMAR,
MINNESOTA

WHEREAS, Gesch Properties, LLC, a Minnesota limited liability company, (“Grantor”), holds fee title to certain real property located in the City of Willmar, Kandiyohi County, Minnesota, legally described as:

Parcel 1 and Parcel 2, City of Willmar 12th Street SE Right
of Way Plat

(the “Property”); and

WHEREAS, Grantor has stated its intent to quitclaim the Property to the City of Willmar, Minnesota (the “City”) for \$1.00 and other good and valuable consideration; and

WHEREAS, A draft Quitclaim Deed has been prepared and is attached hereto as Exhibit A;
and

WHEREAS, Minnesota Statutes, Section 465.03 provides that the City may accept a grant of real property and maintain the same for the benefit of its citizens in accordance with the terms prescribed by the Grantor, and that acceptance of such grant is subject to a resolution of the City Council adopted by a two-thirds majority of its members, expressing the terms of the grant in full; and

WHEREAS, Section 4.02 of the City’s Home Rule Charter states that no real estate or buildings shall be acquired by the City until the same shall have been submitted to and approved by the City’s Planning Commission; and

WHEREAS, The City’s Planning Commission reviewed the proposed donation of the Property to the City and approved of the same at its meeting on February 12, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:
The City Council hereby: (1) accepts the grant/acquisition of the Property by the Grantor to the City; (2) approves as to form the attached Quitclaim Deed, Exhibit A attached hereto; and (3) authorizes and directs the City Clerk to (a) seek execution of the deed substantially in the form hereby approved and allowing any necessary minor or technical changes, (b) execute such other documentation as is necessary to accomplish the acquisition of the Property by the City of Willmar, and (c) record such executed deed and such other documentation with the Kandiyohi County Recorder’s Office and pay such related fees.

PASSED by the City Council of the City of Willmar on this ___ day of _____, 2014.

ATTEST

City Clerk

Mayor

EXHIBIT A
Quitclaim Deed

(Top 3 inches reserved for recording data)

QUIT CLAIM DEED

DEED TAX DUE: \$ _____

DATE: January _____, 2014

FOR VALUABLE CONSIDERATION, Gesch Properties, LLC, a Minnesota limited liability company with its offices located at 10785 46th Place North, Plymouth, Minnesota, 55442 ("**Grantor**"), hereby conveys and quitclaims to the City of Willmar, a Minnesota municipal corporation with its offices at 333 6th Street Southwest, Willmar, Minnesota 56201 ("**Grantee**"), for \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, real property in Kandiyohi County, Minnesota, legally described on the attached Exhibit "A", together with all hereditaments and appurtenances belonging thereto.

The total consideration for this deed is less than \$500.00.

Grantor certifies that the Grantor does not know of any wells on the described real property.

Gesch Properties, LLC, Grantor

By: _____
LeAnn Isaacson, Manager

By: _____

Its: _____

State of Minnesota, County of Kandiyohi

This instrument was acknowledged before me on _____, 2014, by LeAnn Isaacson, the Manager, of Gesch Properties, LLC.

(Stamp)

Notary Public

State of Minnesota, County of Kandiyohi

This instrument was acknowledged before me on _____, 2014, by _____, the _____, of Gesch Properties, LLC.

(Stamp)

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

**Robert T. Scott, Attorney at Law
Flaherty & Hood, P.A.
525 Park Street, Suite 470
St. Paul, MN 55103
(651) 225-8840**

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel 1 and Parcel 2, City of Willmar 12th Street SE Right of Way Plat
