

Doc #: 372940

Fees: \$ 46.00

COUNTY RECORDER OFFICE OF FILLMORE COUNTY, MINN.

I hereby certify that the within instrument
was filed on 6/22/2009 at 2:15 PM

David Kiehne, Fillmore County Recorder

By

David Kiehne

~~Deputy~~

(Above Space Reserved for Recording Data)

**RESOLUTION OF CITY OF LANESBORO FOR
AMENDMENT OF TAX INCREMENT FINANCING AND DEVELOPMENT AGREEMENT
WITH CHURCH HILL COOPERATIVE, LLC**

May 4th, 2009

Recitals

- A. The City of Lanesboro (the "City") entered into a Development Agreement, dated March 30, 2007, and recorded as Document No. 365274 in the Office of the Fillmore County Recorder (the "Development Agreement"), with Church Hill Cooperative, LLC, a/k/a Church Hill Cooperative (the "Original Developer"), concerning development of the former Lanesboro Elementary School building.
- B. The Development Agreement calls for the Original Developer to convert the former school building into a cooperative housing community to be located on the development property (the "Project").
- C. It has come to the attention of the parties that the Original Developer was erroneously referred to in the Development Agreement as Church Hill Cooperative, LLC, whereas the name of the entity was Church Hill Cooperative, and that title to the Project property was incorrectly conveyed to Church Hill Cooperative, Ltd.
- D. Representatives of the Original Developer have undertaken to change the legal form of the Project to the condominium form of ownership and have formed a successor developer entity under the name Church Hill School LLC (the "Successor Developer").
- E. The Successor Developer will undertake and perform according to their terms the covenants and obligations of the Original Developer under the Development Agreement.
- F. It is the intention of the parties to amend the Development Agreement so as to allow the Project to be reconstituted as a condominium pursuant to Minnesota Statutes Chapter 515B and to transfer to the Successor Developer all the rights and obligations of the Original Developer under the Development Agreement.

Agreement

Therefore, in consideration of the foregoing Recitals and the covenants and agreements set forth herein, the parties agree as follows:

- 1. That the Development Agreement is amended to allow the Project to be legally constituted as a condominium rather than a cooperative.

2. That the Development Agreement is amended to substitute the Successor Developer for the Original Developer, with the express condition and covenant that the Successor Developer assume and perform according to their terms all covenants, conditions and other obligations of the Original Developer under the Development Agreement from this point forward.
3. All of the terms and conditions of the Development Agreement, to the extent not modified by this Amendment shall remain in full force and effect.

CITY OF LANESBORO

By: Steven Rahn
Steven Rahn, Mayor

ATTEST:

Bobbie Vick
Bobbie Vickerman

CHURCH HILL COOPERATIVE, LLC
a/k/a Church Hill Cooperative

By: Daniel Anderson
Daniel Anderson, President

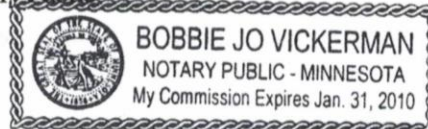
CHURCH HILL SCHOOL LLC

By: Robin Krom
Robin Krom, President

STATE OF Minnesota
COUNTY OF Fillmore) ss.

The foregoing instrument was acknowledged before me this 7th day of May, 2009, by Steven Rahn, the Mayor of the City of Lanesboro, a Minnesota City, on behalf of said entity.

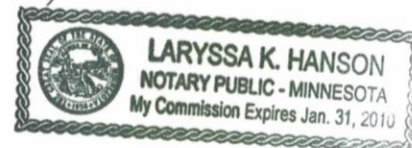
Bobbie Vick
Notary Public



STATE OF Minnesota
COUNTY OF Fillmore) ss.

The foregoing instrument was acknowledged before me this 28th day of April, 2009, by Daniel Anderson, President of Church Hill Cooperative, LLC, a/k/a Church Hill Cooperative, a Minnesota cooperative association, on behalf of said entity.

