

RESOLUTION NO. 16-41

**RESOLUTION APPROVING THE DISPOSITION
OF THE CITY'S INTEREST IN THE
SOUTHSHORE SENIOR/COMMUNITY CENTER**

WHEREAS, the city of Tonka Bay (the "City") entered into an agreement with the city of Shorewood ("Shorewood") and others (the "Agreement") for the joint operation of the Southshore Senior/Community Center (the "Center"); and

WHEREAS, the Agreement allowed Shorewood to terminate the Agreement upon repayment to each member city its initial investment in the Center; and

WHEREAS, the City's initial investment in the Center was \$55,980.00; and

WHEREAS, the terms of the Agreement have been subject to ongoing litigation, with the Courts ultimately ruling that Shorewood was required to repay the initial contributions of each city in return for each city relinquishing its property interest in the Center; and

WHEREAS, the City hereby wishes to relinquish its interest in the Center upon full and complete payment of all amounts due to the City by the city of Shorewood under the Contract.

ON THE BASIS OF THE FOREGOING, THEREFORE, IT IS RESOLVED THAT THE CITY COUNCIL ORDERS AND AGREES AS FOLLOWS:

1. City staff shall prepare, and the appropriate parties shall execute, a quit claim deed the form of which is attached hereto as Exhibit A thereby relinquishing the City's ongoing property interest in the Center in return for the amounts required by the Agreement and subsequent court orders.
2. City staff is further authorized to continue negotiations, through the City's attorney, to effectuate payment of all amounts due to the City.
3. Upon full and complete payment of all amounts due to the City by Shorewood, the City Administrator is authorized to deliver a fully-executed quit claim deed to the city of Shorewood, therein relinquishing the City's interest in the Center.

By Order of the City Council of the City of Tonka Bay this 11th day of October, 2016.

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, City Administrator-Clerk

EXHIBIT A

Form of Quit Claim Deed

Quit Claim Deed

Deed Tax Due: \$ _____

Total consideration for this transfer is \$ _____.

Date: _____

FOR VALUABLE CONSIDERATION, City of Tonka Bay, a municipal corporation under the laws of the State of Minnesota, Grantor, hereby conveys and quitclaims to the City of Shorewood, a municipal corporation under the laws of Minnesota, Grantee, all interests that it has in the real property in Hennepin County, Minnesota, legally described as follows:

[insert legal]

Check here if part or all of the land is Registered (Torrens)

together with all hereditaments and appurtenances.

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____).
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

GRANTOR

CITY OF TONKA BAY

By: _____
Gerry De La Vega, Mayor

By: _____
Lindy Crawford, City Administrator-Clerk

STATE OF MINNESOTA)

COUNTY OF HENNEPIN)
) ss.

The foregoing was acknowledged before me this _____ day of _____, 2016, by _____ and _____, the Mayor and City Administrator-Clerk of City of Tonka Bay, a municipal corporation organized under the laws of the State of Minnesota, on behalf of the corporation, Grantor.

NOTARY STAMP

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

This instrument was drafted by:

Kennedy & Graven, Chartered (AMB)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300

Tax Statements should be sent to:

City of Shorewood
5755 Country Club Road
Excelsior, MN 55331