

AMENDED RESOLUTION 14D-13

**RESOLUTION AMENDING RESOLUTION 13D-28
TO CORRECT THE LEGAL DESCRIPTION THEREIN**

WHEREAS, pursuant to Resolution 13D-28 the Duluth Economic Development Authority (DEDA) authorized the purchase of property from the State of Minnesota Department of Transportation (State) and the subsequent sale of such property to Northern Health Care Properties LLC (Northern Health Care); and

WHEREAS, the legal description has been updated as described herein;

NOW THEREFORE BE IT RESOLVED, that Resolution 13D-28 is hereby amended to substitute the legal description set forth therein with the following updated legal description for property located in St. Louis County, Minnesota:

That part of Tract A and B described below:

- Tract A Lots 4 and 5, AUDITOR'S PLAT OF TRINITY ROADS ACRES, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota;
- Tract B Lot 3, AUDITOR'S PLAT OF TRINITY ROAD ACRES, according to the recorded plat thereof on file and of record in the office of the Registrar of Titles in and for St. Louis County, Minnesota; the title thereto being registered;

which lies easterly of Line 1 described below:

- Line 1. Beginning at Right of Way Boundary Corner B10 as shown on Minnesota Department of Transportation Right of Way Plat No. 69-70 as the same is on file and of record in the office of the County Recorder in and for said County; thence northeasterly on an azimuth of 11 degrees 28 minutes 31 seconds along the boundary of said plat for 426.53 feet to Right of Way Boundary Corner B6716 and there terminating;

Containing 3.89 acres, more or less.

together with all hereditaments and appurtenances belonging thereto; subject to covenants, conditions, restrictions, declarations, easements and encumbrances of record; the reservation of minerals and mineral rights by the State of Minnesota; unpaid real estate taxes and assessments; restrictions related to the use or improvement of the Property without effective forfeiture provision; and any law, ordinance, or governing regulations including but not limited to building and zoning ordinances restricting,

regulating or prohibiting the occupancy, use, enjoyment, improvement or subdivision of the Property.

Further subject to the following restriction:

No access shall be permitted to Trunk Highway No. 53 from the lands herein conveyed, as shown by the access control symbol on said plat; except that access shall be permitted along the following described line: Commencing at Right of Way Boundary Corner B6716; thence southwesterly on an azimuth of 191 degrees 28 minutes 31 seconds along the boundary of said plat for 270 feet to the point of beginning of the line to be described; thence continue on the last described course for 60 feet and there terminating (the Property).

Approved by the Duluth Economic Development Authority this 26th day of March, 2014.

ATTEST:

Executive Director



STATEMENT OF PURPOSE: This resolution amends Resolution 13D-28 to correct of the property legal description set forth therein. MnDot provided the final legal to DEDA after Resolution 13D-28 was approved by the DEDA Board. The County Recorder is requiring that the legal description set forth in the DEDA Resolution be updated in order to properly record the deed from DEDA to Northern Health Care.

RESOLUTION 13D-28

RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY FROM MNDOT AND THE SALE OF SAID PROPERTY TO NORTHERN HEALTH CARE PROPERTIES LLC FOR A SENIOR/ASSISTED LIVING FACILITY

RESOLVED, by the Duluth Economic Development Authority (DEDA), that the proper DEDA officials are hereby authorized to purchase property described below in St. Louis County, Minnesota from the State of Minnesota Department of Transportation (State) subject to a mutually acceptable agreement between DEDA and Northern Health Care Properties LLC (Northern Health Care) pursuant to which Northern Health Care agrees to pay all DEDA's costs of acquisition, including any fees and any additional costs, in acquiring said property from the State, payable from Fund 0860:

Lots 3, 4 and 5, AUDITOR'S PLAT OF TRINITY ROAD ACRES, subject to survey (the "Property")

FURTHER RESOLVED, by DEDA that:

1. DEDA does hereby makes the following determinations and findings:
 - A. That the sale of the Property to Northern Health Care is in the best interests of the City of Duluth and its people and that the transaction furthers the general plan for economic development in the area.
 - B. That, after not less than ten (10) or more than twenty (20) days' published notice, the public hearing was held in Room 303, Third Floor City Hall, Duluth, Minnesota at or shortly after 5:15 p.m. on September 25, 2013, regarding the proposed sale.
 - C. That the sale of the property described below to Northern Health Care conforms in all respects to the requirements of Minnesota Statutes 469.105.
2. The proper DEDA officials are hereby authorized to execute the Land Sale Agreement, substantially in the form of the copy attached hereto, with Northern Health Care for the sale of the Property for a sum equal to DEDA's total cost of acquisition thereof from the State of Minnesota, plus all fees and any additional costs, said sum to be payable into Fund 0860, provided, however, that DEDA staff is not authorized to proceed with the purchase from the State until such time as

Northern Health Care has made payment in the amount required under the Land Sale Agreement to DEDA.

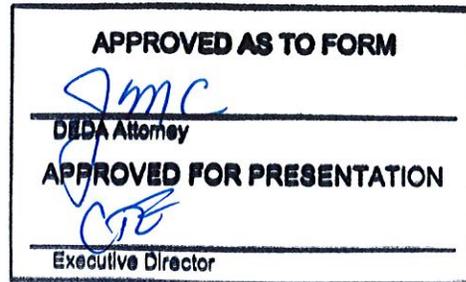
3. Subject to DEDA's acquisition of the Property from the State, the proper DEDA officials are hereby further authorized to execute all documents necessary to effectuate the sale of the Property to Northern Health Care Properties LLC.

Approved by the Duluth Economic Development Authority this 25th day of September, 2013.

ATTEST:



Executive Director



STATEMENT OF PURPOSE:

Northern Health Care desires to acquire property located on Trinity Road for its development of an assisted living facility. Northern Health Care is an operator of a Bee Hive Homes franchise, a franchise with a 23 year history. Northern Health Care Northern Health Care has requested DEDA's assistance in obtaining the property. This resolution authorizes the purchase of the property from the State and further authorizes the sale of the property to Northern Health Care at DEDA's cost therefor including fees and any additional associated costs.

Tax base impact statement: Upon conveyance of the property to Northern Health Care, this property will be returned to the property tax rolls. There will be minimal tax impact until such time as this property is improved. The development will include an 8,500 square foot, 16 bed facility with plans for a second building in the future.