

**TO: MAYOR AND CITY COUNCIL**  
**FROM: LANELL ENDRES, INTERIM CITY ADMIN/FINANCE DIRECTOR**  
**SUBJECT: MNDOT CONVEYANCE OF LAND**  
**MEETING DATE: JUNE 5, 2018**

**BACKGROUND**

The City received notification from the Minnesota Department of Transportation that conditional approval has been given for the conveyance of land near the VFW. They have offered to convey the property to the City of Cannon Falls for \$6,600.

**REQUESTED COUNCIL ACTION**

A motion to adopt a resolution approving the conveyance of land as stated.

Attachment(s):

Resolution  
Packet from MNDOT

**CITY OF CANNON FALLS  
GOODHUE COUNTY, MINNESOTA**

**RESOLUTION NUMBER 2357**

**A RESOLUTION REQUESTING CONVEYANCE OF LAND**

**WHEREAS**, on April 9, 2018, the City of Cannon Falls received information from Minnesota Department of Transportation regarding conditional approval for the conveyance of land; and

**WHEREAS**, the properties are located in a portion of Veteran's Lane and adjacent to the parking lot as described in Exhibit "A1" and "A2"; and

**WHEREAS**, the City Council agrees to certain conditions:

1. The City will agree at its own expense to remove the concrete pad and cannon that encroaches into the proposed Right of Way for any future construction if needed;
2. The City agrees to allow the State of Minnesota, Department of Transportation the right to use that part of parcel 2506-034-11 described in Exhibit "A2" and shaded in blue on Exhibit "B" for Temporary Orders in Street for any future construction if needed; and

**WHEREAS**, the City Council is agrees to purchase the property for \$6,600;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CANNON FALLS, MINNESOTA** to notify the State of Minnesota, Department of Transportation of the City's approval for the conveyance of land as described for the purchase price of \$6,600.

**APPROVED AND ADOPTED** this 5<sup>th</sup> day of June, 2018 by the City Council of the City of Cannon Falls, Minnesota.

**CITY OF CANNON FALLS**

BY: \_\_\_\_\_  
Lyman M. Robinson, Mayor

ATTEST:

\_\_\_\_\_  
Lanell Endres, Interim City Administrator

April 9, 2018

**Certified Mail Return Receipt Requested**

Lanell Endres  
City of Cannon Falls  
Interim City Administrator  
Cannon Falls City Hall  
918 River Road  
Cannon Falls, MN 55009

In reply refer to: C.S. 2506 (52=20) 034 Parcel 11  
Goodhue County  
Conveyance No. 2016-0079

Dear Mr. Johnson,

We are pleased to inform you that conditional approval has been obtained for the conveyance of the above-referenced real property as described in Exhibit "A1" and Exhibit "A2" and shown in Exhibit "B" shaded in pink and blue (the "Property").

The State of Minnesota, Department of Transportation ("Seller") offers to convey the Property to City of Cannon Falls ("Buyer") for a consideration of \$6,600.00 in accordance with the following terms and conditions:

1. All current real estate taxes, existing or pending assessments, delinquent taxes, fees and penalties will be paid by Buyer.
2. Seller makes no representations about the status of the title to the Property and is not obligated to correct any title defects.
3. City shall forward a approved City Resolution stating that City agrees to;
  - a. The City will agree at its own expense to remove the concrete pad and cannon that encroaches into the proposed Right of Way for any future construction if needed.
  - b. The City agrees to allow the State of Minnesota, Department of Transportation the right to use that part of parcel 2506-034-11 described in Exhibit "A2" and shaded in blue on Exhibit "B" for Temporary Orders in Street for any future construction if needed.

