



## STAFF REPORT

DATE: June 5, 2018

**REGULAR**

ITEM #: 10

**AGENDA ITEM:** Old Village Phase 4 Street, Drainage, and Utility Improvements – Resolution Adopting the Final Assessment Roll and Resolution Accepting Bids and Awarding a Contract

**SUBMITTED BY:** Jack Griffin, City Engineer

**REVIEWED BY:** Kristina Handt, City Administrator  
Sue Iverson, Finance Director  
Sarah Sonsalla, City Attorney  
Rob Weldon, Public Works Director  
Chad Isakson, Project Engineer

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**ISSUE BEFORE COUNCIL:** Should the City Council adopt the Final Assessment Roll and award a Contract for the Old Village Phase 4 Street, Drainage, and Utility Improvements?

**BACKGROUND:** On February 20, 2018 the City Council ordered the preparation of the plans and specifications for the Old Village Phase 4 Street, Drainage and Utility Improvements. The improvements include the extension of lateral sanitary sewer mains along 32<sup>nd</sup> Street North, east of Lake Elmo Avenue, and along 36<sup>th</sup> Street North/Layton Avenue North. The improvements include the reconstruction of the existing streets with concrete curb and gutter, the addition of storm sewer improvements to improve drainage to the extent possible within the project limits and right-of-way, the replacement of the aged watermain, and a sanitary sewer service stub extended to the property line for each benefitting property. The project also consists of the installation of a regional storm sewer outfall pipe as another extension of the City's regional downtown storm sewer system and considers the addition of a trail extension along 36<sup>th</sup> Street North to connect Lion's Park to the VFW Park.

The scope of improvements remains consistent with the preliminary plans that were presented to the City Council on February 20th, 2018. Park improvements were added to the scope of improvements based on staff direction and as part of the project restoration. An informational meeting for members of the community affected by the proposed assessments was held on April 25, 2018.

**PROPOSAL DETAILS/ANALYSIS:** On May 15, 2018, the Lake Elmo City Council conducted the improvement hearing and final assessment hearing for the Old Village Phase 4 Street, Drainage, and Utility Improvements and subsequently ordered the improvements. The City received objections to the assessments from two property owners. The adoption of the final assessment roll and award of contract were tabled until the June 5 City Council meeting.

The Feasibility Report was completed and adopted by the City Council defining the scope of the proposed improvements together with the estimated project costs and the preliminary assessment roll consisting, in part, of 100% of the street and drainage improvements being assessed to commercial properties. Staff has now revised this recommendation to assess only 60% of the street and drainage improvements for commercial properties and has updated the Final Assessment Roll accordingly. In addition, staff has

obtained signed assessment agreements from each of the properties that filed objections, that withdraws their objection to the assessment and waives its right to appeal.

At council direction at the May 15 meeting, Change Order No. 1 has been prepared to add a storm sewer extension to be stubbed to the alley between Laverne Avenue and Layton Avenue to accommodate alley drainage when the alley is improved in the future.

The following summarizes the REVISIONS to the report findings, assessments, and recommendations:

- A regional drainage area storm sewer outfall pipe will be extended through Lions Park from 36<sup>th</sup> Street to Upper 33<sup>rd</sup> Street connecting to the existing storm sewer system and discharging to the regional drainage basin. Drainage and Utility Easements necessary for this storm sewer outfall pipe have been acquired from CHEEE properties.
- 12 residential properties on 32<sup>nd</sup> Street will be assessed on a per unit basis at 30% of the total city cost share for these improvements. The street and drainage assessment for each parcel on this project is being reduced from \$8,300 to \$7,800 after receiving favorable bids for the project.
- Commercial properties on 36<sup>th</sup> Street and Layton Avenue North will be assessed on a per linear foot basis at a reduced rate of 60% of the total project costs for these improvements. The street, and drainage assessment for each parcel on this project is now \$132 per linear foot. Detail for each parcel is provided on the assessment roll. The assessment will be levied over 15 years.
- A storm sewer has been extended and stubbed into the ally between Laverne and Layton Avenue to accommodate alley drainage when the alley is improved in the future. This addition to the project is presented as Change Order No. 1.

