

CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2009--27

RESOLUTION APPROVING SUNNYBROOK PONDS FINAL PLAT

WHEREAS, Dewey Dau, as Personal Representative for the Estate of Elizabeth M. Dau, has submitted an application for approval of the Final Plat for Sunnybrook Ponds, a Major Subdivision of six parcels located at 7611 Jamaca Avenue North in the City of Grant, Minnesota; and

WHEREAS, the properties are legally described as follows:

N ½ of W ½ of E1/2 of NW1/4, Section 27, Township 30, Range 21, that lies on the South and East side of the Minneapolis, St. Paul and Sault Ste. Marie Railway right of way and subject to a public easement over a strip of land running along the SE side of said railroad right of way, now used as a public cartway,

AND

SW1/4 of NW1/4, Section 27, Township 30, Range 21, except the right of way of Wisconsin Central Railway Company now operated by the Minneapolis, St. Paul and Sault Ste. Marie Railway Company,

AND

All that part of NW1/4 of NW1/4, Section 27, Township 30, Range 21, lying south and east of said railroad right of way,

THE FOLLOWING ARE ALL EXCEPTIONS TO THE ABOVE-DESCRIBED PARCELS OF REAL ESTATE:

Exception No. 1:

That part of the NW1/4 of Section 27, Township 30, Range 21, described as follows: Commencing at the NW Corner of Section 27, Township 30, Range 21; thence South on the West line of said Section a distance of 1541.2 feet to the point of beginning of the parcel to be described; thence East on a 90° angle a distance of 138 feet to iron pipe set; thence South on a line parallel with the West line of said section a distance of 207.4 feet to the point of beginning. Containing 0.65 acres more or less. Area staked outside of roadway contains 0.5 acres more or less.

Exception No. 2:

The North 201.18 feet of the South 435.36 feet of the West 275 feet of the NW ¼ of Section 27, Township 30, Range 21, subject to road rights the public has acquired in the W'ly 33 feet of the above-described parcel.

Exception No. 3:

That part of the NW1/4 of Section 27, Township 30, Range 21, described as follows: Commencing at the NW corner of Section 27; thence South along the W'ly line of said section, 1541.2 feet to a point; thence on a deflection angle of 90° to the left, 136 feet to the point of beginning of the parcel to be described; thence continuing on same line a distance of 98.85 feet to a point; thence on a deflection angle of 90° to the right a distance of 207.4 feet to a point; thence on a deflection angle of 90° to the right a distance of 98.85 feet to a point; thence on a deflection angle of 90° to the right a distance of 207.4 feet to the point of beginning, and containing ½ acre more or less.

Exception No. 4:

All that part of the NW ¼ of Section 27, Township 30 North, Range 21 West, described as follows: Commencing at the NW corner of said Section 27; thence South along the Westerly line of said Section 1541.2 feet to a point; thence East 33 feet to the point of beginning; thence East 203.85 feet; thence South 207.4 feet; thence East 223.81 feet; thence North 30 degrees East 239.48 feet; thence North 43 degrees 26 minutes 30 seconds East, 167 feet; thence North 46 degrees 33 minutes 30 seconds West, 450 feet, more or less to a point, said point being located radially and 110 feet in a Southeasterly direction from the centerline of the Soo Line Railroad as now laid and operated; thence in a Southwesterly direction along said 110 feet concentric line for 505 feet, more or less, to an intersection with a line that is parallel to and 33 feet Easterly from the Westerly line of said Westerly line of said NW1/4; thence South on said 33 feet line for 50 feet, more or less, to the point of beginning, and including any rights retained in adjacent Grant Crossing and Wood Pile Lake Roads, except Parcel No. 5 of Washington County Highway Right-of-Way Plat No. 79, according to the United States Government Survey thereof.

Exception No. 5:

All that part of the NW ¼ of the NW ¼ of Section 27, in Township 30 North, of Range 21 West, described as follows:

Commencing at the intersection of the Easterly line of said NW ¼ of NW ¼ with a line that is parallel to and 110.00 feet Southwesterly from the centerline of the Soo Line Railroad as now laid and operated across the said NW ¼ of NW ¼; thence Southwesterly along said 110.00 feet line for 596.00 feet to the point of beginning of this description; thence on a deflection angle of 90° to the left for 560.00 feet, more or less, to a point in the Easterly line of said NW ¼ of NW ¼; thence on a deflection angle of 90° to the right for 394.00 feet thence on a deflection angle of 90° to the right for 560.00 feet, more or less to the said 110.00 feet line; thence on a deflection angle to the right along said 110.00 feet line for 394.00 feet to the point of beginning, according to the United States Government Survey thereof and situate in Washington County, Minnesota.

Property ID#: 27-030-21-23-0001
27-030-21-21-0001

WHEREAS, the Planning Commission considered the Applicant's request at a duly noticed Public Hearing which took place on March 16, 2009, and subsequently reviewed the request at a Planning Commission meeting on April 20, 2009; and

WHEREAS, the Planning Commission has recommended approval of the Major Subdivision to the City Council subject to a series of conditions; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the Sunnybrook Ponds Final Plat application of Dewey Dau on behalf of the Estate of Elizabeth M. Dau; and

FURTHER BE IT RESOLVED, that approval of the Final Plat shall be conditioned upon the following:

1. Kitchen facilities in the guest house on Lot 2 must be removed as recommended by the City Building Inspector. This work must be completed prior to signing the Final Plat and must be approved in writing by the City Building Inspector.
2. Conditions of the VBWD permit and VBWD Developer's Agreement must be met.
3. The Applicant shall enter into a Development Agreement with the City as drafted and approved by the City Attorney which shall more fully set forth the duties and responsibilities of the Applicant and shall incorporate the conditions required of the approval of both the Preliminary and Final Plats. The Development Agreement shall be recorded against all six parcels. The Development Agreement shall be fully executed prior to the City executing the Final Plat. In addition to the conditions previously required

for Preliminary Plat approval, the Developer's Agreement shall require the following with respect to drainage and flooding mitigation along Jeffrey Boulevard:

- The Applicant must submit a statistical analysis for drainage and stormwater management for Lot 5 abutting Jeffrey Boulevard to the City Engineer.
 - The Applicant must submit a plan to the City Engineer providing for the construction of improvements addressing the mitigation of drainage issues including flooding of Jeffrey Boulevard along Lot 5.
 - The drainage mitigation improvements to be constructed must be complete by July 2010.
 - Security for the completion of the drainage and flooding mitigation in the amount of \$7,500 in the form of an Irrevocable Letter of Credit or cash escrow must be submitted to the City. In the alternative, if Applicant completes the mitigation improvements prior to the City's execution of the Final Plat, the provisions identified herein may be omitted from the Development Agreement.
4. Final Plat must be recorded with the County Recorder within 120 days or the approved plat shall be considered void.
 5. Washington County approval is required prior to approval of the Final Plat.
 6. All fees and escrows as required by the City shall be paid prior to approval of the Final Plat.

Adopted by the Grant City Council this 1st day of December, 2009.

Tom Carr, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on April 7, 2009 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this _____ day of _____, 2009.

Kim Points
Clerk
City of Grant