

**RESOLUTION NO. 050415-05
CITY OF WAITE PARK**

**COUNCIL RESOLUTION DETERMINING THE NECESSITY FOR AND
AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY BY NEGOTIATION
AND BY PROCEEDINGS IN EMINENT DOMAIN**

WHEREAS, the City of Waite Park is engaged in a project for the extension and improvements to 17th Avenue South located within the City (the “Project”); and

WHEREAS, the Project will require the acquisition of additional property and permanent drainage and utility easements located with the City; and

WHEREAS, the City has authority to acquire private property for the Project by eminent domain pursuant to the authority under Minn. Stat. Chapter 117, including the quick-take procedures pursuant to Minn. Stat. §117.042; and

WHEREAS, the City has been engaged in active negotiations for the purchase of the property from the owner; and

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF WAITE PARK, MINNESOTA:

1. The acquisition of the property by exercise of eminent domain in the manner provided by Minn. Stat. Chapter 117, including the quick-take procedures pursuant to Minn. Stat. §117.042, serves a public interest and is deemed to be necessary.
2. That Rajkowski Hansmeier Ltd. is hereby authorized to represent the City of Waite Park in commencing eminent domain in the manner provided by Minn. Stat. Chapter 117 to acquire the property identified in the attached Exhibit A (the “Property”) for the extension and improvements to 17th Avenue South.
3. That the Property is owned by Angeline Gillitzer (the “Owner”).
4. That Rajkowski Hansmeier Ltd. is specifically authorized to notify the Owner of intent to take possession of the Property prior to filing of an award by the Court appointed commissioners pursuant to Minn. Stat. §117.042 (quick take) and to take all actions necessary and desirable to carry out the purposes of this resolution.
5. That Rajkowski Hansmeier Ltd. is authorized to file the necessary petition therefore, and to prosecute such action to a successful conclusion or until it is abandoned, dismissed or terminated by the City or Court.
6. The City is authorized to obtain an updated appraisal of the Gillitzer Property.

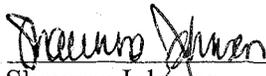
7. The City authorizes Mike Amo to prepare an updated appraisal of the Gillitzer Property.

8. The City Administrator shall expend the funds necessary to pay for the appraisal services of Mike Amo in the amount of \$2,400.00.

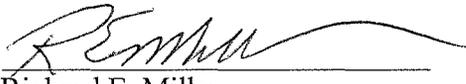
9. The City Administrator shall reimburse the Owner up to the statutory maximum of \$1,500.00 to obtain an independent appraisal of her property within 30 days the Owner's submission of a copy of the appraisal and the receipt to council for the City of Waite Park.

10. That Rajkowski Hansmeier Ltd. is further authorized to continue to negotiate with the Owner for the purchase of the Property subject to ratification by the City Council.

Adopted by the City Council this 4th day of May, 2015.



Shaunna Johnson
City Administrator-Clerk-Treasurer



Richard E. Miller
Mayor

ACTION ON THIS RESOLUTION:

Motion for adoption: Member Linquist

Seconded by: Member Theisen

Voted in favor of: Mayor Miller, Members Linquist, Schneider, Schulz, Theisen

Voted against: None

Absent: None

Resolution Adopted.

CERTIFICATE OF CITY ADMINISTRATOR-CLERK-TREASURER

I, the undersigned duly appointed and acting City Administrator-Clerk-Treasurer for the City of Waite Park, do hereby certify that the attached and foregoing Resolution was duly adopted by the Waite Park City Council at a duly authorized meeting held on May 4, 2015.



Shaunna Johnson
City Administrator-Clerk-Treasurer

EXHIBIT A

Parcel 4 (SE ¼ of SE ¼) Section 18, Township 124 North, Range 28 West
AND

Parcel 4 (NE ¼ of NE ¼) Section 19, Township 124 North, Range 28 West
Owner: Angeline A. Gillitzer

FEE ACQUISITION

All of the following:

That part of the Southeast Quarter of the Southeast Quarter of Section 18, Township 124 North, Range 28 West, shown as Parcel 4 on proposed WAITE PARK RIGHT OF WAY PLAT NUMBER 5,

containing 6,902 square feet, more or less.

AND

All of the following:

That part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 124 North, Range 28 West, shown as Parcel 4 on proposed WAITE PARK RIGHT OF WAY PLAT NUMBER 5,

containing 3,541 square feet, more or less.

**PERMANENT DRAINAGE AND UTILITY
EASEMENT ACQUISITION**

All of the following:

That part of the Southeast Quarter of the Southeast Quarter of Section 18, Township 124 North, Range 28 West, shown as Parcel 4 on proposed WAITE PARK RIGHT OF WAY PLAT NUMBER 5. A permanent easement for drainage and utility purposes as shown on said plat as to said Parcel 4 by the permanent easement symbol,

containing 821 square feet, more or less.

AND

All of the following:

That part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 124 North, Range 28 West, shown as Parcel 4 on proposed WAITE PARK RIGHT OF WAY PLAT NUMBER 5. A permanent easement for drainage and utility purposes as shown on said plat as to said Parcel 4 by the permanent easement symbol,

containing 1,111 square feet, more or less.