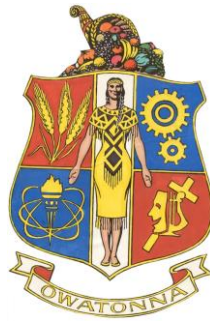


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**Mark M. Walbran**  
City Attorney  
Phone: (507) 451-1173  
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140 East Main Street  
PO Box 273  
Owatonna, MN 55060  
Email: [mwalbran@walbranfurness.law.com](mailto:mwalbran@walbranfurness.law.com)

TO: Mayor, City Council, and City Administrator  
FROM: Mark M. Walbran, City Attorney  
DATE: April 16, 2020  
RE: Cemstone Concrete Materials, LLC purchase and sale of land.

## **Purpose:**

Council approval of Proposed Resolutions No. 59-20 and No. 60-20 to authorize the Purchase Agreements for the sale by City to Cemstone of the new production site at 32<sup>nd</sup> Avenue Northwest in the Industrial Park and the Purchase Agreement for the purchase by the City of Cemstone's current production site at 639 Riverside Avenue. As provided in Resolution 50-20 adopted on April 7, 2020, no cash is being exchanged, the City and Cemstone are "swapping" properties.

## **Background:**

Cemstone intends to build a new plant in Industrial Park and the City plans to acquire their current site for redevelopment. The Development Agreement authorized by Resolution 50-20 on April 7, 2020 provides for this exchange of properties.

## **Budget Impact:**

There are no additional costs associated with these Purchase Agreements. Costs associated with establishing the TIF District have been paid by the EDA and will be reimbursed from TIF proceeds.

## **Recommendation:**

City staff recommends approval of Resolutions No. 59-20 and No. 60-20.

RESOLUTION NO. 59-20

A RESOLUTION FOR AUTHORIZATION TO EXECUTE A PURCHASE AGREEMENT WITH CEMSTONE CONCRETE MATERIALS, LLC FOR SALE OF NEW SITE IN INDUSTRIAL PARK

WHEREAS, Resolution 50-20 approved by City Council in April 7, 2020, approves a Development Agreement and Lease Agreement with Cemstone Concrete Materials, LLC effective May 8, 2020 after transfer of the property; and

WHEREAS, the Agreement provides that the City and Cemstone will exchange properties. City will convey to Cemstone a new site at 315 32<sup>nd</sup> Avenue Northwest, (New Site) and Cemstone will convey to City the old site at 639 Riverside Avenue (Old Site);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Owatonna, Minnesota, as follows:

1. That the Purchase Agreement for the sale of the New Site is hereby authorized.
2. That the Mayor and City Administrator are hereby authorized to execute this Agreement and any amendments on behalf of the City of Owatonna.

Passed and adopted this \_\_\_ day of \_\_\_\_\_, 2020, with the following vote:

Aye \_\_\_\_\_; No \_\_\_\_\_; Absent \_\_\_\_\_.

Approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Thomas A. Kuntz, Mayor

ATTEST:

\_\_\_\_\_  
Kris M. Busse, City Administrator/City Clerk