

MEMORANDUM

Community Development Department

DATE: August 24, 2018

TO: Northfield City Council

FROM: Nate Carlson, Economic Development Coordinator
Scott Tempel, City Planner

RE: Addressing concerns related to property title for the land sale to Strobel & Werner Real Estate Holdings, Inc.

Mayor and Council members,

Regarding Council concerns related to property title for the land sale to Strobel & Werner Real Estate Holdings, Inc., staff reviewed the underlying records and consulted with the City Attorney. Staff also reviewed the records and prior Council actions related to this property and can find no restrictions upon the property. Staff has confirmed that the City owns the property in fee simple and have not found any recorded restrictions upon sale of the same.

Additionally, there are no current easements to be vacated prior to the sale of land. However, there will be a new easement put in place over the existing drainage pond.

Attached to this memorandum is the certificate of title for the property. The following is the legal description of the property:

**TRACT A, REGISTERED LAND SURVEY NO. 12, CITY OF NORTHFIELD,
RICE COUNTY, MINNESOTA.**

Staff located Council Motion 2006-0016 that concurs there are no land use restrictions for Babcock Park when the City purchased the land in 1958. The staff report states, "The Certificate of Title for the land purchased by the City in 1958 does not contain any land use restrictions language nor indicate that the purchase of the property was made using funds which would restrict its future use." See the staff report attached.

Certificate of Title

Certificate No: 10896.0

TRANSFER FROM NO. 10660 and 10685 ORIGINALLY REG. NO. 782 dated 02/28/1958 Volume 4
Page 137 REGISTERED LAND SURVEY DOC. NO. 45023

State of Minnesota, County of Rice

This is to certify that
CITY OF NORTHFIELD, A MUNICIPAL CORPORATION
IN FEE SIMPLE

Whose address is
801 WASHINGTON STREET
in the **CITY of NORTHFIELD**
State of **STATE OF MINNESOTA 55057**

*Owner(s) of the following described land situated in the
County of Rice and State of Minnesota*

**TRACT A, REGISTERED LAND SURVEY NO. 12, CITY OF NORTHFIELD, RICE COUNTY,
MINNESOTA.**

Subject to the encumbrances, liens and interest noted by the memorial
underwritten or endorsed hereon; and subject to the following rights,
or encumbrances subsisting, as provided in M.S. Section 508.25 namely;

1. Liens, claims, or rights arising or existing under the laws or Constitution
of the United States, which this state cannot require to appear of record;
2. The lien of any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual
occupation of the premises thereunder;
4. All rights in public highways upon the land;
5. The right of appeal or right to appear and contest the application,
as is allowed by the chapter;
6. The rights of any person in possession under deed or contract for deed
from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under
sections 514.01 to 514.17;

In Witness Whereof,

I have hereunto subscribed my name and affixed the seal of my office, this 13th day of November, 2009

MARSHA DEGROOT

Registrar of Titles

In and for the

County of Rice

State of Minnesota

By _____

Memorials

Certificate No: 10896.0

Document #: T 8816

Amount:

Dated: 07/01/1983

In favor of:

THOMAS DOUGHTY

Instr: LEASE AGREEMENT

Ref:

Filed: 01/05/1984 at 9:00 AM

Document #: T 8817

Amount: \$1.00

Dated: 11/04/1983

In favor of:

RICHARD A. THOMPSON

Instr: ASSIGNMENT OF LEASE AGREEMENT

Ref: T8816

Filed: 01/05/1984 at 9:01 AM

Document #: T 42156

Amount:

Dated: 11/20/2006

In favor of:

THE PUBLIC

Comments:

(VACATING PART BABCOCK PARK)

Instr: ORDINANCE/RESOLUTION #852

Ref:

Filed: 10/08/2007 at 9:01 AM

Document #: T 42157

Amount:

Dated: 11/28/2006

In favor of:

THE PUBLIC

Comments:

(REZONING PROPERTY)

Instr: ORDINANCE/RESOLUTION #853

Ref:

Filed: 10/08/2007 at 9:02 AM

Document #: T 42158

Amount:

Dated: 06/26/2007

In favor of:

**STROBEL & WERNER
STROBEL MICHAEL A
STROBEL SHELLEY D
WERNER MARK G
WERNER MARY LOU**

Comments:

(PERMANENT EASEMENT)

Instr: QUIT CLAIM DEED

Ref:

Filed: 10/08/2007 at 9:03 AM

Document #: T 42159

Amount:

Dated: 03/19/2007

In favor of:

**NORTHFIELD CITY OF
STROBEL & WERNER
STROBEL MICHAEL A
STROBEL SHELLEY D
WERNER MARK G
WERNER MARY LOU**

Instr: DEVELOPMENT AGREEMENT

Ref:

Filed: 10/08/2007 at 9:04 AM

Document #: T 42160

Amount:

Dated: 06/26/2007

In favor of:

**STROBEL & WERNER
STROBEL MICHAEL A
STROBEL SHELLEY D
WERNER MARK G
WERNER MARY LOU
NORTHFIELD CITY OF**

Instr: EASEMENT AGREEMENT

Ref:

Filed: 10/08/2007 at 9:05 AM

Document #: T 42161

Amount:

Dated: 04/20/2007

In favor of:

THE PUBLIC

Comments:

(PLAT OF STROBEL-WERNER ADDITION)

Instr: PLATS

Ref:

Filed: 10/08/2007 at 9:06 AM

Document #: T 43347

Amount:

Dated: 08/25/2008

In favor of:

