

**PETITION AND WAIVER
FOR INSTALLATION OF PUBLIC IMPROVEMENTS
AND ASSESSMENT OF THE COSTS THEREOF**

The undersigned make the following petition to the City Council of the City of Bloomington (the "City"):

- A. Klein Real Estate Holdings, LLC, a Minnesota limited liability company, 116 East Oakwood Avenue, Monticello, Minnesota 55362 (the "Owner") represents that it is the sole fee owner of the property (the "Property") referred to as 9545 Penn Avenue South, located in the City of Bloomington, Hennepin County, Minnesota, legally described as:

Lot 3, Block 1, JOHN DEERE 1ST ADDITION

- B. For the purposes of their development, the Owner desires, and hereby requests, that the Bloomington City Council:
1. Order and cause the construction of the City improvement consisting of abandonment of three (3) unused water services to the property located in the public right-of-way immediately adjacent to the Property (the "Project").
 2. To levy a special assessment on the Property for the total cost of the Project, not to exceed \$11,000 (the "Assessment") as shown in Exhibit A.
 3. To levy the Assessment for the Project such that the assessments shall be paid over five (5) years at such rate of interest as the City shall determine, but not greater than the rate of interest associated with public financing for other public improvement projects approved within the same year as the public improvements.
 4. To include the Project in a 2018 City project to coordinate the work with a proposed CenterPoint gasoline project that is estimated to occur at the same time.
- C. The Owner agrees, in consideration of the City ordering and constructing the Project, to pay the Assessment to the Property for the Project provided in this Petition and Waiver.
- D. The Owner specifically waives any objection to the City's design and construction of the Project, including any objection to the final design, any objection to the procedure pursuant to which the City orders the Project, and any objection to the City's failure to strictly follow the notice and other requirements of Minnesota Statutes, Chapter 429 with respect to ordering the Project.
- E. The Owner reserves the right to review the plans and specifications for the Project, so long as such review does not delay the Project schedule.
- F. The Owner expressly waives objection to any irregularity with regard to the assessment of the Property for the Project; expressly waive any claim that the amount assessed is

excessive; and expressly waive all rights of appeal, including any rights under Chapter 429, Minnesota Statutes or such successor statutes that may be promulgated dealing with the right of a municipality to levy special assessments for improvements.

G. The Owner agrees the Project increases the fair market value and is a special benefit to the Property.

KLEIN REAL ESTATE HOLDINGS, LLC (OWNER)

By :  Date : May 2, 2016

STATE OF MINNESOTA)
) SS.
COUNTY OF WRIGHT)

This instrument was acknowledged before me this 2nd day of MAY,
202016 by JACK POTTER on behalf of THOMAS KEGAN JR.

notary stamp or seal in this space



Notary Public

