



400 City Hall Annex, 25 West 4th Street, Saint Paul, MN 55102
651-266-6400

RESOLUTION #12-08

Resolution recommending the financing and spending plans in the Department of Parks and Recreation budget in the amount of \$1,000,000 to establish the budget for land acquisition for Frogtown Park and Farms, and recommend related purchase agreement with the Trust for Public Land.

WHEREAS, the Saint Paul Parks and Recreation Commission (COMMISSION) is an appointed body established to advise the Mayor and City Council on long-range and city-wide matters related to Parks and Recreation; and

WHEREAS, Section 13.01.1 of the City Charter requires that the Commission review all requests to divert or dispose of park property and to present a recommendation to the City Council; and

WHEREAS, Amherst H. Wilder Foundation (CURRENT OWNER) is the owner of certain real property located in the City of Saint Paul (BUYER); and

WHEREAS, City plans cite a specific need for a new neighborhood park in this geographic area, and

WHEREAS, The Trust for Public Land (SELLER) has proposed to acquire the Property from Amherst H. Wilder Foundation for the sum of \$2,200,000 with a portion of the money being obtained through grants from the State of Minnesota; and

WHEREAS, BUYER wishes to purchase the SUBJECT PROPERTY from SELLER and SELLER wishes to sell the SUBJECT PROPERTY to BUYER upon SELLER'S acquisition of the SUBJECT PROPERTY from CURRENT OWNER in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, SELLER agrees to sell to BUYER and BUYER agrees to buy from SELLER the SUBJECT PROPERTY on the terms and conditions set forth in the purchase agreement; and

WHEREAS, the purchase price (PURCHASE PRICE) for the SUBJECT PROPERTY under this Agreement shall be \$1,000,000; and

WHEREAS, if SELLER successfully obtains funding from the Environment and Natural Resources Trust Fund (ENRTF) (as recommended by the Legislative-Citizen Commission on Minnesota Resources (LCCMR)), or obtains other funding for this project restricted to use as acquisition capital only, and such restricted funds total in excess of \$1,200,000 then the



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PURCHASE PRICE for the SUBJECT PROPERTY shall be reduced by such amount dollar for dollar; provided, however, that BUYER shall commit to use such reduced amount for initial improvements to the SUBJECT PROPERTY; and

WHEREAS, BUYER acknowledges that SELLER does not presently own the SUBJECT PROPERTY and that SELLER'S duties hereunder and BUYER'S rights hereunder are both expressly contingent upon the acquisition by SELLER of the SUBJECT PROPERTY. In the event SELLER does not acquire the SUBJECT PROPERTY from CURRENT OWNER this Agreement shall terminate, and thereafter neither party shall have any further obligations hereunder; and

WHEREAS, SELLER is committed to fundraise \$3,450,000 in order to purchase the SUBJECT PROPERTY. If SELLER fails to have commitments for the entire amount by November 13, 2013, the BUYER may either: 1) cooperatively work with SELLER on alternative plans to meet this requirement; or 2) have this PURCHASE AGREEMENT voided; and

WHEREAS, SELLER agrees to work with the buyer in determining the assignment of Parkland on the site. This assignment will be directed in part by the funding sources that the BUYER acquires when assembling Financing for the Project; and

WHEREAS, the Department of Parks and Recreation has designated \$280,000 from the Parkland Dedication / Acquisition Fund for the purchase of this land; and

WHEREAS, \$120,000 in Neighborhood STAR funds are available; and

WHEREAS, \$600,000 in grants and other resources have been identified and are also identified in the PURCHASE AGREEMENT; and

WHEREAS, that the Mayor, pursuant to Section 10.07.1 does certify that there are funds of up to \$1,000,000 to be used in the Frogtown Park and Farms land acquisition as described in the PURCHASE AGREEMENT;

Saint Paul Parks and Recreation Commission recommends that the City of Saint Paul and the Department of Parks and Recreation establish a \$1,000,000 budget to enter into a purchase agreement with the Trust for Public Land for the Frogtown Park and Farms project.

Adopted by the Saint Paul Parks and Recreation Commission on October 10, 2012:

Approved: Yeas _____
Nays _____
Absent: _____

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Attested to by:

Staff to the Parks and Recreation Commission



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