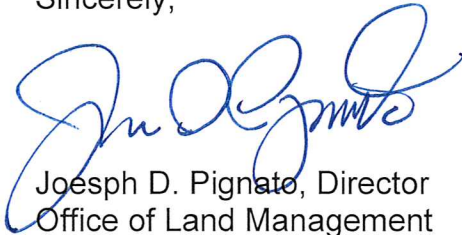
4. This conveyance is subject to the following, which will be included in the deeds issued to Buyer (the Grantee described below is one and the same as the Buyer described in this offer letter):
  - a. The Property is subject to the rights of existing utilities, if any, as provided in Minnesota Statutes §161.45 subd. 3.
  - b. The Grantee, by acceptance of this quitclaim deed, hereby covenants and agrees that no billboard, placard or advertising device of any nature will ever be placed on the premises hereby conveyed, except: (1) signs, displays and devices advertising the sale or lease of the premises and (2) signs, displays and devices advertising activities conducted on the premises.
5. The Property and all improvements, if any, are being conveyed as-is and where-is.
6. **Payment must be made in the form of a cashier's check, certified check or money order made payable to "Commissioner of Transportation – Trunk Highway Fund" in the amount of \$6,600.00**
7. This offer is subject to and specifically conditioned upon receipt of the above-mentioned consideration on or before **September 10, 2018**. If such consideration is not received on or before that date, this offer is null and void and of no further force and effect; and Seller is released from any further obligation to Buyer and may negotiate with other parties for sale or other disposition of the Property.
8. Upon receipt of payment for the conveyance, Seller will issue to Buyer a quitclaim deed in substantially the form attached hereto as Exhibit "C1" and "C2", using the legal description in Exhibit "A1" and "A2". Buyer agrees that upon issuance of the quitclaim deeds, the Seller may record the deeds in the Office of the County Recorder or Registrar of Titles as appropriate. Seller will provide Buyer with the recorded deeds within 15 days of the return of the deeds from the County.
9. ***The Seller may revoke this offer and cancel this conveyance in its discretion at any time before payment is received. The Seller shall notify Buyer in writing of such revocation and cancellation. Upon cancellation, this offer is null and void and shall be of no further force and effect; and the Seller is released from any further obligation to Buyer.***

Please submit payment and any questions you may have regarding this transaction to:  
Jennie Bailey,

Minnesota Department of Transportation  
395 John Ireland Blvd.  
St. Paul, MN 55155-1800  
Attn: Michael Geertsema MS-632.

Jennie may be reached at: 651-366-3474, you may also contact Michael Geertsema at  
651-366-3492.

Sincerely,



Joseph D. Pignato, Director  
Office of Land Management

Enclosures: Exhibits A1, A2, B & C1, C2

c:file

*"EXHIBIT A 1"*

April 16, 2018  
2016-0079-2506

DESCRIPTION FOR CONVEYANCE

Parcel 11 C.S. 2506 (52=20-34)

All of Tract A described below:

Tract A. That part of Mill Block 3, Original Plat of Cannon Falls, according to the plat thereof on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota, described as follows: Commencing at the northeast corner of Lot 1, Block 29, of said Original Plat of Cannon Falls; thence northerly along the east line of said Original Plat of Cannon Falls for 35 feet to the point of beginning of Tract A to be described; thence continue along the last described course for 55 feet; thence West for 80 feet; thence southerly parallel with the east line of said Original Plat of Cannon Falls for 55 feet; thence easterly for 80 feet to the point of beginning;

containing 4,400 square feet, more or less.

'EXHIBIT A2''

April 16, 2018  
2016-0079-2506

DESCRIPTION FOR CONVEYANCE

Parcel 11 C.S. 2506 (52=20-34)

All of Tract A described below:

Tract A. That part of Lot 1, Block 29, and that part of Mill Block 3, Original Plat of Cannon Falls, according to the plat thereof on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota, described as follows: Commencing at a point on the east boundary of said Lot 1 distant 45 feet south of the northeast corner thereof; thence westerly parallel with the north line of said Lot 1 for 20 feet to the point of beginning of Tract A to be described; thence continue on last described course for 60 feet; thence northerly parallel with said easterly boundary for 80 feet; thence easterly parallel with the north line of said Lot 1 for 60 feet; thence southerly for 80 feet, more or less, to the point of beginning;

containing 4,800 square feet, more or less.

