

RESOLUTION NO. 2018-066
RESOLUTION OF APPROVAL FOR AGREEMENTS RELATED TO THE
BENEDICTINE LIVING COMMUNITY OF NORTHFIELD LLC PROJECT

- WHEREAS: Chester J. Yanik & Associates, Inc., DBA Yanik Companies (Developer) has proposed a 97-unit senior housing project consisting of senior living, assisted living, and memory care senior housing units and associated improvements including road/driveway improvements, sanitary sewer, water, stormsewer, stormwater management facilities, sidewalk and trails, grading and erosion control facilities, and other private improvements; and
- WHEREAS: Benedictine Living Community of Northfield LLC has proposed to finance the acquisition, construction and equipping of the 97-unit independent living, assisted living and memory care facility to be located adjacent to and immediately to the west of Northfield Hospital and Clinics located at 2000 North Avenue, Northfield, Minnesota (the "Project"); and
- WHEREAS: the Developer and the City entered into a Development Agreement of applicable City requirements approved on February 13, 2018 to set out the undertakings and obligations of each party with respect to the Project and City approval process, as required by the City's Code of Ordinances and applicable law; and
- WHEREAS: the Developer may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, stormsewer, roads/driveway, utilities, public or private improvements, or any buildings within the Development Property related to the Project and Improvements until all of the attached documents, Appendices A through G, have been executed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT: The City Council hereby approves the attached documents, Appendices A through G, in the order listed herein below and substantially as to form, and authorizes and directs the Mayor and City Clerk to: (a) execute the documents substantially in the form hereby approved and allowing any necessary minor or technical changes to the documents or applicable exhibits; (b) execute such other documentation as necessary to accomplish the proposed development project; and (c) require the Developer, Benedictine Living Community of Northfield, LLC, to record the documents as applicable following full execution thereof in the Dakota County Recorder's Office and pay such related fees:

1. Appendix A - SECOND AMENDMENT TO GROUND LEASE by and between St. Olaf College and the City of Northfield;
2. Appendix B - CONSENT AND RELEASE OF CITY OF NORTHFIELD to Assignment and Assumption of Development Agreement to Assignment by and between Chester J. Yanik & Associates, Inc. (“Assignor”) and Benedictine Living Community of Northfield, LLC, (“Assignee”);
3. Appendix C - GROUND LEASE HOLDER CONSENT TO AGREEMENT TO USE SEWER AND STORMSEWER LINES by and between the Northfield Hospital & Clinics (“Licensor”) and Benedictine Living Community of Northfield LLC (“Licensee”);
4. Appendix D - GROUND LEASE HOLDER CONSENT TO AGREEMENT TO USE AND MAINTAIN HOSPITAL DRIVE by and between the Northfield Hospital & Clinics (“Licensor”) and Benedictine Living Community of Northfield LLC (“Licensee”);
5. Appendix E - DECLARATION OF COVENANTS AND AGREEMENT FOR MAINTENANCE OF STORMWATER FACILITIES by and between Benedictine Living Community of Northfield LLC (“Responsible Party”) and the City of Northfield (“City”); and
6. Appendix F - THIRD AMENDMENT TO GROUND LEASE by and between St. Olaf College and the City of Northfield releasing Parcels 1 and 2.
7. Appendix G - GROUND LEASE by and between ST. OLAF COLLEGE (“Lessor”) and BENEDICTINE LIVING COMMUNITY OF NORTHFIELD LLC (“Lessee”);

PASSED by the City Council of the City of Northfield, Minnesota, this 19th day of June, 2018.

ATTEST:

City Clerk

Mayor

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