

**RESOLUTION NO. 050415-06  
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 projects for the extension and improvements to 17<sup>th</sup> Avenue South and relocating the public works/fire department (the "improvements") located within the City; and

WHEREAS, the improvements will require the acquisition of additional property and the existing buildings on the property located within the City; and

WHEREAS, the City has authority to acquire private property for the improvements 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, including the quick-take procedures pursuant to Minn. Stat. §117.042 to acquire the property identified in the attached Exhibit A (the "Property") for the extension and improvements to 17<sup>th</sup> Avenue South and relocating the public works/fire department.

3. That the Property is owned by Robert J. Sis, Christopher Sis and Jolene M. Sis (collectively the "Owner").

4. There are tenants on the Property being acquired.

5. That Rajkowski Hansmeier Ltd. is specifically authorized to notify the Owner and tenants 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.

6. 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.

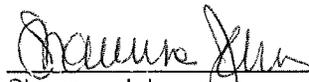
7. The City is authorized to obtain an updated appraisal of the Property.

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

9. The City Administrator shall expend the funds necessary to pay for the appraisal services of Mike Amo in the amount of \$3,500.00.

10. That the owner-occupant and tenants are entitled to relocation assistance and benefits resulting from the eminent domain action.
11. The City is authorized to provide relocation assistance to the Owner and the tenants.
12. The City authorizes Evergreen Land Services Company to provide relocation assistance to the Owner and the tenants.
13. The City Administrator shall expend the necessary relocation costs, moving costs, and any other related expenses the Owner and the tenants are entitled to under state law.
14. The City Administrator shall expend the funds necessary to pay the relocation services provided by Evergreen land Services Company.
15. The City deems it necessary for an appraisal of the trade fixtures at the Property.
16. The City is authorized to obtain an appraisal of the trade fixtures at the Property and the City authorizes Steven Wall Appraisal Services, Inc., to prepare the appraisal of the trade fixtures at the Property.
17. The City Administrator shall expend the funds necessary to pay the appraisal fee of Steven Wall Appraisal Services, Inc., in the amount of \$4,500.00.
18. The City Administrator is authorized to reimburse the Owner up to the statutory maximum of \$5,000.00 for the combined costs of an Owner independent appraisal of the Property and an independent appraisal of the fixtures at the Property within 30 days of the Owner's submission of copies of the appraisals and the receipt to council for the City of Waite Park.
19. 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 4<sup>th</sup> day of May, 2015.

  
 Shaunna Johnson  
 City Administrator-Clerk-Treasurer

  
 Richard E. Miller  
 Mayor

**ACTION ON THIS RESOLUTION:**

Motion for adoption: Member Theisen

Seconded by: Member Linqvist

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

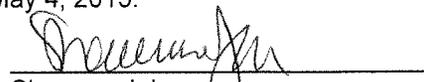
Voted against: None

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

Owner: Robert J. Sis, Christopher Sis and Jolene M. Sis

### FEE ACQUISITION

A tract of land lying in and being a part of the Northwest Quarter of Section 20, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows to-wit: Beginning at a point on the west line of said Section 20, said point being 770.88 feet South of the Northwest corner of said Section 20; thence continuing South along said west line of said Section 20, a distance of 1429.12 feet to the center line of a public road as now constructed and traveled; thence running North 65 degrees 38 minutes East along the center line of said road a distance of 424.91 feet to the east line of the West 391.20 feet of said Northwest Quarter; thence North and parallel with said West line of said Section 20, a distance of 1262.5 feet to a point at right angles to and distant 391.2 feet from the point of beginning; thence deflect 90 degrees left and West 391.2 feet to the point of beginning and there terminating.

Said Tract contains 12.1 acres more or less.