



Title: Ratifying Assent to Land Registration for 34500 France Avenue, Edina

Resolution number: 21-068

Prepared by: Name: James Wisker
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Reviewed by: Name/Title: Chuck Holtman, Legal Counsel

Recommended action: Board approval

Summary:

This item concerns a registration proceeding for a parcel of land located at 4500 France Avenue, Edina. A registration proceeding is a statutory process that results in a title certificate for the landowner, removes uncertainty about old or unrecorded claims on the title, and is necessary or advisable for certain development purposes.

The District has an interest in the parcel, in the form of a stormwater facility maintenance declaration recorded on the title pursuant to District permit. On February 5, 2020, the landowner's attorney asked the District to sign an assent to registration. This is an administrative step in which the District's interest is preserved on the title certificate and it ceases to be a party to the legal proceeding. It is advantageous to the landowner in simplifying the proceedings, and to the District in avoiding any administrative costs of remaining a party. On February 20, 2020, on advice of counsel, the District Administrator signed the assent.

The landowner's attorney has advised that the district court requires documentation of the Administrator's authority to have signed the assent on behalf of the District. The proposed resolution states that the Administrator did have this authority, and ratifies the February 20, 2020 signature. The resolution will be provided to landowner's counsel for submittal to the court.

Supporting documents (list attachments):

Resolution

Original request of landowner's counsel



RESOLUTION

Resolution number: 21-068

Title: Ratifying Assent to Land Registration

WHEREAS the Minnehaha Creek Watershed District ("District") is a watershed district with purposes and powers set forth at Minnesota Statutes chapters 103B and 103D, and is governed by its Board of Managers ("Board") in accordance with Minnesota Statutes §§103D.315 and 103D.335, subdivision 4;

WHEREAS the District is the beneficiary of, and possesses certain rights under, a stormwater facility maintenance declaration encumbering real property located at 4500 France Avenue, Edina, Minnesota, and therefore has an interest in the property;

WHEREAS on February 28, 2020, on advice of counsel, District Administrator James Wisker signed an assent to registration of the property in a land registration proceeding in the Hennepin County District Court, designated as Court File No. 27-ET-CV-19-117; and

WHEREAS on October 13, 2021, the District was asked to affirm Administrator Wisker's authority to sign the assent to registration on behalf of the District.

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers affirm that at all relevant times, the District Administrator has had authority to sign the indicated assent to registration, and the Board hereby ratifies Administrator Wisker's signature placed on February 20, 2020.

Resolution Number 21- 068 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. October 21, 2021.

Secretary Date: _____

SARAH ZACH
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February 5, 2020

Minnehaha Creek Watershed District
15320 Minnetonka Blvd
Minnetonka, MN 55345
Attn: James Wisker

Re: In the Matter of the Application of Orion 4500 France, LLC to Register Title to Land
Located at 4500 France Avenue, Edina, MN
District Court File No. 27-ET-CV-19-117 (Hennepin County, Minnesota)

Dear Mr. Wisker:

Orion 4500 France, LLC (“Orion”) is redeveloping the above-referenced property (“Orion Property”). In connection with the completion of this project, Orion is registering title to the Orion Property.

Registration of title is a required legal process (also referred to as Torrens registration) that is needed to separate the ownership of the commercial spaces on the first floor of the redevelopment from the residential spaces on the above floors.

You are receiving this letter because the Hennepin County Examiner of Titles has determined that you may have a legal interest in the Orion Property. Enclosed is a copy of the Examiner’s Report, which describes the nature of the possible interest. Orion’s attorneys have reviewed the Examiner’s Report and summarized your possible interest in the Orion Property below for your convenience.

Possible Rights in the Orion Property:

- Declaration regarding stormwater facilities filed on March 6, 2019 as Document No. A10640443
- Possible encroachment of a stone wall onto the Orion Property

When property title is registered under Minnesota law, parties who might have a legal interest in the property may either:

- Option (1) assent to the title registration in writing or;
- Option (2) be served legal notice of the title registration in accordance with Minnesota Statutes chapter 508.

Enclosed with this letter is an Assent Form in accordance with Option (1) above. If you agree that the information about your property shown in the attached Assent Form is true and correct, please sign the enclosed Assent Form in accordance with Option (1) above. The form will also need to be notarized.

If you decide not to sign the enclosed Assent Form, in the coming weeks Orion will serve legal notice of the title registration in accordance with Option (2) above.

Please return the signed copy of this letter and the Assent Form to the below address.

Dorsey & Whitney LLP
50 South Sixth Street
Minneapolis, MN 55402
Attn: Sarah Zach, Esq.

If you have specific questions about this title registration process or the interests noted above, please feel free to contact Sarah Zach at (612) 492-6576 or zach.sarah@dorsey.com.

Thank you for your cooperation as Orion continues to invest in the 50th and France neighborhood. We sincerely appreciate your assistance.

Dorsey & Whitney LLP



Sarah Zach
Partner

Enclosures: Examiner's Report, Assent Form