

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

RESOLUTION NO. 2019-037

*A RESOLUTION APPROVING THE PURCHASE OF A PORTION OF OUTLOT F, ST. CROIX
SANCTUARY AND APPROVING AN AMENDMENT TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY AND THE SANCTUARY OF LAKE ELMO
HOMEOWNERS ASSOCIATION REGARDING THE CONVEYANCE THEREOF*

WHEREAS, in 2005, the plat of “St. Croix’s Sanctuary” was approved by the City and recorded in Washington County, Minnesota (the “Subdivision”); and

WHEREAS, the Subdivision consists of numerous residential lots and outlots; and

WHEREAS, Outlot F of the Subdivision contains the community septic system for the residential lots of the Subdivision and all homes within the Subdivision use the system; and

WHEREAS, Outlot F of the Subdivision (“Outlot F”) was owned by Sanctuary LLC which was operated by Case Arkel, the original developer of the Subdivision; and

WHEREAS, Outlot F was not conveyed by Sanctuary LLC to Sanctuary of Lake Elmo Homeowners Association (“Sanctuary HOA”) and eventually went into tax forfeiture; and

WHEREAS, Washington County (the “County”) had originally planned to auction off the entire Outlot F unless the City wanted to purchase it prior to it being sold to the public; and

WHEREAS, previously, Sanctuary HOA requested that the City purchase Outlot F from the County and then convey it to Sanctuary HOA; and

WHEREAS, the City and Sanctuary HOA had entered into a Memorandum of Understanding dated _____, 2018 whereby the City agreed to purchase Outlot F from the County and convey it to Sanctuary HOA; and


WHEREAS, the County has decided to retain the portion of Outlot F that is needed for the County’s right-of-way purposes, but to sell the remainder portion that contains the community septic system of the Sanctuary HOA, which is legally described on the attached Exhibit A (the “Outlot F Remainder Parcel”); and

WHEREAS, the City has agreed to purchase the Outlot F Remainder Parcel from the County and the Sanctuary HOA has agreed to purchase it from the City; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The First Amendment to the Memorandum of Understanding between the City and Sanctuary HOA is hereby approved with respect to the conveyance of the Outlot F Remainder Parcel to the Sanctuary HOA.
2. Upon execution of the Memorandum of Understanding by both parties, the City will purchase the Outlot F Remainder Parcel from the County and pay any fees associated with the purchase. The purchase price for the Outlot F Remainder Parcel shall not exceed \$7,500 and fees from Washington County shall not exceed \$409 for a total expense of \$7,909.

Passed and duly adopted this 21st day of May, 2019 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk

EXHIBIT A

Legal Description of the Outlot F Remainder Parcel

All that part of Outlot F, ST. CROIX SANCTUARY, according to the plat thereof on file and of record in the Office of the Recorder, Washington County, Minnesota, EXCEPT as described as follows:

Commencing at the northeast corner of the Northeast Quarter of Section 1, Township 29 North, Range 21 West, Washington County, Minnesota; thence South 00 degrees 25 minutes 42 seconds East, bearings are based on the Washington County Coordinate System NAD83/1986, along the east line of said Northeast Quarter a distance of 422.83 feet; thence South 89 degrees 39 minutes 30 seconds West a distance of 17.03 feet to a point on the easterly line of said Outlot F, said point being the **point of beginning**; thence South 00 degrees 14 minutes 54 seconds East, along the easterly line of said Outlot F, a distance of 430.35 feet; thence South 33 degrees 29 minutes 28 seconds West, along the southeasterly line of said Outlot F, a distance of 120.17 feet; thence South 45 degrees 14 minutes 46 seconds West, continuing along said southeasterly line, a distance of 131.87 feet; thence South 25 degrees 53 minutes 26 seconds West, continuing along said southeasterly line, a distance of 177.14 feet; thence continuing along said southeasterly line a distance of 90.27 feet on a tangential curve, concave to the northwest, said curve having a radius of 105.00 feet and a central angle of 49 degrees 15 minutes 33 seconds; thence South 75 degrees 08 minutes 59 seconds West, along the southerly line of said Outlot F, and tangent to the last described curve, a distance of 70.06 feet; thence continuing along said southerly line a distance of 91.14 feet on a tangential curve, concave to the north, said curve having a radius of 175.00 feet and a central angle of 29 degrees 50 minutes 17 seconds; thence North 14 degrees 59 minutes 16 seconds East, and radial to the last described curve, a distance of 25.00 feet; thence easterly a distance of 78.12 feet along a curve, concave to the north and not tangent to the last described line, said curve having a radius of 150.00 feet, a central angle of 29 degrees 50 minutes 17 seconds and a chord that bears South 89 degrees 55 minutes 52 seconds East for a distance of 77.24 feet; thence North 75 degrees 08 minutes 59 seconds East and tangent to the last described curve, a distance of 40.91 feet; thence North 25 degrees 53 minutes 14 seconds East a distance of 172.70 feet; thence North 00 degrees 15 minutes 05 seconds West a distance of 361.98 feet; thence North 60 degrees 14 minutes 36 seconds West a distance of 293.78 feet; thence North 55 degrees 14 minutes 36 seconds West a distance of 289.35 feet; thence South 89 degrees 45 minutes 35 seconds West a distance of 679.58 feet to a point on the easterly line of Outlot E of said ST. CROIX SANCTUARY; thence North 00 degrees 00 minutes 00 seconds East, along said easterly line, a distance of 120.00 feet to the northerly line of said Outlot F; thence North 89 degrees 45 minutes 35 seconds East, along said northerly line, a distance of 1255.93 feet; thence South 00 degrees 50 minutes 16 seconds East, continuing along said northerly line, a distance of 129.89 feet; thence North 89 degrees 39 minutes 30 seconds East, continuing along said northerly line, a distance of 40.00 feet; thence North 00 degrees 50 minutes 16 seconds West, continuing along said northerly line, a distance of 129.82 feet; thence North 89 degrees 45 minutes 35 seconds East, continuing along said northerly line, a distance of 122.06 feet to the northeast corner of said Outlot F; thence South 00 degrees 11 minutes 30 seconds East, along the easterly line of said Outlot F, a distance of 129.60 feet; thence North 89 degrees 39 minutes 30 seconds East, along said easterly line, a distance of 17.71 feet to the point of beginning.