

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION NO. 20-**

**RESOLUTION TERMINATING AND CANCELLING THE CONTRACT FOR  
PRIVATE REDEVELOPMENT WITH KTJ 339, LLC, APPROVING THE CONTRACT  
FOR PRIVATE REDEVELOPMENT WITH TF WSP, LLC AND THE ASSIGNMENT  
AND ASSUMPTION OF THE TAX ABATEMENT AGREEMENT**

**WHEREAS**, the City of West St. Paul (“City”) entered into a Contract for Private Redevelopment (“Original Development Agreement”) with the West St. Paul Economic Development Authority (“EDA”) and KTJ 339, LLC (“Original Developer”) on July 19, 2019 for the following real property:

Legal Description for land to be platted as Lot 1, Block 1, WEST SAINT PAUL APARTMENTS

Those parts of the North Half of the Southwest Quarter of the Northeast Quarter of Section 20 and the North Half of the Southeast Quarter of the Northwest Quarter of Section 20, all in Township 28, Range 22, according to the Government Survey thereof, Dakota County, Minnesota, described as follows:

Beginning at the southeast corner of said North Half of the Southeast Quarter of the Northwest Quarter of Section 20; thence North 89 degrees 54 minutes 06 seconds West, assumed bearing along the south line of said North Half of the Southeast Quarter of the Northwest Quarter of Section 20, a distance of 199.30 feet; thence North 00 degrees 17 minutes 47 seconds West 170.00 feet; thence South 89 degrees 54 minutes 06 seconds East 199.30 feet to the east line of said North Half of the Southeast Quarter of the Northwest Quarter of Section 20; thence North 00 degrees 17 minutes 47 seconds West, along said east line, 285.92 feet to a point 198.41 feet south of, as measured perpendicular to, the north line of said North Half of the Southwest Quarter of the Northeast Quarter of Section 20; thence South 89 degrees 50 minutes 43 seconds East, parallel with said north line, 170.25 feet; thence North 89 degrees 45 minutes 22 seconds East 130.00 feet; thence North 00 degrees 14 minutes 38 seconds West 130.00 feet to a point 50.00 feet south of, as measured perpendicular to, the centerline of Thompson Avenue as shown on the recorded plats of Arhesta 1st Addition and Kassan’s Schletty Addition, Dakota County, Minnesota; thence North 89 degrees 45 minutes 23 seconds East, parallel with said centerline of Thompson Avenue, 131.88 feet; thence South 00 degrees 01 minutes 50 seconds East 487.65 feet; thence North 89 degrees 51 minutes 22 seconds West 129.99 feet; thence South 00 degrees 17 minutes 47 seconds East 100.00 feet to the south line of said North Half of the Southwest Quarter of the Northeast Quarter of Section 20; thence North 89 degrees 51 minutes 22 seconds West, along said south line, a distance of 300.01 feet to the point of beginning.

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PID: 42-02000-09-010

Portion of PID: 42-02000-08-014

(“Property”); and

**WHEREAS**, the Original Developer desires to assign the Original Development Agreement; and

**WHEREAS**, such assignment will create a title defect; and

**WHEREAS**, the Original Developer, City and EDA mutually desire to terminate and cancel the Original Development Agreement; and

**WHEREAS**, TF WSP, LLC (“New Developer”) desires to purchase the Property for the purpose of development of a residential apartment building and enter into a new Contract for Private Redevelopment (“New Development Agreement”) with the City and EDA; and

**WHEREAS**, the City mutually desires to enter into a New Development Agreement with the EDA and New Developer for the Property; and

**WHEREAS**, the Original Development Agreement included a Tax Abatement Agreement by and between the City and Original Developer dated October 2019 (“Tax Abatement Agreement”); and

**WHEREAS**, the Original Developer desires to assign the Tax Abatement Agreement to the New Developer; and

**WHEREAS**, the New Developer desires and agrees to receive assignment of and to assume all of the Original Developer’s rights and obligations under the Tax Abatement Agreement; and

**WHEREAS**, the City consents to the Original Developer’s assignment to the New Developer and assumption by the New Developer of the Original Developer’s rights and obligations under the Tax Abatement Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the West St. Paul City Council as follows:

1. The Original Development Agreement is hereby terminated and canceled;
2. The New Development Agreement is hereby approved; and
3. The City consents to and approves the Assignment and Assumption of the Tax Abatement Agreement from the Original Developer to the New Developer.
4. The appropriate city officials are authorized to execute the documents necessary to effectuate the aforementioned agreements.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 27<sup>th</sup> day of July 2020.

Attest:

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David J. Napier, Mayor

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Shirley R Buecksler, City Clerk