

## RESOLUTION NO. 2025-10

### **A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY TO THE BALTIC AREA DEVELOPMENT FOUNDATION CONTINGENT UPON EXECUTION OF A RESTRICTIVE USE AGREEMENT, AND AUTHORIZING THE MAYOR AND CITY OFFICIALS TO TAKE ALL NECESSARY ACTION RELATED THERETO.**

WHEREAS, the City of Baltic, South Dakota (the “City”) is the owner of certain real property located within the City, more particularly described in Exhibit A attached hereto and incorporated by this reference (the “Property”); and

WHEREAS, the City has determined that transferring the Property to the City's designated local industrial development corporation, the Baltic Area Development Foundation (the “Foundation”), will promote economic development, job creation, tax base expansion, and other public benefits; and

WHEREAS, the City has the power pursuant to SDCL § 9-27-36 to sell and convey any of its real property to a nonprofit local industrial development corporation; and

WHEREAS, the Foundation is the City’s duly designated local industrial development corporation, authorized to acquire, hold, and dispose of real property in furtherance of economic development projects, subject to applicable law; and

WHEREAS, the City desires to ensure that the Property is used only for specific economic development purposes consistent with the City’s comprehensive plan, zoning regulations, and long-term growth objectives; and

WHEREAS, to that end, the City requires that the Foundation, as a condition of receiving title to the Property, enter into a Restrictive Use Agreement with the City, which shall set forth the permitted uses, prohibited uses, reversionary rights, enforcement mechanisms, and other terms and conditions deemed necessary by the City; and

WHEREAS, the City Council finds that transferring the Property to the Foundation, subject to the Restrictive Use Agreement, is in the best interests of the City of Baltic and its residents and constitutes a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BALTIC, SOUTH DAKOTA:

#### **1. Findings Incorporated.**

The City Council hereby adopts and incorporates the recitals set forth above as findings of fact and as a material part of this Resolution.

#### **2. Authorization of Transfer.**

Subject to the terms and conditions set forth herein, the City Council hereby approves the transfer and conveyance of the Property to the Baltic Area Development Foundation for the purposes of economic development and in furtherance of the City's economic development policies and objectives.

### **3. Condition Precedent – Restrictive Use Agreement.**

The transfer and conveyance of the Property shall be expressly contingent upon, and shall not occur unless and until:

The Foundation executes a Restrictive Use Agreement with the City, in form and substance acceptable to the City Attorney and Mayor, or their designees; and

All other conditions precedent, if any, set forth in such Restrictive Use Agreement or in any related development agreement are satisfied or waived in writing by the City.

### **4. Terms of Restrictive Use Agreement.**

The Restrictive Use Agreement shall, at a minimum:

Specify the permitted uses of the Property;

Specify the prohibited uses of the Property;

Provide for enforcement of the restrictions by the City, including, but not limited to, injunctive relief and/or specific performance;

Provide remedies in the event of a breach, which may include reversion of title to the City, liquidated damages, and/or other appropriate relief;

Run with the land and be binding upon the Foundation and its successors and assigns; and

Contain such additional terms, conditions, and covenants as the City Attorney deems necessary or appropriate to protect the City's interests.

### **5. Execution of Documents.**

Upon satisfaction of the conditions precedent set forth in this Resolution, including execution of the Restrictive Use Agreement by the Foundation, the Mayor is hereby authorized and directed to execute, on behalf of the City, a Special Warranty Deed or other appropriate instrument of conveyance, the Restrictive Use Agreement, and any and all other documents necessary or convenient to effectuate the transfer of the Property consistent with this Resolution. The Finance Officer/City Clerk is authorized to attest such documents and affix the City's seal as required.

### **6. Further Acts.**

The Mayor, Finance Officer, City Attorney, and other appropriate City officials and employees are hereby authorized to take such further actions and execute such additional documents as they may deem necessary or desirable to carry out the intent of this Resolution and to complete the transfer of the Property in accordance with the terms hereof.

Adopted this \_\_\_ day of \_\_\_\_\_, 2025.

CITY OF BALTIC, SOUTH DAKOTA

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Mayor

ATTEST:

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Finance Officer

(SEAL)

This resolution shall become effective twenty (20) days after publication, unless a referendum petition is filed pursuant to SDCL 9-20-6.

## EXHIBIT A

100 Lovely Ave, Baltic, South Dakota, also legally described as:

Lot 4A, Block 4, Except Tract A, of the Keys Addition to the City of Baltic, Minnehaha County, South Dakota, according to the recorded plat thereof.