



City Council

Agenda Item

Subject: Approval of Second Amendment to the Purchase Agreement with J & J Land Sales, LLC for the purchase of land on which the City's multi-purpose, two-sheet ice arena will be located

Meeting: City Council - Sep 19 2022

From: Heath VonEye, Public Works Director

BACKGROUND INFORMATION:

Key Details of this Amendment

Purchase Price: \$500,000

Buyer Contingencies:

1. The Parties amend Section 5.c., CONTINGENCIES, to the extent of allowing the closing to occur before full satisfaction of the soil corrections to be conducted by Seller in accordance with the 2021 AET Report and the subsequent report of AET currently being generated ("2022 AET Report"). The sufficiency of the work and suitability of the resulting soil in order to satisfy this requirement shall continue to be determined by AET and Loucks.
2. As part of the consideration for this amendment of allowing closing to occur prior to the completion of the soil corrections, Seller shall make the site suitable for construction for the Facility as defined in the plans and specifications under Seller's contract with RJM, acting as J&J Earthworks, Inc.
3. Seller understands and agrees that failure to make the soil corrections in a timely manner will negatively affect the construction schedule for the Facility. Within thirty (30) days written notification by Buyer to Seller of Seller's failure to satisfactorily complete the soil corrections, Buyer may complete the soil corrections at Seller's cost and expense. Seller shall be liable for costs incurred by Buyer to complete the soil corrections and for damages resulting from delays in construction directly caused by Seller's failure to timely make the soil corrections.
4. The terms and conditions contained in this Addendum shall survive any closing and exchange of title of the real estate and any completion of the remaining terms of the Purchase Agreement.
5. Timing is of the essence. Buyer and Seller agree to proceed with and expedite the closing of the land transaction in a timely manner

SUGGESTED MOTION:

I move to approve the Second Amendment to the Purchase Agreement with J & J Land Sales, LLC for the purchase of land on which the City's multi-purpose, two-sheet ice arena will be located

STAFF REFERENCE(S):

Amanda Mack, Justin Petersen