Bids were received, publicly opened, and read aloud on Thursday, May 10, 2018. The City's design consultant has prepared and attached a summary of bids received and a letter of recommendation for the award of the contract. The City received 3 bids for this project, with A-1 Excavating, Inc. providing the lowest base bid in the amount of \$1,698,744.21. In addition, staff has prepared Change Order No. 1 to include the alley storm sewer stub to the scope of improvements per Council direction on May 15, 2018. Change Order No. 1 increases the contract in the estimated amount of \$24,518.00 for a total contact amount of \$1,723,262.21.

As a part of this award Staff is requesting Council to provide the City Administrator authorization to purchase individual grinder stations from a supplier in the not-to-exceed amount of \$50,000 and enter into a material testing contract in the not-to-exceed amount of \$20,000. Additionally, staff is recommending that the City Council approve a task order to provide construction observation services in an amount not to exceed \$130,000. Each of these items are budgeted in the total estimated project costs. Finally, staff is asking the City Council to approve the Assessment Agreement dated May 30, 2018 with C.A. Gerbitz Co., Inc.; the Assessment Agreement dated May 30, 2018 with Elmo Inn Enterprises, Inc.; and the purchase of the Drainage and Utility Easement Agreement with CHEEE LLC in the amount of \$24,800.

The City Council approved the Plans and Specifications for the Old Village Phase 4 Street, Drainage, and Utility Improvements on April 17, 2018 and authorized staff to advertise the Project for bids. The Project was advertised on QuestCDN.com and in the Oakdale-Lake Elmo Review in accordance with the Minnesota Competitive Bidding requirements.

**FISCAL IMPACT:** Approval of this resolution commits the council to enter into a construction contract for the project. The estimated total cost for the Old Village Phase 4 improvements is \$2,313,000 with the street and drainage improvements estimated at \$1,235,500; the sanitary sewer improvements estimated at \$418,500; the watermain improvements estimated at \$372,500; and the park and trail improvements at \$286,500. The street, drainage, and sanitary improvements are proposed to be assessed against the benefitting properties consistent with the City's Special Assessment Policy and the Old Village Sewer Assessment Policy.

**RECOMMENDATION:** Staff is recommending that the City Council approve a resolution adopting the final assessment roll, and approve a resolution accepting bids and awarding a contract for the Old Village Phase 4 Street, Drainage and Utility Improvements, including Change Order No. 1. Staff is also recommending that the City Council authorize the City Administrator to purchase individual grinder stations from a supplier in the not-to-exceed amount of \$50,000, enter into a material testing contract in the not-to-exceed amount of \$20,000, and authorize a task order to provide construction observation services in an amount not to exceed \$130,000. The recommended motions for these actions are as follows:

*“Move to adopt Resolution No. 2018-060 Adopting the Final Assessment Roll for the Old Village Phase 4 Street, Drainage, and Utility Improvements.”*

*and*

*“Move to approve Resolution No. 2018-061, accepting bids and awarding a contract to the lowest responsible bidder, A-1 Excavating, Inc., for the base bid amount of \$1,698,744.21, and approve Change Order No. 1 increasing the contract amount by \$24,518.00 for a total contract amount of \$1,1,723,262.21.”*

*and*

*“Move to authorize the City Administrator to purchase individual grinder stations from a supplier in the not-to-exceed amount of \$50,000; to enter into a material testing contract in the not-to-exceed amount of \$20,000; and to approve a task order to provide construction observation services in an amount not to exceed \$130,000.”*

*and*

*“Move to approve the Assessment Agreement dated May 30, 2018 with C.A. Gerbitz Co., Inc.; the Assessment Agreement dated May 30, 2018 with Elmo Inn Enterprises, Inc.; and the purchase of the Drainage and Utility Easement Agreement with CHEEE LLC in the amount of \$24,800.”*

**ATTACHMENTS:**

1. Resolution Adopting the Final Assessment Roll for the Old Village Phase 4 Street, Drainage, and Utility Improvements.
2. Resolution Accepting Bids and Awarding a Contract for the Old Village Phase 4 Street, Drainage, and Utility Improvements.
3. Final Assessment Roll.
4. Engineer’s Summary of Bids Received and Recommendation for Award of Contract.
5. Change Order No. 1.
6. Project Schedule.
7. Assessment Agreement dated May 30, 2018 with C.A. Gerbitz Co., Inc.
8. Assessment Agreement dated May 30, 2018 with Elmo Inn Enterprises, Inc.
9. Drainage and Utility Easement Agreement with CHEEE LLC.

