

City Council Agenda Memo

From: Paul Briseno, City Manager

Council Meeting: December 16, 2025

Subject: Resolution 25-097: Millborn Seed Forbearance Agreement

Presenter: Vince Jones, City Attorney

Summary:

In April 2023, the City of Brookings and its partners entered into a development agreement with Berry Properties, LLC, also known as Millborn Seeds, Inc., for approximately 13.09 acres of real property. The proposed Forbearance Agreement will extend the project timeline, providing Millborn additional flexibility to advance a successful development consistent with the intent of the original agreement. Staff respectfully recommends approval of the Forbearance Agreement.

Item Details:

In April 2023, the City of Brookings and its project partners entered into a Real Estate Purchase and Property Development Agreement with Berry Properties, LLC and Millborn Seeds, Inc., for approximately 13.09 acres of land. The developer's vision is to construct a "logistics and ag innovation ecosystem" which supports innovation and strengthens the broader Brookings agricultural ecosystem. The property is commonly referenced as the site located east of 32nd Avenue and north of the Highway 14 Bypass. The real property described as Lot Three (3) in Block Ten (10) of Freeland Addition to the City of Brookings, County of Brookings, State of South Dakota for the price of \$247,203 and other valuable considerations.

A Forbearance Agreement is being recommended by the City, our project partners, and Millborn to formally extend certain timelines established in the original development agreement. The proposed document also acknowledges the Brookings Regional Growth Alliance as the successor in interest to the Brookings Economic Development Corporation, ensuring continuity of rights and responsibilities under the agreement.

Approval of the Forbearance Agreement will provide Millborn and the other parties additional time to evaluate and determine the most appropriate development approach to fulfill the goals of the original agreement. Any future construction must support a public purpose or an industrial development purpose, as required under SDCL 9-54-1.

Legal Consideration:

None

Strategic Plan Consideration:

- Sustainability – The City of Brookings will meet environmental, community and economic desires and needs without compromising future generations' quality of life by strategically planning, implementing and maintaining infrastructure and facilities.
- Economic Growth – The City of Brookings will support effective diversified community investment and equitable opportunities for prosperity.

Financial Consideration:

Within the original agreement approximately 13.09 acres of real property was transferred for the price of \$247,203.

Supporting Documentation:

Resolution

Location Map

Forbearance Agreement