"EXHIBIT C1"

**QUITCLAIM DEED**

STATE DEED TAX DUE HEREON: \$ \_\_\_\_\_

C.S. 2506 (52=20-34)  
Parcel 11  
County of Goodhue  
Conveyance No. 2016-0079

The State of Minnesota having heretofore acquired in fee the real estate hereinafter described for trunk highway purposes, and the Commissioner of Transportation of said State having determined that the same is no longer needed;

Now, therefore, upon said determination and pursuant to Minnesota Statutes Section 161.44, the State of Minnesota, by Charles A. Zelle, its Commissioner of Transportation, Grantor, for and in consideration of the sum of Six Thousand Six Hundred and No/100 Dollars (\$6,600.00) paid to the State for deposit in the trunk highway fund, does hereby release, quitclaim and convey to the City of Cannon Falls, a Minnesota municipal corporation, Grantee, all its interest in and to the real estate in Goodhue County, Minnesota, described as follows:

All of Tract A described below:

Tract A. That part of Mill Block 3, Original Plat of Cannon Falls, according to the plat thereof on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota, described as follows: Commencing at the northeast corner of Lot 1, Block 29, of said Original Plat of Cannon Falls; thence northerly along the east line of said Original Plat of Cannon Falls for 35 feet to the point of beginning of Tract A to be described; thence continue along the last



described course for 55 feet; thence West for 80 feet; thence southerly parallel with the east line of said Original Plat of Cannon Falls for 55 feet; thence easterly for 80 feet to the point of beginning;

containing 4,400 square feet, more or less.

**THE ABOVE DESCRIBED REAL PROPERTY IS SUBJECT TO THE RIGHTS OF EXISTING UTILITIES, IF ANY, AS PROVIDED IN MINNESOTA STATUTES §161.45 SUBDIVISION 3.**

The Seller certifies that the Seller does not know of any wells on the described real property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

STATE OF MINNESOTA

By \_\_\_\_\_  
(Commissioner of Transportation)  
(Acting Director of the Office of Land Management)  
(Assistant Director of the Office of  
Land Management)  
Seal of the Commissioner

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public within and for said County, personally appeared \_\_\_\_\_, to me personally known to be the person who executed the foregoing instrument and who did say that he is the (Commissioner of Transportation) (Acting Director of the Office of Land Management and duly authorized agent of the Commissioner of Transportation) (Assistant Director of the Office of Land Management and duly authorized agent of the Commissioner of Transportation) of the State of Minnesota and acknowledged that he executed the foregoing instrument and caused the seal of the Commissioner of Transportation to be affixed thereto, by authority of Minnesota Statutes, Section 161.44, and as the free act and deed of said State.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

This instrument was drafted by the  
State of Minnesota, Department of  
Transportation, Legal and Property  
Management Unit  
395 John Ireland Blvd.  
St. Paul, MN 55155-1800

"EXHIBIT C2"

**QUITCLAIM DEED**

STATE DEED TAX DUE HEREON: \$ \_\_\_\_\_

C.S. 2506 (52=20-34)  
Parcel 11  
County of Goodhue  
Conveyance No. 2016-0079

The State of Minnesota having heretofore acquired in fee the real estate hereinafter described for trunk highway purposes, and the Commissioner of Transportation of said State having determined that the same is no longer needed;

Now, therefore, upon said determination and pursuant to Minnesota Statutes Section 161.44, Subdivision 1, the State of Minnesota, by Charles A. Zelle, its Commissioner of Transportation, Grantor, for a valuable consideration, does hereby release, quitclaim and convey to the City of Cannon Falls, a Minnesota municipal corporation, Grantee, for public purposes, specifically for transportation purposes, all its interest in and to the real estate in Goodhue County, Minnesota, described as follows:

All of Tract A described below:

Tract A. That part of Lot 1, Block 29, and that part of Mill Block 3, Original Plat of Cannon Falls, according to the plat thereof on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota, described as follows: Commencing at a point on the east boundary of said Lot 1 distant 45 feet south of the northeast corner thereof; thence westerly parallel with the north line of said Lot 1 for 20 feet to the point of beginning of Tract A to be described; thence continue on last described course for 60 feet; thence northerly parallel with said easterly boundary for 80 feet; thence easterly

parallel with the north line of said Lot 1 for 60 feet; thence southerly for 80 feet, more or less, to the point of beginning;

containing 4,800 square feet, more or less.

