

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2016-35

*A RESOLUTION APPROVING A FINAL PLAT FOR THE VILLAGE PRESERVE 2ND
ADDITION RESIDENTIAL SUBDIVISION*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, GWSA Land Development, LLC, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441 has submitted an application to the City of Lake Elmo (“City”) for a Final Plat for the first phase of the Village Preserve residential subdivision, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the City approved the Village Preserve Preliminary Plat on July 15, 2014; and

WHEREAS, the proposed Village Preserve Final Plat includes 45 single family residential lots within a planned subdivision on Outlot C, Village Preserve, PID Number: 12.029.21.33.0050 in the Village Planning Area; and

WHEREAS, the Lake Elmo Planning Commission reviewed the Final Plat on April 11, 2016 and adopted a motion recommending approval of the Final Plat subject to 13 conditions of approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Final Plat as part of a memorandum to the City Council for the April 19, 2016 Council Meeting; and

WHEREAS, the City Council reviewed the Village Preserve Final Plat at its meeting held on April 19, 2016 and made the following findings of fact:

- 1) That the Village Preserve 2nd Addition Final Plat is consistent with the Preliminary Plat as approved by the City of Lake Elmo on 7/15/14.
- 2) That the Village Preserve 2nd Addition Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the Village Preserve 2nd Addition Final Plat complies with the City’s Urban Low Density Residential zoning district.
- 4) That the Village Preserve 2nd Addition Final Plat complies with all other applicable zoning requirements, including the City’s landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.

- 5) That the Village Preserve 2nd Addition Final Plat complies with the City's subdivision ordinance.
- 6) That the Village Preserve 2nd Addition Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated 3/28/16.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Village Preserve Final Plat subject to the following conditions:

- 5) Final construction plans and specifications, shall be revised and approved along with other comments complying with the City Engineer's memorandum dated 3/28/16 prior to the release of the final plat for recording.
- 6) The applicant shall be responsible for the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated June 24, 2014, and that no building permits be issued in the second phase until the turnlanes are installed and Washington County's requirements have been complied with.
- 7) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall comply with the permit #2015-06 from Valley Branch Watershed District.
- 8) Prior to the release of the Final Plat for recording, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.
- 9) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- 10) All outlots to be owned by the City, all easements and all rights-of-way as requested by the City Engineer and Public Works Department shall be documented on the Final Construction Plans.
- 11) The developer shall provide fully executed temporary construction easements or property owner permissions in a form acceptable the city Attorney that allow for the construction and grading activities for all work off-site from the proposed Plat prior to releasing the Final Plat for recording.
- 12) The street Lady Slipper Circle N. shall be changed to 41st Street Circle N. on the Village Preserve 2nd Addition Plat prior to recording.
- 13) All public improvements outside of the Village Preserve site needed to serve the residential subdivision, including the facilities shared with Wildflower at Lake Elmo, must be completed prior to issuance of building permits in the Village Preserve 2nd Addition.

- 14) Prior the release of building permits, the developer shall annex the Village Preserve 2nd Addition into the Village Preserve Homeowners Association covenants.
- 15) That a City approved maintenance plan for commonly held CIC and City outlots and rights-of-ways to be incorporated into the CIC declarations and bylaws and Landscape and Irrigation License Agreement prior to release of the final plat for recording.
- 16) That a Landscape and Irrigation License Agreement be executed for the maintenance of commonly held CIC and City outlots and rights-of-ways prior release of the final plat for recording.
- 17) That the Final Landscape Plan for Village Preserve 2nd Addition be submitted for approval by the City, including irrigation plans for Village Preserve 1st and 2nd Additions per the requested of the City Landscape Consultant, documented in a memo dated 3/30/16. Approval shall be required prior to the release of Final Plat for recording.

Passed and duly adopted this 19th day of April, 2016 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk