

CITY OF ST. CHARLES

ORDINANCE #569

**AN EMERGENCY ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA,
AUTHORIZING THE SALE OF REAL PROPERTY TO ACTIVE TOOL & DIE, INC.**

Preamble: City Charter Section 3.09 requires two readings of ordinances plus 30 days following publication before an ordinance becomes effective, except for emergency ordinances.

Charter Section 3.06, Emergency Ordinances, provides in part as follows:

“An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto and is adopted by a vote of at least three of the voting members of the council.”

The buyer of the below described Property (“Property”), Active Tool & Die, Inc., (“ATD”), has indicated that they need to close on the Property as soon as possible to meet their construction schedule set to start August 11, 2014, and that failure to meet said date could be detrimental to the sale of the Property and their ability to proceed with their project to construct a new building and expand their business in the City’s business park.

The City and ATD are parties to a Development Agreement, dated June 1, 2014, providing financing for the proposed sale of the Property and facilitating the new building and expansion of ATD in the City’s business park.

Based on the above typical City ordinance adoption process in Charter and the additional unique requirement in the Charter that sale of City-owned property requires passage of such an ordinance, as opposed to the far more common passage of a resolution for the sale of property, the closing on the Property would be delayed as much as 60 days if the City follows the typical Charter procedures.

The City Council finds that it is in the public interest to sell the Property to ATD and to facilitate the construction schedule of ATD in order to allow the Project to move forward in the City’s business park and to forestall any negative consequences to the City and ATD resulting from the delay caused by the general ordinance adoption procedure. The City has made considerable investment in the business park and with respect to ATD’s project to date. The City finds that the ordinance delay resulting from following the typical ordinance adoption procedure could potentially jeopardize the Project and the City’s investments. As a result and to facilitate ATD’s construction schedule, immediate consideration and action by the City Council is necessary pursuant to City Charter, Section 3.06, Emergency Ordinances, to preserve and protect the public welfare.

THE CITY OF ST. CHARLES DOES ORDAIN:

Section 1. The St. Charles City Council hereby authorizes the sale and conveyance of real property legally described as:

The South 267.35 feet of Lot 1, Block 2, Chattanooga Innovation Park, City of St. Charles, Winona County, Minnesota

to Active Tool & Die, Inc. by quitclaim deed pursuant to the terms and conditions of sale set forth in a certain Vacant Land Purchase Agreement between the City and Active Tool & Die, Inc. and that certain Development Agreement between the same parties dated June 1, 2014.

Section 2. This ordinance shall take effect immediately upon its adoption and shall be subsequently published.

Adopted this 7th day of August, 2014 by the City Council of the City of St. Charles, Minnesota.

William J. Spitzer, Mayor

Attest:

Nick Koverman, City Administrator

Published:

Date: _____