**THE ABOVE DESCRIBED REAL PROPERTY IS SUBJECT TO THE RIGHTS OF EXISTING UTILITIES, IF ANY, AS PROVIDED IN MINNESOTA STATUTES §161.45 SUBDIVISION 3.**

**THE ABOVE DESCRIBED TRACT OF LAND AND THE TITLE THERETO SHALL REVERT AND VEST IN THE STATE OF MINNESOTA WHENEVER SAID TRACT OF LAND CEASES TO BE USED FOR THE STATED PUBLIC PURPOSES.**

A well disclosure certificate accompanies this document.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

STATE OF MINNESOTA

By \_\_\_\_\_  
(Commissioner of Transportation)  
(Acting Director of the Office of Land Management)  
(Assistant Director of the Office of  
Land Management)  
Seal of the Commissioner

STATE OF MINNESOTA            )  
  ) ss.  
COUNTY OF RAMSEY            )

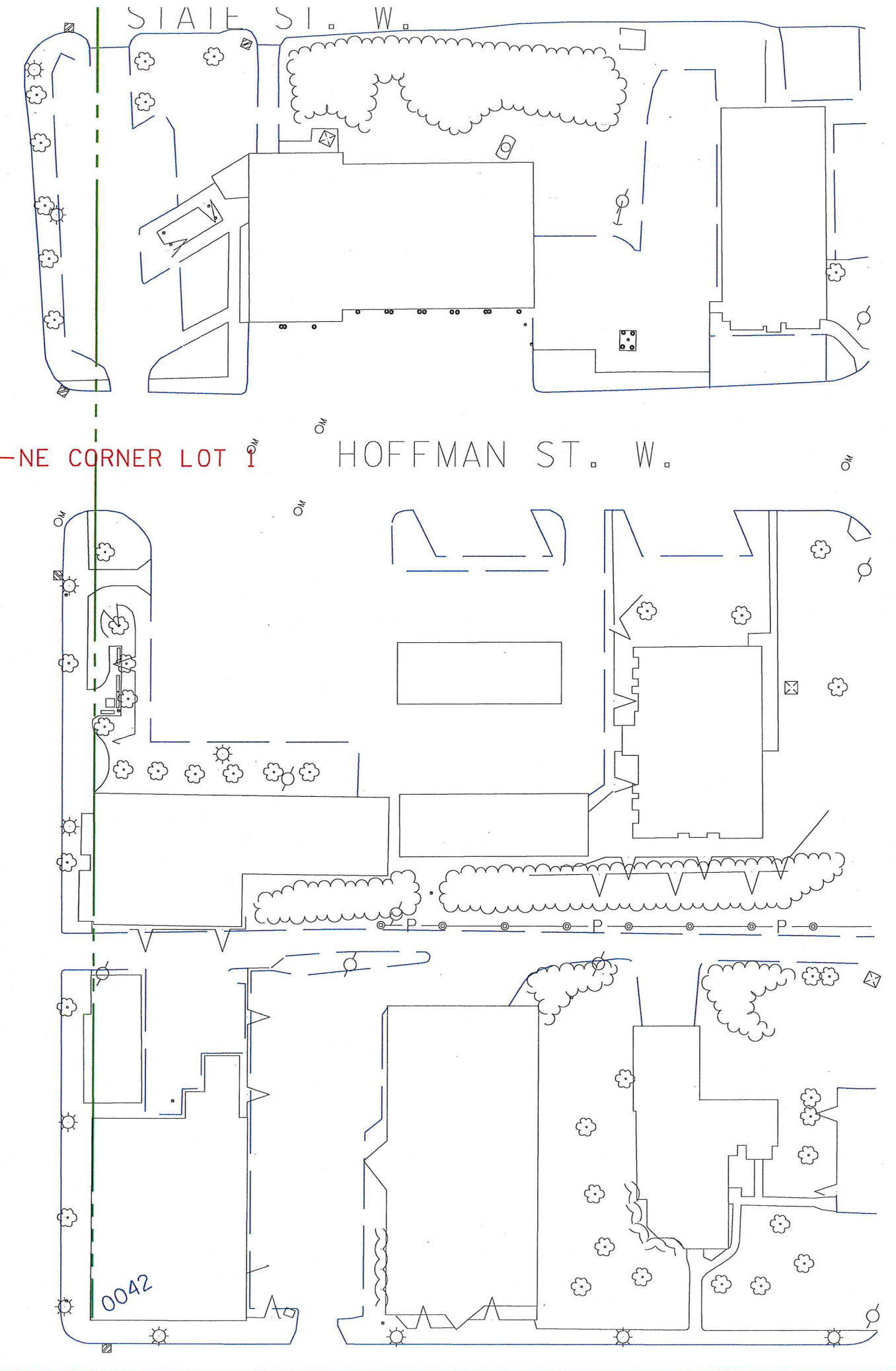
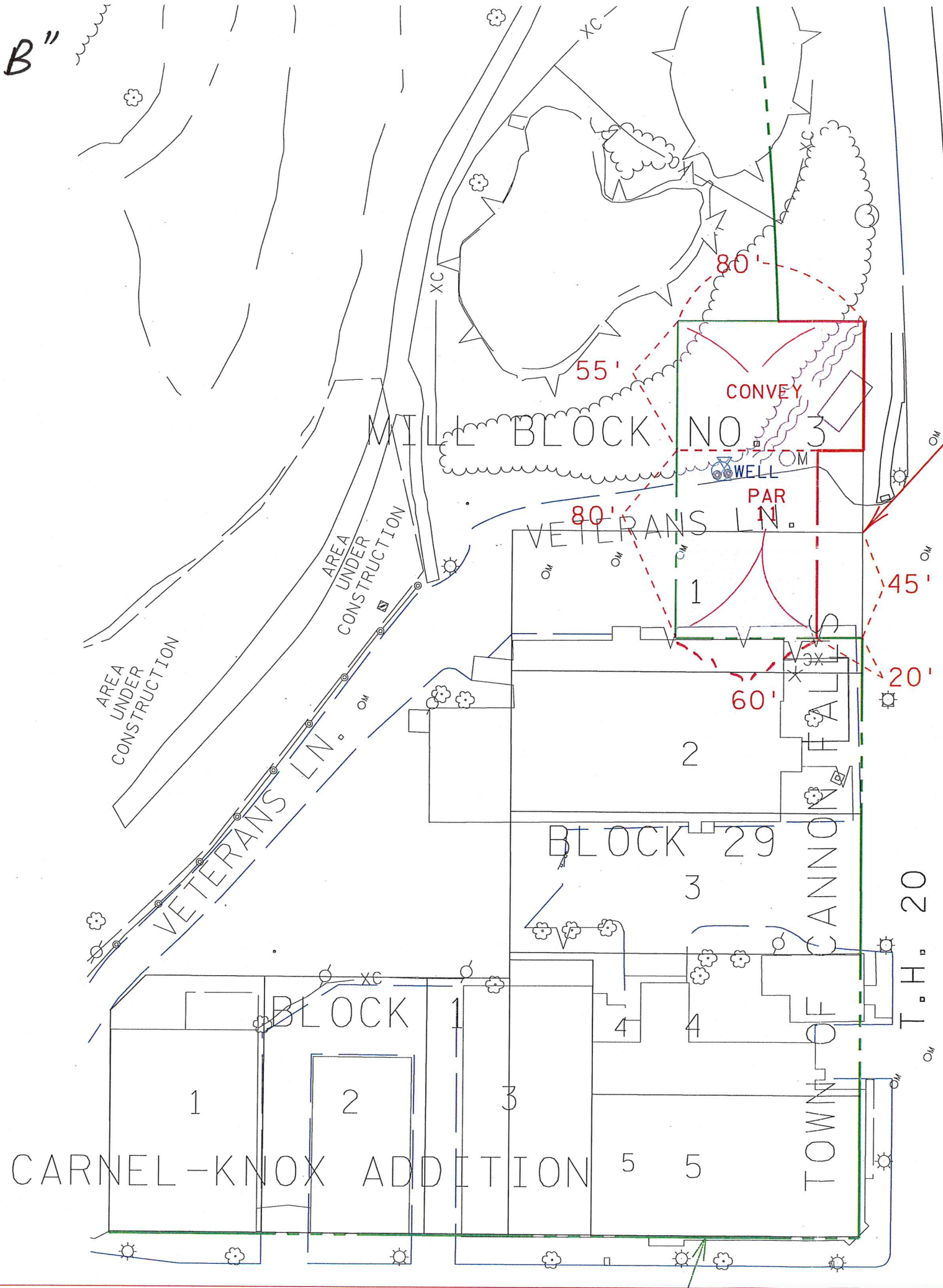
On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public within and for said County, personally appeared \_\_\_\_\_, to me personally known to be the person who executed the foregoing instrument and who did say that he is the (Commissioner of Transportation) (Acting Director of the Office of Land Management and duly authorized agent of the Commissioner of Transportation) (Assistant Director of the Office of Land Management and duly authorized agent of the Commissioner of Transportation) of the State of Minnesota and acknowledged that he executed the foregoing instrument and caused the seal of the Commissioner of Transportation to be affixed thereto, by authority of Minnesota Statutes, Section 161.44, and as the free act and deed of said State.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