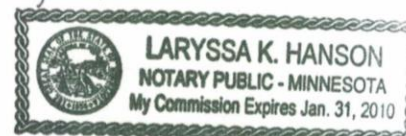
Laryssa K. Hanson
Notary Public



STATE OF Minnesota
COUNTY OF Fillmore) ss.

The foregoing instrument was acknowledged before me this 28th day of April, 2009, by Robin Krom, President of Church Hill School LLC, a Minnesota limited liability company, on behalf of said entity.

Laryssa K. Hanson
Notary Public



**RESOLUTION OF CITY OF LANESBORO FOR
AMENDMENT OF TAX INCREMENT FINANCING AND DEVELOPMENT AGREEMENT
WITH CHURCH HILL SCHOOL CONDOMINIUM ASSOCIATION**

1-20-, 2010

Recitals

- A. The City of Lanesboro (the "City") entered into a Development Agreement, dated March 30, 2007, and recorded as Document No. 365274 in the Office of the Fillmore County Recorder (the "Development Agreement"), with Church Hill Cooperative, LLC, a/k/a Church Hill Cooperative (the "Original Developer"), concerning development of the former Lanesboro Elementary School building.
- B. The Development Agreement calls for the Original Developer to convert the former school building into a cooperative housing community to be located on the development property (the "Project").
- C. It has come to the attention of the parties that the Original Developer was erroneously referred to in the Development Agreement as Church Hill Cooperative, LLC, whereas the name of the entity was Church Hill Cooperative, and that title to the Project property was incorrectly conveyed to Church Hill Cooperative, Ltd.
- D. Representatives of the Original Developer have undertaken to change the legal form of the Project to the condominium form of ownership and have previously formed a successor developer entity under the name Church Hill School LLC. Subsequent to that, they have formed another entity under the name Church Hill School Condominium Association (the "Successor Developer").
- E. The Successor Developer will undertake and perform according to their terms the covenants and obligations of the Original Developer under the Development Agreement.
- F. It is the intention of the parties to amend the Development Agreement so as to allow the Project to be reconstituted as a condominium pursuant to Minnesota Statutes Chapter 515B and to transfer to the Successor Developer all the rights and obligations of the Original Developer under the Development Agreement.

Agreement

Therefore, in consideration of the foregoing Recitals and the covenants and agreements set forth herein, the parties agree as follows:

- 1. That the Development Agreement is amended to allow the Project to be legally constituted as a condominium rather than a cooperative.

2. That the Development Agreement is amended to substitute the Successor Developer for the Original Developer, with the express condition and covenant that the Successor Developer assume and perform according to their terms all covenants, conditions and other obligations of the Original Developer under the Development Agreement from this point forward.
3. All of the terms and conditions of the Development Agreement, to the extent not modified by this Amendment shall remain in full force and effect.

CITY OF LANESBORO

By: Steven Rahn
Steven Rahn, Mayor

ATTEST:

Bobbie Vickerman
Bobbie Vickerman

**CHURCH HILL SCHOOL CONDOMINIUM
ASSOCIATION**

a/k/a Church Hill Cooperative and

Church Hill School LLC

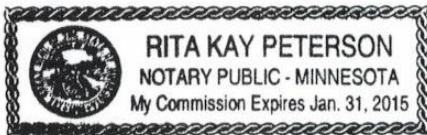
By: Robin Krom
Robin Krom, President

CHURCH HILL SCHOOL LLC

By: Robin Krom
Robin Krom, President

STATE OF MN
COUNTY OF Fillmore) ss.

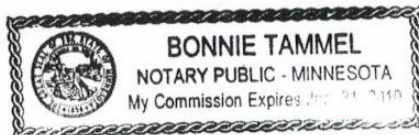
The foregoing instrument was acknowledged before me this 20th day of January, 2010, by Steven Rahn, the Mayor of the City of Lanesboro, a Minnesota _____, on behalf of said entity.



Rita Kay Peterson
Notary Public

STATE OF Minnesota
COUNTY OF Fillmore) ss.

The foregoing instrument was acknowledged before me this 20th day of January, 2010, by Robin Krom, President of Church Hill School Condominium Association, a Minnesota Corporation, on behalf of said entity.



Bonnie Tammel
Notary Public