

Resolution

Authorizing various library merger implementation actions.

Whereas, Minnesota Laws 2007, chapter 121 (the "Enabling Legislation") authorizes the merger of the Minneapolis Public Library into the Hennepin County library system; and

Whereas, as contemplated by the Enabling Legislation, the Library Board of the City of Minneapolis (the "Library Board") and Hennepin County (the "County") have negotiated material terms of a Real Property Transfer Agreement and a Personal Property Transfer Agreement (collectively, the "Transfer Agreements") and the City of Minneapolis (the "City") and the County have negotiated material terms of a Finance and Grant Agreement Regarding Library Consolidation (the "Finance Agreement," and collectively with the Transfer Agreements, the "Transaction Documents"); and

Whereas, on October 29, 2007 the Minneapolis Planning Commission conducted location and design review of the proposed library capital plan in accordance with City Charter chapter 13, section 4 and Minnesota Statutes, Section 462.356, subd. 2, and made a finding of consistency with the comprehensive municipal plan; and

Whereas, after due notice and publication thereof, the Library Board and the City conducted a joint public hearing on the proposed merger on November 7, 2007 and the County conducted a separate public hearing on the proposed merger on November 27, 2007, in satisfaction of the Enabling Legislation Article I, Section 12 condition precedent to execution of the Transaction Documents; and

Whereas, the Library Board and the City have negotiated impact bargaining agreements with exclusive representatives of at least 80% of the represented Minneapolis library employees (the "Impact Bargaining Agreements"), in satisfaction of the Enabling Legislation Article II, Section 6 condition precedent to filing certificates of local approval; and

Whereas, the Library Board adopted a resolution on December 5, 2007 approving the Enabling Legislation, authorizing execution of the Transfer Agreements and directing other actions necessary to effectuate the merger; and

Whereas, the Enabling Legislation is effective and the merger shall occur one day after the Library Board, the City and the County have executed the applicable Transaction Documents and filed certificates of local approval; and

Whereas, on the merger date, currently anticipated to be January 1, 2008, the Library Board and all of its functions shall dissolve pursuant to Enabling Legislation Article I, Section 10; and

Whereas, the County has requested that post-merger the City continue to operate a public parking lot at the Walker Library in accordance with an agreement containing substantially similar terms to the City's parking arrangement with the Library Board (the "Walker Parking Agreement").

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That the Council hereby approves the Enabling Legislation and authorizes and directs the City Clerk to file a certificate of local approval with the Minnesota Secretary of State's office in compliance with Minnesota Statutes, Section 645.021, subd. 3, on December 31, 2007.
2. That the Council hereby approves the Finance Agreement, the Walker Parking Agreement and the Impact Bargaining Agreements and authorizes and directs the Finance Officer, or in his absence or disability, such other officers of the City as in the opinion of the City Attorney are authorized to sign such agreements (the "Authorized Officials"), to execute and deliver the Finance Agreement, the Walker Parking Agreement and the Impact Bargaining Agreements in substantially the forms on file with the City.
3. That the Council authorizes and directs the Authorized Officials to execute and deliver such other documents as i) may be required under the Finance Agreement, including a quit claim deed and bill of sale for the parking ramp under the Central Library and an assumption agreement related to the state design grant for the planetarium, or ii) are otherwise reasonably necessary to effectuate the merger.
4. That the Authorized Officials and other officers also shall furnish certified copies of this Resolution and such other affidavits, disclosure schedules and certificates as may be required to show facts relating to these proceedings and the subject matter of the Finance Agreement.
5. That the Council directs the Finance Officer to appropriate such funds as are necessary to cover the City/Library Board share of merger implementation costs to the extent not paid by the Library Board, as well as the various payments and transfers contemplated by the Finance Agreement and the Impact Bargaining Agreements.
6. That with respect to the Walker Library at 2858 Hennepin Avenue, it is hereby found, determined and declared as follows:
 - a) The Walker Library is located upon the following described land:

Parcel A: Lots 4, 5 and 6, Block 1, Dean's Addition to Minneapolis, Hennepin County; and
Parcel B (Torrens): Lot 7, Block 1, Dean's Addition to Minneapolis, Hennepin County (the "Walker Property").
 - b) Title to the Walker Property is vested in the City of Minneapolis.
 - c) The Library Board must resolve this title defect prior to the proposed merger of the Minneapolis Public Library into the Hennepin County library system.

- d) The Finance Officer is authorized and directed to execute and deliver a quit claim deed of the Walker Property to the Library Board of the City of Minneapolis pursuant to Minnesota Statutes, section 471.64.
7. That with respect to the Hosmer Library at 347 East 36th Street, it is hereby found, determined and declared as follows:
 - a) Title to the following described parcel upon which the Hosmer Library is located is vested in the City of Minneapolis:

Lot 4, Block 3, Vinton Park Addition to Minneapolis, Hennepin County (the "Hosmer Parcel").
 - b) The Library Board must resolve this title defect prior to the proposed merger of the Minneapolis Public Library into the Hennepin County library system.
 - c) The Finance Officer is authorized and directed to execute and deliver a quit claim deed of the Hosmer Parcel to the Library Board of the City of Minneapolis pursuant to Minnesota Statutes, section 471.64.
8. That with respect to the Webber Park Library at 4310 Webber Parkway, it is hereby found, determined and declared:
 - a) The Webber Park Library is located upon the following described land:

That part of Lot 98, Auditor's Subdivision Number 198, Hennepin County, described as follows: Commencing at the intersection of the northerly extension of the centerline of Colfax Avenue North with the southwesterly line of said Lot 98; thence southeasterly along said southwesterly line 87.59 feet; thence defecting left 113 degrees 24 minutes a distance of 90.81 feet to the actual point of beginning; thence continuing northerly along the last described line 70 feet; thence southeasterly at right angles 70 feet; thence southwesterly at right angles 70 feet; thence northwesterly to the point of beginning (the "Webber Property").
 - b) Minneapolis Community Development Agency ("MCDA") conveyed an unconfined easement for utility purposes in favor of the City of Minneapolis as contained in Easement Deed recorded July 17, 1997 as Doc. No. 675115.
 - c) MCDA, which is identified as the owner of Lot 98, Auditor's Subdivision No. 198 in the above Easement Deed, did not and does not hold any interest in the Webber Property.
 - d) The Library Board of the City of Minneapolis must resolve this title defect prior to the proposed merger of the Minneapolis Public Library into the Hennepin County library system.

- e) The City's vacation ordinances are not applicable to this erroneously conveyed utility easement.
 - f) The Finance Officer is authorized and directed to execute and deliver a quit claim deed of the Webber Property to the Library Board of the City of Minneapolis pursuant to Minnesota Statutes, section 471.64.
9. That with respect to the East Lake Library at 2727 East Lake Street, it is hereby found, determined and declared:
- a) On August 29, 1974 the City adopted a resolution vacating 28th Ave S adjacent to the East Lake Library and on February 11, 1975 the City adopted an amendment to the vacation resolution.
 - b) The resolution as amended is ambiguous because it refers to the "S line of E Lake St," but does not identify that line as being the one shown on the plat of V.G. Hush's Addition to Minneapolis.
 - c) Lake Street was widened after the plat was filed.
 - d) City staff has been unable to locate relevant records, but Public Works Right-of-Way staff state that the standard practice and therefore the presumed intent of the City was to vacate only to the south line of Lake Street as widened.