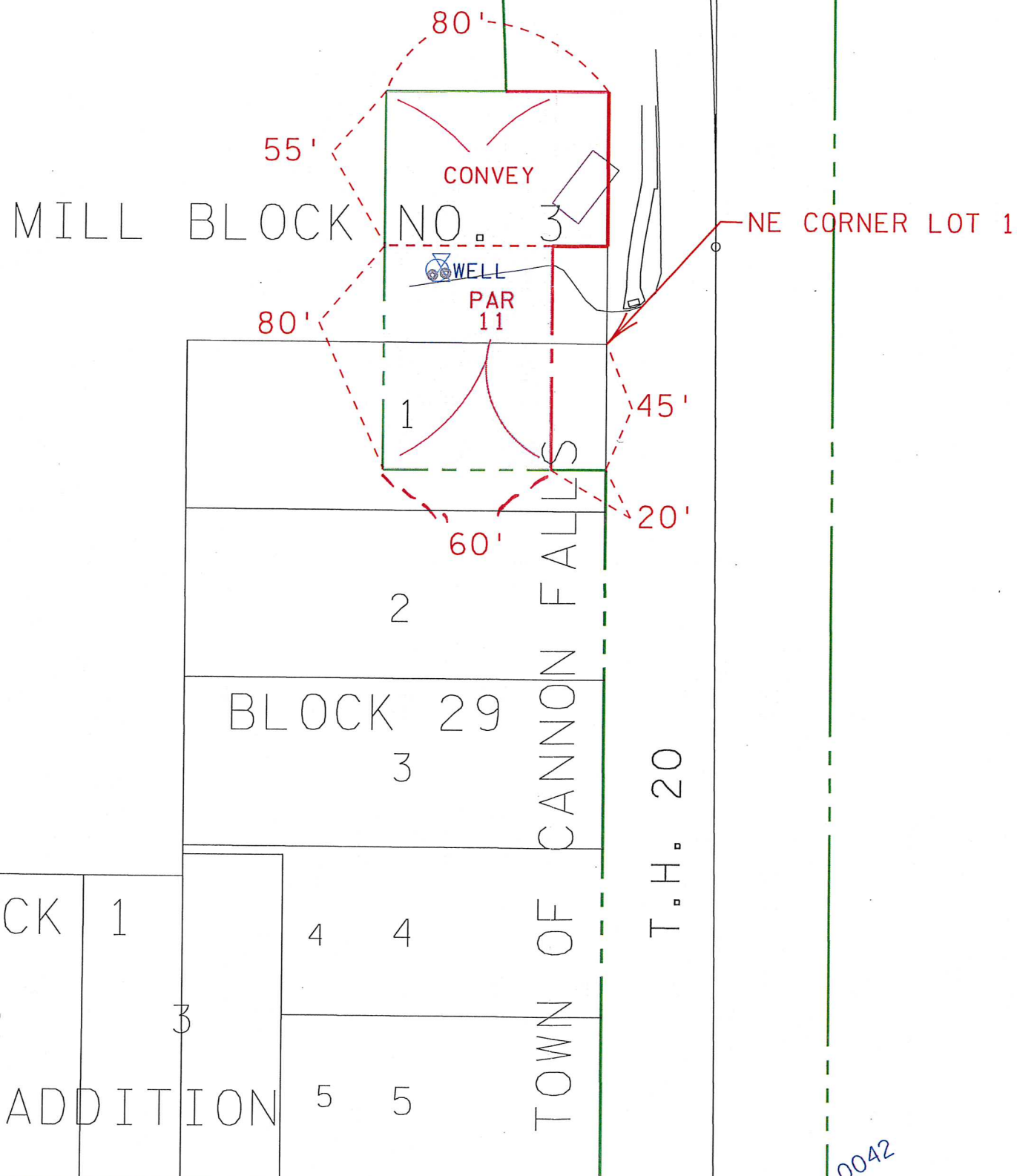
This instrument was drafted by the  
State of Minnesota, Department of  
Transportation, Legal and Property  
Management Unit  
395 John Ireland Blvd.  
St. Paul, MN 55155-1800

