

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

May 26, 2021

No. 21-24

**A RESOLUTION APPROVING ENCROACHMENT AGREEMENTS,
EASEMENT AND CONVEYANCE OF PROPERTY WITH BUHL, GTA,
LP**

WHEREAS, Buhl GTA, LP, limited partnership (“Buhl”) is proposing to construct a 125-unit multi-family rental housing project (“Project”) to be located on the property legally described in Exhibit A (“Property”);

WHEREAS, Buhl has requested an encroachment agreement over certain City Property for 10 parking stalls (“Parking Encroachment Agreement”), which encroachment was contemplated as part of the PUD for the project and an additional encroachment agreement for green space over certain City Property (“Green Space Encroachment Agreement”) which is required in connection with certain funding for the Project (collectively, the “Parking Encroachment Agreement” and “Green Space Encroachment Agreement” are referred to herein as the “Encroachment Agreements”). The proposed forms of Encroachment Agreements are attached hereto as Exhibits A and B, respectively;

WHEREAS, Buhl has also requested conveyance of a portion of City property as provided in the Quit Claim Deed attached hereto as Exhibit C (“City Parcel”), which City Parcel is located in the middle of the proposed parking area for the Project and which is used for a City vehicle turnaround. In exchange for the Quit Claim Deed for the City Parcel, Buhl has agreed to provide an easement to the City over the Property for a comparable turnaround for City vehicles in the form attached hereto as Exhibit D (“Easement”);

WHEREAS, Minn. Stat. § 462.356, subd. 2 requires that the Planning Commission review the City's proposed acquisitions and dispositions of property, and;

WHEREAS, Minn. Stat. § 462.356, subd. 2 provides for an exception from the Planning Commission review requirement upon 2/3 vote of the City Council dispensing with the requirement and finding that the acquisition or disposal of the property has no relationship to the comprehensive municipal plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

1. The City Council finds that the disposition of the City Parcel has no relationship to the comprehensive municipal plan and review by the Planning Commission is hereby dispensed with;

2. That the Encroachment Agreements, Quit Claim Deed and Easement documents are hereby in all respects approved, subject to modifications that do not alter the substance of the transaction and that are approved by the Mayor, City Administrator and City Attorney, conditioned upon Buhl paying for all costs associated with the preparation and recording of the documents.

3. That the Mayor and City Administrator are hereby authorized to execute the Encroachment Agreements, Quit Claim Deed and Easement on behalf of the City in accordance with terms of this Resolution.

ADOPTED this 26th day of May, 2021 by the City Council of Falcon Heights, Minnesota.

Moved by: **Miazga**

Approved by: _____


Randall C. Gustafson
Mayor

GUSTAFSON 4 In Favor
LEEHY
MIAZGA 0 Against
ANDREWS
WEHYEE

Attested by: _____



Sack Thongvanh
City Administrator

EXHIBIT A
PARKING ENCROACHMENT AGREEMENT

EXHIBIT B
GREEN SPACE ENCROACHMENT AGREEMENT

EXHIBIT C
QUIT CLAIM DEED

EXHIBIT D
EASEMENT