



Legislation Text

File #: RES PH 23-282, **Version:** 1

Resolution approving and authorizing a land swap with a conveyance of an HRA-owned splinter parcel at the Hamm's Brewery site to 11 Wells for business operational purposes in exchange for the acquisition by the HRA of a replacement splinter parcel at the Hamm's Brewery site to use as a fire lane, District 4, Ward 7 WHEREAS, the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota ("HRA") is a public body corporate and politic organized, existing, and operating under the laws of the State of Minnesota, Minn. Stat. Sec. 469.001, et seq. (the "Act"); and

WHEREAS, the HRA has the power to engage in development and redevelopment activities under the Act, and is authorized to create redevelopment projects as defined in the Act, and said activities include but are not limited to: (a) providing adequate, safe and sanitary dwellings, remedying housing shortages for low and moderate income residents, and providing housing for persons of all incomes through housing projects and development, (b) removing and preventing blight or deterioration, (c) bringing substandard buildings and improvements into compliance with public standards, (d) performing duties according to the comprehensive plan, (e) disposing of land for private redevelopment, and (f) improving the tax base and the financial stability of the community; and

WHEREAS, the HRA owns two parcels of land located at 694 and 680 Minnehaha Avenue containing approximately 4.89 acres ("the Hamm's Site") that was publicly offered for sale under a properly noticed and public RFP process (the "Hamm's RFP") and that is currently under a tentative development designation pursuant to HRA Board RES 23-71; and

WHEREAS, 11 W REALCO, LLC ("11 Wells") owns land, improved with a commercial building, that is surrounded by the Hamm's Site and 11 Wells has requested to acquire a splinter parcel within the Hamm's Site that is immediately adjacent to 11 Wells' commercial building, as legally described on Exhibit A below ("HRA Splinter Parcel"); and

WHEREAS, the HRA Splinter Parcel is situated within the notch of 11 Wells' "L" shaped building and has no obvious commercial or other value to any party other than the owner of the 11 Wells building because of its location and because it is encumbered with an access easement in favor of the owner of a nearby parcel that prohibits the construction of any improvements thereon; and

WHEREAS, during the construction of a fire lane within the Hamm's Site, the HRA encroached its fire lane upon a portion of land owned by 11 Wells, as legally described on Exhibit B below (the "Encroachment Area"); and

WHEREAS, the HRA and 11 Wells desire to enter into an agreement concerning the swap of the HRA Splinter Parcel in exchange for the Encroachment Area in which the HRA will agree to convey the HRA Splinter Parcel to 11 Wells and 11 Wells will agree to convey the Encroachment Parcel to the HRA (the "Land Swap"); and

WHEREAS, the HRA Disposition Policy of 9/14/2011 does not apply to, among other things, land subject to the HRA Guidelines for the Disposition of Splinter Parcels, land used for parking, or land that is subject to a tentative developer designation; and the Hamm's Site that surrounds the HRA Splinter Parcel, is subject to tentative developer designation pursuant to HRA Board RES 23-71, and 11 Wells has used and intends to

use the HRA Splinter Parcel, in part, for parking; and

WHEREAS, the Hamm's Site was publicly offered for sale under the Hamm's RFP; and

WHEREAS, the designated Tentative Developer of the Hamm's Site does not object to this proposed Land Swap.

WHEREAS, the HRA Board of Commissioners finds a public purpose for the actions being taken in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota, that:

1) Subject to approval by the City Attorney's Office and on the terms contained in the accompany staff report, the HRA Board hereby approves and authorizes the HRA to enter into an agreement with 11 Wells (or its subsidiary or affiliated entity) for the Land Swap (which will permit the conveyance of the HRA Splinter Parcel), waives any further requirements or notices under the HRA Disposition Policy, and empowers the HRA Executive Director to execute such Land Swap agreement as the sole signer on behalf the of the HRA.

2) The HRA Chair/Commissioner and the HRA Executive Director are authorized and directed to execute a Quit Claim Deed conveying the HRA Splinter Parcel to 11 Wells (or its subsidiary or affiliated entity) in connection with the Land Swap agreement.

3) The HRA Board hereby approves and authorizes the acquisition of the Encroachment Area for fire lane purposes on the terms set forth in the staff report and in connection with the Land Swap.

4) The HRA Executive Director, staff, and legal counsel for the HRA are directed and authorized to take all actions necessary to implement this Resolution and the HRA's Executive Director is authorized to execute any other documents and instruments in connection therewith.

5) This Resolution does not constitute a binding legal agreement; rather, the action taken herein shall not be effective until said documents are executed by the appropriate official(s) of the HRA.

Exhibit A
HRA Splinter Parcel
Legal Description

That part of Lot 16, Warren's Garden Out Lots to St. Paul, together with that part of vacated streets or alleys which accrued thereto by reason of the vacation thereof, Ramsey County, Minnesota, described as commencing at the northeast corner of said Lot 16; thence South 89 degrees 11 minutes 26 seconds West, on an assumed bearing along the north line of said Lot 16 and its westerly extension, a distance of 162.87 feet; thence South 0 degrees 19 minutes 17 seconds East 120.15 feet; thence South 0 degrees 23 minutes 41 seconds West, a distance of 18.00 feet; thence North 89 degrees 11 minutes 37 seconds East 174.87 feet; thence South 0 degrees 29 minutes 10 seconds East 99.44 feet; thence South 89 degrees 24 minutes 15 seconds West 120.98 feet to the point of beginning of land to be described; thence North 0 degrees 23 minutes 41 seconds West 60.80 feet; thence South 89 degrees 07 minutes 26 seconds West 53.98 feet; thence South 0 degrees 30 minutes 31 seconds East 25.00 feet; thence South 39 degrees 37 minutes 04 seconds East 45.75 feet to a line that bears South 89 degrees 24 minutes 15 seconds West from the point of beginning; thence North 89 degrees 24 minutes 15 seconds East 25.00 feet to the point of beginning.

Exhibit B
Encroachment Area

Legal Description

That part of Lot 12, Block 1, Schurmeier and Evans' Addition to St. Paul and Lot 16, Warren's Garden Out Lots to St. Paul, Ramsey County, Minnesota, described as commencing at the northeast corner of said Lot 16; thence South 89 degrees 11 minutes 26 seconds West, on an assumed bearing along the north line of said Lot 16 and its westerly extension, a distance of 162.87 feet; thence South 0 degrees 19 minutes 17 seconds East 120.15 feet; thence South 0 degrees 23 minutes 41 seconds West, a distance of 18.00 feet; thence North 89 degrees 11 minutes 37 seconds East 174.87 feet; thence South 0 degrees 29 minutes 10 seconds East 99.44 feet to a point hereinafter known as point A; thence South 89 degrees 24 minutes 15 seconds West 120.98 feet; thence North 89 degrees 24 minutes 15 seconds East 101.08 feet to the point of beginning of land to be described; thence northeasterly 20.74 feet on a tangential curve concave to the north having a radius of 42.00 feet and a central angle of 28 degrees 17 minutes 48 seconds to a line which bears North 0 degrees 29 minutes 10 seconds West from said point A; thence South 0 degrees 29 minutes 10 seconds East 5.02 feet to said point A; thence South 89 degrees 24 minutes 15 seconds West 19.90 feet to the point of beginning.