

CITY OF NORTHFIELD, MN
CITY COUNCIL RESOLUTION 2017-056

APPROVING THE DEVELOPMENT AND ESCROW AGREEMENTS BETWEEN THE CITY
OF NORTHFIELD AND SCHMIDT ENDEAVORS, INC. RELATED TO THE HILLS OF
SPRING CREEK 8th ADDITION FINAL PLAT

WHEREAS, Schmidt Endeavors, Inc. is seeking approval of a development agreement and escrow agreement related to and as a condition of the Hills of Spring Creek 8th Addition Final Plat, City of Northfield Resolution 2017- , for the development of that certain property legally described therein (the “Development Property”); and

WHEREAS, the above-referenced Development Agreement, which is attached hereto as Exhibit A, requires that prior to construction activities on the Development Property, Schmidt Endeavors, Inc., shall enter into a development agreement with the City and will comply with all terms and conditions thereof; and

WHEREAS, Schmidt Endeavors, Inc. proposes to undertake certain activities associated with the development on the Development Property included within the Final Plat of the Hills of Spring Creek 8th Addition, including but not limited to, the installation of public improvements and the construction of residential structures; and

WHEREAS, Schmidt Endeavors, Inc., as a condition of Final Plat approval and as provided in the attached Development Agreement, will provide financial security in the form of an escrow agreement, which is attached hereto as Exhibit B, insuring the installation of the required public improvements and is agreeing to pay to the city the required fees and charges associated with the Hills of Spring Creek 8th Addition Final Plat, and;

WHEREAS, Minnesota Statutes, Section 462.356, subdivision 2, states that no publicly owned interest in real property within a city shall be acquired or disposed of until after the planning commission has reviewed the proposed acquisition or disposal and reported in writing to the city council its findings as to compliance of the proposed acquisition or disposal with the comprehensive plan; and

WHEREAS, the above statute further states, however, that the city council may, by resolution adopted by two-thirds vote, dispense with the requirements of the above subdivision when in its judgment it finds that the acquisition or disposal of real property has no relationship to the comprehensive plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT: the Development Agreement between the City of Northfield and Schmidt Endeavors, Inc. is hereby approved as to form.

BE IT FURTHER RESOLVED THAT: The Mayor and City Council hereby find that the

proposed acquisition of the real property legally described in the development agreement by the City for purposes of stormwater improvements has no relationship to the City's comprehensive plan, and, therefore, review of the proposed acquisition by the Northfield Planning Commission is not required under Minnesota Statutes, Section 462.356, subdivision 2, and is hereby dispensed with as allowed by that statute.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL THAT: the Mayor and City Clerk of the City of Northfield, respectively, are authorized to sign the Development Agreement and Escrow Agreement substantially in the form attached hereto, allowing for any minor or technical changes as necessary to complete the documents substantially in the form hereby approved, provided that Schmidt Endeavors, Inc. has first properly executed such Development Agreement, recorded the above-referenced Final Plat, executed such Escrow Agreement and provided the required financing and security, and obtained all consents as applicable for execution of the Development Agreement and Escrow Agreement from mortgagee's or otherwise.

PASSED by the City Council of the City of Northfield on this 11th day of July, 2017.

ATTEST

City Clerk

Mayor

VOTE: ___ POWNELL ___ COLBY ___ DELONG ___ NAKASIAN
 ___ NESS ___ PETERSON WHITE ___ ZWEIFEL

EXHIBIT A
DEVELOPMENT AGREEMENT

EXHIBIT B
ESCROW AGREEMENT