MEMORANDUM

To: City Commissioners

From: Paul Kritz, City Attorney

Re: 4th & Northeast – Property Swap

Date: September 20, 2012

The City needs to acquire property owned by Coffeyville Resources (CVR) in order to proceed with the geometric improvement of the intersection of 4th & Northeast. A drawing of the proposed intersection is attached. In lieu of purchasing the property from CVR, they have proposed a property swap. In exchange for the property on Northeast Street (Highway 166/169), CVR would receive the vacant lots located at 413 E. 1st Street, 1012 E. 4th Street, and 904 E. 5th Street. City staff knows of no current or future plans to use or develop those properties and is, therefore, receptive of the exchange proposal.

A collateral benefit will be to shift the obligation to mow these vacant lots to CVR. In addition, the lots will be placed on the tax rolls again. Although the tax revenues from these lots will be minimal, the public will receive some benefit from the conveyances.

UPDATE: November 9, 2012

The deed forms have been approved by counsel for CVR, so this property exchange is ready to proceed.

RESOLUTION NO. R-12-103

A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A QUITCLAIM DEED CONVEYING CERTAIN REAL PROPERTY TO COFFEYVILLE RESOURCES REFINING AND MARKETING, LLC.

BE IT RESOLVED by the Board of Commissioners of the City of Coffeyville, Kansas, that the Mayor and City Clerk be and are hereby authorized and directed to execute a Quitclaim Deed conveying the following property to Coffeyville Resources Refining & Marketing, LLC, a Delaware Limited Liability Company, and such other documents that are necessary for such conveyance, to-wit:

> Lot 3, Block 3, Original Addition to the City of Coffeyville (413 E. 1st Street); and Lot 14, Block 11, Ingmire Addition to the City of Coffeyville (1012 E. 4th Street); and Lot 10, Block 13, Ingmire Addition to the City of Coffeyville (904 E. 5th Street).

Adopted this 13th day of November 2012.

_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

Approved as to Form:

_____
Paul Kritz, City Attorney

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made and executed this _____ day of November, 2012, by the **City of Coffeyville, Kansas** (hereinafter referred to as "Grantor"), to **Coffeyville Resources Refining & Marketing, LLC,** a Delaware limited liability company (hereinafter referred to as "Grantee"). The mailing address of the Grantee is: Coffeyville Resources Refining & Marketing, LLC, 10 East Cambridge Circle Drive, Suite 250, Kansas City, Kansas 66103, Attention: General Counsel.

WITNESSETH, for One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor does by these presents REMISE, RELEASE, and QUIT CLAIM unto Grantee and Grantee's successors and assigns that certain real estate located in Montgomery County, Kansas, and legally described as follows:

Lot 3, Block 3, Original Addition to the City of Coffeyville;

and

Lot 14, Block 11, Ingmire Addition to the City of Coffeyville;

and

Lot 10, Block 13, Ingmire Addition to the City of Coffeyville

together with (i) all improvements thereon, (ii) all right, title and interest held by Grantor in and to all public and private streets, roads, avenues, alleys and passageways, opened or proposed, in front or abutting such property, and (iii) all and singular the estates, rights, privileges, easements and appurtenances belonging or in any wise appertaining to the foregoing property.

TO HAVE AND TO HOLD such property unto Grantee and Grantee's successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has executed this Quit Claim Deed as of the day and year first above written.

CITY OF COFFEYVILLE, KANSAS

by_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

ACKNOWLEDGEMENT

STATE OF KANSAS
MONTGOMERY COUNTY, ss.

BE IT REMEMBERED that on this ____ day of November, 2012, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came David George, Mayor, and Cindy Price, City Clerk, who are personally known to me to be the same persons who executed the above and foregoing Quit Claim Deed on behalf of Grantor, and such persons duly acknowledged the execution of the same as their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

_____
Notary Public

My commission expires:

_____

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made and executed this _____ day of _____ 2012, by **Coffeyville Resources Refining & Marketing, LLC,** a Delaware limited liability company (hereinafter referred to as "Grantor"), to the **City of Coffeyville, Kansas** (hereinafter referred to as "Grantee"). The mailing address of the Grantee is: P.O. Box 1629, Coffeyville, Kansas 67337.

WITNESSETH, for One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor does by these presents REMISE, RELEASE, and QUIT CLAIM unto Grantee and Grantee's successors and assigns that certain real estate legally described as follows:

> Lots 7 and 8, Block 16, Ingmire's Addition to the City of Coffeyville, except that portion as taken for Highway 166-169 Right of Way purposes, and the East half of vacated Pecan Street (as described in ordinance S-97-23, as recorded in Book 466, Page 217 in the Montgomery County Register of Deeds Office) lying between the South Right of Way line of East 4th Street and the North Right of Way line of Highway 166-169 or Northeast Street situated in the City of Coffeyville, Montgomery County, Kansas.

together with (i) all improvements thereon, (ii) all right, title and interest held by Grantor in and to all public and private streets, roads, avenues, alleys and passageways, opened or proposed, in front or abutting such property, and (iii) all and singular the estates, rights, privileges, easements and appurtenances belonging or in any wise appertaining to the foregoing property.