"EXHIBIT B"



CARNEL-KNOX ADDITION

1	BLOCK 1	2	3
		4	4
		5	5



0042



CONVEYANCE 2016-0079 (FEE)  
C.S. 2506 (20=X) 034  
PARCEL 11 9,200 SF TOTAL  
FOR STREET PURPOSES 4,800 SQ FT  
FAIR MARKET VALUE (PARK) 4,400 SQ FT  
FILE MAP 3-59





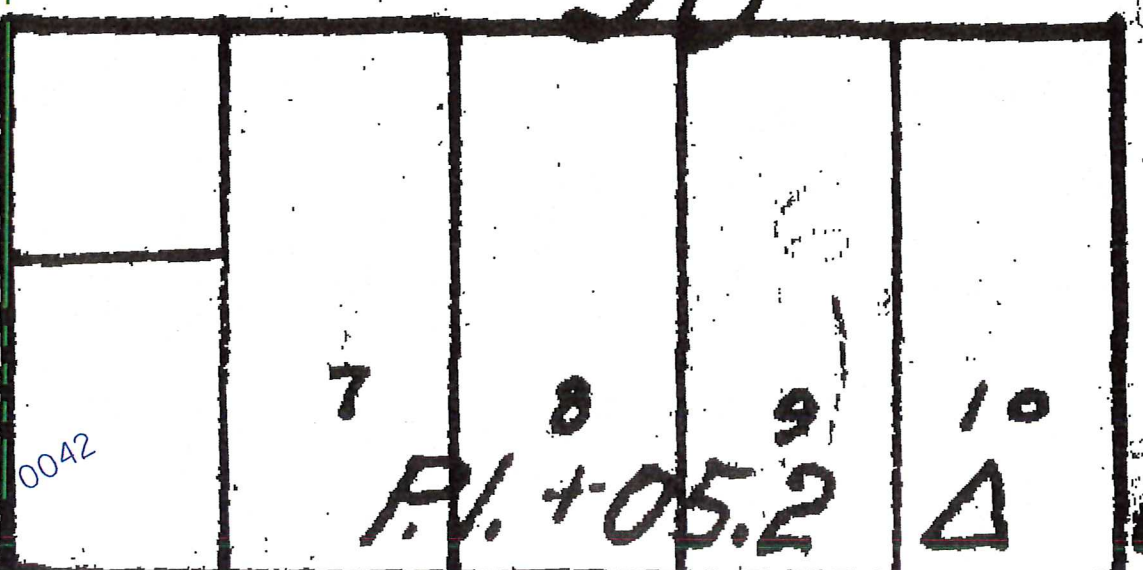
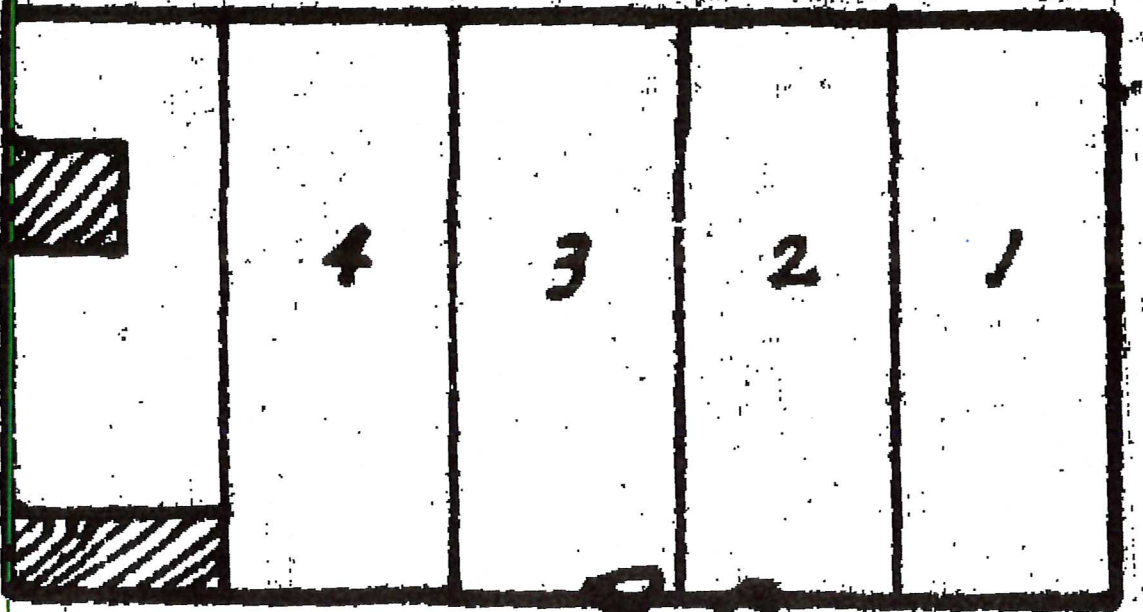
ALLS SAME

