

CITY OF NORTHFIELD, MINNESOTA
CITY COUNCIL RESOLUTION 2020-099

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
NORTHFIELD, MINNESOTA FOR RELEASE OUTSTANDING PARK LAND
DEDICATION FEES FOR OUTLOT F SOUTHBRIDGE 1ST ADDITION

WHEREAS, the City of Northfield (the “City”) entered into a Development Contract (the “Development Contract”), dated October 6, 2003, by and between the City and Arcon Development, Inc. (the “Developer”), relating to real property, situated in the County of Rice, State of Minnesota, legally described in Exhibit A, which is attached hereto (the “Development Property”), by which the City conditionally approved a plat thereof, Southbridge 1st Addition, contingent upon installation by Developer of certain required public improvements; and,

WHEREAS, the Development Contract was filed for record in the Office of the County Recorder, Rice County, Minnesota, on May 26, 2004, as Document No. 539174; and,

WHEREAS, Pursuant to the Development Contract, the Developer substantially completed the required public improvements and complied with most of the terms and conditions set forth in the Development Contract, but the Developer is no longer in existence and the underlying Development Property described herein is no longer owned by the Developer; and,

WHEREAS, Pursuant to the Development Contract, the Developer was required to dedicate parkland in the amount of 6.05 acres for the entire 69.9 acre preliminary plat and the Developer in fact dedicated 9.98 acres of property to the City as shown in the table below and thereby fulfilled the terms and conditions for park land dedication:

Parcels Dedicated to City (Acres)	
Southbridge 1st Outlot B	6.25
Southbridge 1st Outlot C	0.72
Southbridge 1st Outlot D	2.21
Southbridge 1st Outlot E	0.75
Spring Creek Townhome (Outlot C)	0.05
Total Land Dedicated (Acres)	9.98

; and,

WHEREAS, Pursuant to the Development Contract, the Developer was required to pay a park dedication fee in the amount of \$80,918.75 for the entire 316 unit - 69.9 acre preliminary plat and the Development Contract required \$26,750.00 for the park dedication fee and the remaining outstanding balance of \$54,168.75 was to be collected with future final plats or all paid within five years from the date of the Development Contract in the amount, which did not occur; and,

WHEREAS, due to the housing market crash and corresponding recession in 2007 and 2008, the Developer went out of business and no longer owns the land, and the City has received \$28,292.78 of the park dedication fees along with the full amount of land dedication; and,

WHEREAS, in 2010 the Land Development Code park dedication fee was removed from City Code and consistent with state law now allows land dedication or payment of cash-in-lieu of land dedication, but not both upon the same land; and,

WHEREAS, current City Code provides as follows:

Northfield City Code, Chapter 34, Section 5.2.6 (K) and (L):

(K) **Dedication or Cash-in-Lieu of Requirements.** The city may elect to accept a cash payment in lieu of land dedication for parks, recreational facilities, playgrounds, trails, wetlands or open space purposes. In such cases the applicant shall be required to make such payment to the city's dedicated park fund based on the Estimated Market Value as indicated in the records of the County Assessor that is equivalent to a land dedication requirement as follows:

(1) **Residential Development.**

Dwelling Units per Net Acre	Percent of Land Dedication Equivalent
0 to 3.9	16
4.0 to 7.9	13
8.0 or more	10

(2) **Commercial Development.** Five percent of the gross area subdivided.

(3) **Industrial Development.** Two percent of the gross area subdivided.

(L) **Time of Performance - Land Dedication or Cash Payment In Lieu Of.** The dedication of land or the payment of cash in lieu of land dedication by the applicant shall occur as a condition prior the city council approval of the final plat.

; and,

WHEREAS, portions of Southbridge 1st addition outlots have since been final platted and did not pay any outstanding park development fees at the time of final plat approval based on the above-referenced Development Contract.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

1. The above-referenced Development Contract filed for record in the office of the County Recorder in and for said County of Rice, State of Minnesota, on May 26, 2004, as Document No. 539174, is hereby terminated, released and of no further force and effect, based upon the following: a) Arcon Development, Inc. substantially completed the required public improvements and complied with the terms and conditions set forth in the Development Contract for park land dedication; b) Arcon Development is no longer in existence; c) the underlying Development Property described herein, Exhibit A, is no longer owned by the original Developer, and d) there has been a significant passage of time during which state law regarding park dedication has changed and City Code as it now exists provides a different methodology for park dedication, which does not contain a park dedication fee as was previously included in the Development Contract.
2. Any outstanding park dedication fee in the Development Contract is hereby released upon Outlot F Southbridge 1st Addition, Southbridge 2nd Addition, Spring Creek Townhome, and Southbridge 1st addition platted lots and blocks from collection of this fee.
3. Park Dedication for future final plats with respect to any land or portions thereof legally described herein will be reviewed based on current City Code requirements for park dedication applied with respect to said land(s) at the time of respective final plat approval(s) consistent with the applicable City Code required process and approvals for such future respective final plat(s) along with corresponding new development agreements approved commensurate with such final plat(s), however the City recognizes the 9.98 acres of land dedicated for park land, and will determine the amount of park land dedication for each new final plat and only require land dedication should subsequent final plats park land dedication cumulatively exceed 9.98 acres.
4. In the event that that a recordable document is requested by a property owner and is necessary to effectuate this Resolution with respect to any land or portion thereof legally described herein and owned by the requesting property owner, the Mayor and City Clerk are authorized hereafter to complete and execute a respective release for said land in the form attached hereto as Exhibit B.

PASSED by the City Council of the City of Northfield on this 6th day of October, 2020.

ATTEST

City Clerk

Mayor

VOTE: ___ POWNELL ___ DELONG ___ GRABAU ___ NAKASIAN

 ___ NESS ___ PETERSON WHITE ___ ZWEIFEL

EXHIBIT A

Legal Description

N ½ of the SW ¼ of Section 7 and part of the SW ¼ of the NW ¼ of Section 7, Township 111N,
Range 19W, Rice County, MN

EXHIBIT B

RELEASE AND TERMINATION OF DEVELOPMENT CONTRACT

KNOW ALL MEN BY THESE PRESENTS, that a certain Development Contract (Southbridge 1st Addition), dated October 6, 2003, was executed by the City of Northfield (City), a municipal corporation under the laws of the State of Minnesota, and by Arcon Development, Inc., as Developer, (the "Development Contract"), relating to real property, situated in the County of Rice, State of Minnesota, legally described in Exhibit A, which is attached hereto (the "Development Property"), by which the City conditionally approved a plat thereof contingent upon installation by Developer of certain required public improvements.

The above-referenced Development Contract filed for record in the office of the County Recorder in and for said County of Rice, State of Minnesota, on May 26, 2004, as Document No. 539174, is hereby terminated, released and of no further force and effect, as Arcon Development, Inc. substantially completed the required public improvements and complied with the terms and conditions set forth in the Development Contract, is no longer in existence, and the underlying Development Property described herein is no longer owned by Developer.

Dated and issued this ____ day of _____, 20__.

CITY OF NORTHFIELD, MINNESOTA

By: _____
_____, Its Mayor

ATTEST:

By: _____
_____, Its City Clerk

[illegible]

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ and by _____, the Mayor and City Clerk of the City of Northfield, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

NOTARY PUBLIC

