

CITY OF NORTHFIELD, MN
CITY COUNCIL RESOLUTION 2016-100

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA APPROVING THE GRANT AND CONVEYANCE OF CERTAIN TAX FORFEITED LANDS IN NORTHFIELD, MINNESOTA TO THE STATE OF MINNESOTA.

WHEREAS, the City of Northfield (the “City”) acquired certain tax forfeited lands from the State of Minnesota (the “State”) through that certain contingent deed for conveyance of tax forfeited lands (the “tax forfeited lands”) executed by the State in favor of the City, dated June 14, 2013, and recorded in the Office of County Recorder/Registrar for the County of Rice, Minnesota, as Document No. A660511, on July 1, 2013; and

WHEREAS, pursuant to Minnesota Statutes, Section 282.01, the City has adopted a formal plan that shows the intended future use of the tax forfeited lands for an authorized public use in accordance with the governing statute, except for approximately 4.6 acres thereof; and

WHEREAS, the City has determined that the above-referenced 4.6 acres is not required for an authorized public use, and therefore desires to reconvey said 4.6 acres of the tax forfeited lands (the “reconveyance property”) to the State pursuant to Minnesota Statutes, Section 282.01, subd. 1d; and

WHEREAS, the reconveyance property is legally described as follows:

All that part of Outlot D, FARGAZE MEADOWS, according to the recorded plat thereof, Rice County, Minnesota, lying northerly of the following described line: Beginning at the southeast corner of Lot 1, Block 6, said FARGAZE MEADOWS, thence on an assumed bearing of North 89 degrees 25 minutes 35 seconds East parallel with the north line of said Outlot D, a distance of 740.21 to the west right of way line of Hall Avenue, as dedicated and delineated on said FARGAZE MEADOWS, and said line there terminating.

; and

WHEREAS, Minnesota Statutes, Section 282.01, subd 1d, clause (a), provides in part as follows:

“After three years from the date of any conveyance of tax-forfeited land to a governmental subdivision for an authorized public use as provided in this section, ... , if the governmental subdivision has failed to put the land to that use, ... , the governing body ... must: ... (2) authorize the proper officers to convey the land, or the part of the land not required for an authorized public use, to the state of Minnesota in trust for the taxing districts. ...”

WHEREAS, Minnesota Statutes, Section 282.01, subd 1e, provides in part as follows:

“Notice and declaration of reversion. If the tax-forfeited land is not either purchased or conveyed to the state in accordance with subdivision 1d, the commissioner of revenue shall by written instrument, in form approved by the attorney general, declare the land to have reverted to the state, and shall serve a notice of reversion, with a copy of the declaration, by certified mail upon the clerk or recorder of the governmental subdivision concerned. No declaration of reversion under this subdivision shall be made earlier than 60 days after the expiration of the three-year period described in subdivision 1d. The commissioner shall file the original declaration in the commissioner's office, with verified proof of service. The governmental subdivision may appeal to the district court of the county in which the land lies by filing with the court administrator a notice of appeal, specifying the grounds of appeal and the description of the land involved, mailing a copy of the notice of appeal by certified mail to the commissioner of revenue, and filing a copy for record with the county recorder or registrar of titles, all within 30 days after the mailing of the notice of reversion. The appeal shall be tried by the court in like manner as a civil action. If no appeal is taken as provided in this subdivision, the declaration of reversion is final. The commissioner of revenue shall file for record with the county recorder or registrar of titles, of the county within which the land lies, a certified copy of the declaration of reversion and proof of service.”

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 Northfield Planning Commission, in accordance with the above-cited statute, considered the conveyance of the reconveyance property to the State at its meeting on July 21, 2016 and submitted a report, dated July 21, 2016, with respect to the same to the Northfield City Council finding that conveyance of the reconveyance property to the State is in accordance and compliance with the vision, goals and land use principles identified in the Northfield comprehensive plan; and

WHEREAS, Northfield City Charter, Section 15.5, provides that the City Council may by resolution approved of by at least five (5) members sell any real property of the City and that such sale may be made only after a public hearing has been held upon at least 10 days published notice; and

WHEREAS, the Northfield City Council, upon proper notice, held two public hearings on the proposed grant and conveyance of the reconveyance property to the State on June 21, 2016 and September 6, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT: The City Council hereby finds that the proposed grant and conveyance of the reconveyance property, legally described herein, is required by operation of law pursuant to Minnesota Statutes, Section 282.01.

BE IT FURTHER RESOLVED THAT: The City Council hereby approves granting and conveying the reconveyance property, legally described herein, to the State of Minnesota pursuant to Minnesota Statutes, Section 282.01.

BE IT FURTHER RESOLVED THAT: The City Council hereby approves the attached deed form entitled "Reconveyance of Forfeited Lands to the State of Minnesota By a Governmental Subdivision," (Exhibit A), and authorizes and directs the Mayor and City Clerk to complete, execute, and file the same with the Minnesota Department of Revenue, and execute such other documentation as may be necessary, to accomplish the grant and conveyance of the reconveyance property by the City to the State of Minnesota.

PASSED by the City Council of the City of Northfield on this 20th day of September, 2016.

ATTEST

City Clerk

Mayor

VOTE: ☐ GRAHAM ☐ DELONG ☐ LUDESCHER ☐ NAKASIAN
 ☐ PETERSON WHITE ☐ POWNELL ☐ ZWEIFEL

EXHIBIT A

**Minnesota Department of Revenue PT Form 976 (Revised 08/15)
Reconveyance of Forfeited Lands to the State of Minnesota
By a Governmental Subdivision
Under Minnesota Statutes, Section 282.01, Subdivision 1d**