4333  
2176  
3000  
1000 RIB  
4520

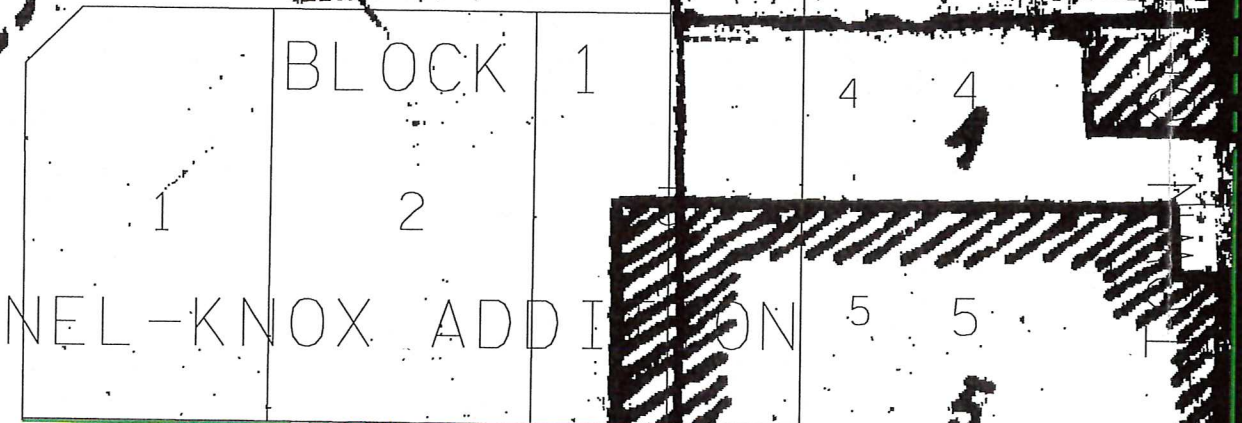
PT 59 16 77



5" Conc Walk  
NE CORNER LOT 1



BLOCK 29



T.H. 20

Curb 5

0042

2