TO HAVE AND TO HOLD such property unto Grantee and Grantee's successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has executed this Quit Claim Deed as of the day and year first above written.

COFFEYVILLE RESOURCES
REFINING & MARKETING, LLC,
a Delaware limited liability company

by_____
Title:_____

ACKNOWLEDGEMENT

STATE OF _____
_____ COUNTY, ss.

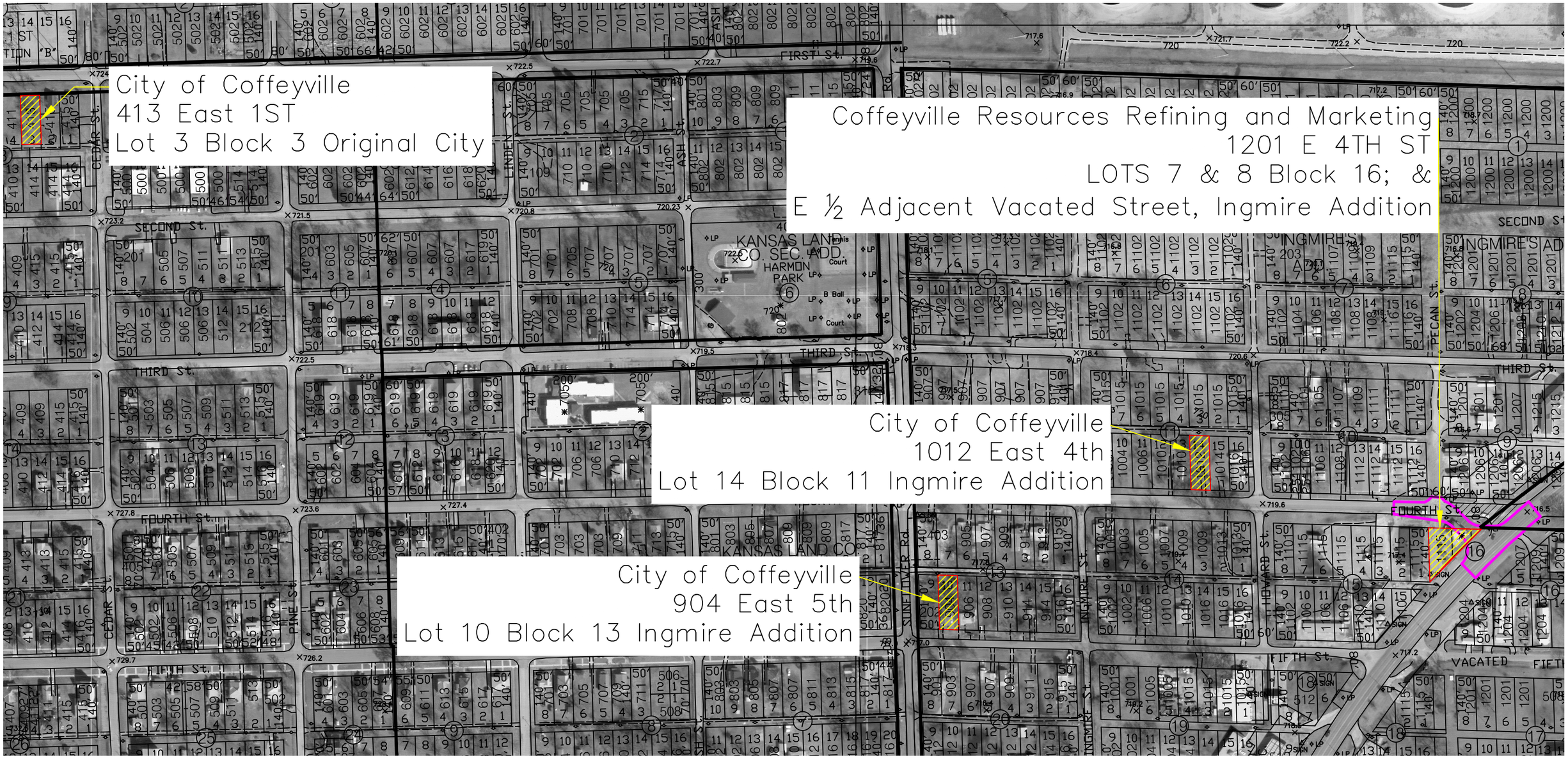
BE IT REMEMBERED that on this ____ day of _____ 2012, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came the individual identified above who is personally known to me to be the same person who executed the above and foregoing Quit Claim Deed on behalf of Grantor, and such person duly acknowledged the execution of the same as his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

_____
Notary Public

My commission expires:

_____



North

Scale: 1"= 250'

Legend

Proposed GI Improvement

LP Light Pole

CVR Reqested Property

City of Coffeyville Engineering Department			
FIELD BY:	TITLE: Proposed 2013 Geometric Improvement Project at the Intersection of Highway 166-169 and East Fourth Street		
DRAWN BY: JSM			
CHECKED BY: JM	SCALE: 1"= 100'	SHEET REFERENCE NUMBER:	CONTRACT NO.
	DATE: May 26, 2011		SHEET
APPROVED BY:	DWG. EThomas/KDOT/Geometric Improvement/2013/ 2013 Geometric Improvement-Project 2.dwg		