R FAMILY FOODS INC

Comments:

(PART)

Instr: QUIT CLAIM DEED

Ref:

Filed: 08/26/2008 at 9:46 AM

Document #: T 43393

Amount:

Dated: 07/14/2008

In favor of:

THE PUBLIC

Instr: ORDINANCE/RESOLUTION

Ref: #880

Filed: 09/10/2008 at 9:45 AM

Document #: T 43394

Amount:

Dated: 07/14/2008

In favor of:

THE PUBLIC

Instr: ORDINANCE/RESOLUTION

Ref: #881

Filed: 09/10/2008 at 9:46 AM

Document #: T 45023

Amount:

Dated: 12/10/2008

In favor of:

THE PUBLIC

Instr: REGISTERED LAND SURVEY

Ref:

Filed: 11/13/2009 at 9:45 AM

***** End of Memorials *****

M 2006 - 0016

ITEM: City Council approval and direction to staff to begin discussions with Dr. Werner from the Cannon Valley Veterinary Clinic regarding a land exchange with land located within Babcock Park and land to be acquired by the Veterinary Clinic.

SUBMITTED BY: Joel Walinski, Operations Manager

REVIEWED BY: Heidi Hamilton, Director of Public Works
Howard Merriam, Director of Resources & Park Planning
Brian O'Connell, Community Development Director
Bill Bassett, Interim City Administrator

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve and direct city staff to begin discussions with Dr. Werner of the Cannon Valley Veterinary Clinic regarding a land exchange for land located within Babcock Park and land that will be acquired by the Veterinary Clinic. The land of interest to the Cannon Valley Clinic is located in Babcock Park directly behind the present location of the Veterinary Clinic. If the Council approves this item, City staff will work with the Cannon Valley Veterinary Clinic to identify land parcels of equal value and interest to the City, which could lead to a future land trade.

Dr. Mark Werner of the Cannon Valley Veterinary Clinic has submitted a letter to the Mayor and Council regarding the property located directly behind the Cannon Valley Veterinary Clinic, 1200 south Highway 3 (attachment #1). The Cannon Valley Clinic has begun to develop plans to expand their existing business. If they are to grow their business at this site they will need additional land for building expansion and parking. Currently the National Guard uses this space as a fenced parking lot, approximately 288' X 194' (1.3 acres). In 1987 the City entered into a five-year lease agreement with the National Guard on the use of this space for one dollar annually, the agreement has not been renewed but the Guard still uses the property for vehicle storage. The Certificate of Title for the land purchased by the City in 1958 does not contain any land use restrictions language nor indicate that the purchase of the property was made using funds which would restrict its future use. In the initial talks with Dr. Werner the City staff indicated it maybe open to the expansion of the Veterinary Clinic onto this property if property of equal value and of interest to the City were available for an exchange and another site for the National Guard vehicle storage could be found.

At the January Park and Recreation Advisory Board meeting the land exchange concept was presented to the board for review, insight, and staff direction. The Board recommended the staff seek the Council's approval of the concept and continue to investigate the land trade with Dr. Werner. Once land is identified, a land trade agreement could be developed and would need to be reviewed by the PRAB and approved by the Council.

CITY COUNCIL GOALS:

- Promote the rational and orderly development of our land resources, be a good steward of the built environment, respect the natural environment, and provide a strong rational public infrastructure.
- Support and promote a healthy, diverse economy and an attractive business environment that builds on Northfield's strengths.

ATTACHMENTS:

1. Letter from Dr. Mark Werner of the Cannon Valley Veterinary Clinic
2. Site Location

PROPOSED MOTION FOR CONSIDERATION: Davis Motion Vots Second

The City Council of the City of Northfield approves and directs staff to begin discussions with Dr. Werner of the Cannon Valley Veterinary Clinic regarding a land exchange or sale of land located within Babcock Park.

SUGGESTED ORDER OF BUSINESS:

Introduction/report:	Bill Bassett, Interim City Administrator
Motion, second	City Council
Questions/Comments from City Council	Mayor and Council Members
Questions/Comments from Public, if any (2minutes/person)	Mayor facilitates
Discussion	Mayor/City Council
Action on motion	City Council

ATTACHMENT #1

January 18, 2006

Dear Mayor Lansing and Northfield City Council Members,

In regards to the City Park land, west of Cannon Valley Vet Clinic, 1200 S. Hwy 3.

Cannon Valley Vet Clinic has been in business since 1981, starting as a large and small animal practice. We are still predominantly a veterinary clinic, but have diversified into a veterinary distribution company as well. This distribution company has grown faster than we anticipated, and we expect to double or triple in size, which would require more space and employees. We need room for a larger building, and more parking spaces. We currently have no room to expand.

While the business has changed in the way it looks over the years, our commitment to the community has not.

Northfield has been an excellent place for our business in the past and we expect that to continue long into the future. However, if we are to continue our growth we need your help. We need land to build a new warehouse as well as increase our parking space. As of today we are looking at building a 5,000 square foot warehouse and office space. This warehouse would be built with the ability to expand as needed.

To accomplish this we would like to propose a land swap in which we would receive about 1 to 1.5 acres, which the armory is now using, situated between our present lot and the river, and exchange for that lot, property that the city could chose of similar value.

This would allow us to continue to grow our business, and expand our present location.

Thank you for your consideration and please if you have any questions for us, give us a call at the clinic at 507-645-8871.

Sincerely,



Mark Werner DVM

Attachment 2 Babcock Park

