Resolution 2017-111

RESOLUTION RECOGNIZING CITY’S FULFILLMENT OF WARRANTY DEED PROVISION REQUIRING SOCCER COMPLEX PROPERTY BE USED AND DEVELOPED FOR RECREATIONAL PURPOSES AND ACCEPTING QUITCLAIM DEED

WHEREAS, on May 30, 2008, Doyle Estes and Kathryn Johnson (“Grantors”) executed a Warranty Deed transferring certain real property to the City of Rapid City that was filed in Book 181 Page 1198 at the Pennington County Register of Deeds and recorded on June 20, 2008; and

WHEREAS, that real property is legally described as follows:

Section Twenty-One (21), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Pennington County, South Dakota

The South Four Hundred Sixty Four and Sixty-Four Hundredths Feet (464.64’) of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE1/4NW1/4NE1/4);

The South Four Hundred Sixty Four and Sixty-Four Hundredths Feet (464.64’) of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) Less Lot H1;

The East Half of the Southwest Quarter of the Northeast Quarter (E1/2SW1/4NE1/4);

The Southeast Quarter of the Northeast Quarter (SE1/4NE1/4)

(“the Property”); and

WHEREAS, the Warranty Deed provided that the property “is to be used for recreational purposes, and is deeded as above so long as the property is developed and used for recreational purposes by June 1, 2013 and used for recreational purposes thereafter. If the property is not so used, then it will revert to the Grantors and their heirs and assigns.”; and

WHEREAS, in 2013, the Grantors and the City entered into an agreement to extend the date by which the City must develop and use the property for recreational purposes to January 1, 2016, and which agreement amended the Warranty Deed to include the date of January 1, 2016 in the reversionary clause; and

WHEREAS, at this time, the City and its partners have developed the Property for use as a soccer complex; and

WHEREAS, the City has fulfilled the terms of the Warranty Deed to use and develop the property for recreational purposes; and
WHEREAS, therefore, Grantors now wish to execute a *Quitclaim Deed* transferring to the City any reversionary rights Grantors may have in the original deed for the reason that the City has met the terms of the reversionary clause to use and develop the property for recreational purposes; and

WHEREAS, the Common Council wishes to formally recognize the fulfillment of the *Warranty Deed* and the use of the Property for recreational purposes and to accept a *Quitclaim Deed* from the Grantors on that basis; and

WHEREAS, the Common Council wishes to make a record of the extinguishment of any reversionary rights of Grantors in the original *Warranty Deed*.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that it hereby recognizes that the Property was developed and used for recreational purposes prior to January 1, 2016, specifically as a soccer complex, and that the reversionary clause of the *Warranty Deed* to use and develop the property for recreational purposes has been fulfilled.

BE IT FURTHER RESOLVED that the City hereby acknowledges the gift of the land from Grantors Doyle Estes and Kathryn Johnson.

BE IT FURTHER RESOLVED that the City hereby accepts the *Quitclaim Deed* from Grantors that conveys and quitclaims to the City any and all of Grantors’ reversionary interests as provided in the *Warranty Deed* and authorizes the Finance Officer to execute IRS Form 8283 to acknowledge the gift of land from Grantors.

Dated this _____ day of ______________, 2017.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)