


Legal Memorandum

To: Common Council

Cc: City Clerk, Director of Planning & Economic Development and
Director of Finance & Human Resources

From: Stephen F. Matty- City Attorney 

Date: April 8, 2019

Re: Amended Resolution approving Application of Western Technical
College for a Conditional Use Permit allowing for demolition of
structures to create green space at 314 and 320-322 8th St. N.
Legistar No.: 17-1056

Legistar No. 17-1056 is recommended for approval along with a Municipal Services Agreement dated March 29, 2019. Section 19 of that agreement needs to be updated to remove a blank and add the "sixth (6th)" anniversary date. Please authorize this amendment of the agreement to include the sixth (6th) anniversary date in Section 19. More specifically, the proposed amendment is shown below:

19. City's PILOT Program disbursements. The City maintains a PILOT program to assist taxing jurisdictions from losing tax base and tax revenue within the corporate limits of the City for various reasons, including, without limitation, the demolition and removal of existing buildings and improvements. Throughout the years of this program, the City has established, administered and enforced the program at its sole cost and expense as well as shared the PILOT payments received with the other taxing jurisdictions within the corporate limits of the City. Western agrees that the City shall retain Western's share of such payments and disbursements under this PILOT program until the earlier occurrence of: (i) the sixth (6th) anniversary date of this Agreement or (ii) the total of Western's share of the PILOT programs payments retained by the City reaches the sum of \$28,923.79. Upon the earlier occurrence of the above referenced events, then the City shall resume the disbursement to Western and Western shall receive, Western's share of the PILOT program's payments.

SFM:blb