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

**RESOLUTION NO. 2018-060  
A RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL FOR  
THE OLD VILLAGE PHASE 4 STREET, DRAINAGE, AND UTILITY  
IMPROVEMENTS**

**WHEREAS**, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the Old Village Phase 4 Street, Drainage, and Utility Improvements including street, drainage, and sanitary sewer improvements along 32<sup>nd</sup> Street North, 36<sup>th</sup> Street North, and Layton Avenue North.

**NOW, THEREFORE, BE IT RESOLVED,**

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over 15 years for street and drainage improvements and 20 years for sanitary sewer improvements, the first of the installments to be payable on or before the first Monday in January, 2019 and shall bear interest at the rate of 4.5% percent per annum from the adoption date of this assessment resolution. To the first installment shall be added interest on the entire assessment from July 5, 2018 until December 31, 2018. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to the certification of the assessment to the county auditor, pay the whole of the assessment on such property, with the interest accrued to the date of payment, to the City Clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before October 31 or interest will be charged through December 31 of the next succeeding year.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIFTH DAY OF JUNE, 2018.**

**CITY OF LAKE ELMO**

By: \_\_\_\_\_  
Mike Pearson  
Mayor

(Seal)  
ATTEST:

\_\_\_\_\_  
Julie Johnson  
City Clerk

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

**RESOLUTION NO. 2018-061**

**A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT  
FOR THE OLD VILLAGE PHASE 4 STREET, DRAINAGE, AND UTILITY  
IMPROVEMENTS**

**WHEREAS**, pursuant to an advertisement for bids for the Old Village Phase 4: Street, Drainage, and Utility Improvements, bids were received, opened, and tabulated according to law, and bids were received complying with the advertisement; and

**WHEREAS**, bids were tabulated, checked and summarized to verify that all requirements of the submittal were met; and

**WHEREAS**, the project engineer reviewed the bids and has provided a letter recommending the award of the contract to the lowest responsible bidder, **A-1 Excavating, Inc.**, for the base bid amount of **\$1,698,744.21**; and

**WHEREAS**, Change Order No. 1 was prepared to revise the scope of improvements to include additional storm sewer pipe to be installed in the amount of **\$24,518.00** thereby revising the total contract amount to **\$1,723,262.21**.

**NOW, THEREFORE, BE IT RESOLVED,**

1. That the Mayor and City Clerk are hereby authorized and directed to enter into a Contract in the accordance with the above ordered Project, in the amount of the Contractor's lowest responsible bid and including Change Order No. 1, and according to the plans and specifications thereof approved by the City Council.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next two lowest bidders shall be retained until a contract has been signed.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIFTH DAY OF JUNE, 2018.**

**CITY OF LAKE ELMO**

(Seal)  
ATTEST:

\_\_\_\_\_  
Julie Johnson  
City Clerk

By: \_\_\_\_\_  
Mike Pearson  
Mayor

OLD VILLAGE PHASE 4: STREET AND UTILITY IMPROVEMENTS  
32ND STREET NEIGHBORHOOD  
FINAL ASSESSMENT ROLL  
STREET AND SANITARY SEWER IMPROVEMENTS

NO.	NAME	ADDRESS	MAILING ADDRESS	PID	TOTAL ASSESSMENT AMOUNT	STREET AND DRAINAGE ASSESSMENT AMOUNT	SANITARY SEWER ASSESSMENT AMOUNT	SAC
1	STUDE ROBERT H & CAROL W	3263 LAKE ELMO AVE N	3263 LAKE ELMO AVE N LAKE ELMO MN 55042	1302921320040	\$19,400.00	\$7,800.00	\$11,600.00	1
2	PROKOSCH SUSAN L	11240 32ND ST N	11240 32ND ST N LAKE ELMO MN 55042	1302921310013	\$19,400.00	\$7,800.00	\$11,600.00	1
3	FERGUSON BRIAN T & KIM M	11258 32ND ST N	11258 32ND ST N LAKE ELMO MN 55042	1302921310011	\$19,400.00	\$7,800.00	\$11,600.00	1
4	MEIER JAMES A TRS	11284 32ND ST N	PO BOX 217 LAKE ELMO MN 55042	1302921310012	\$19,400.00	\$7,800.00	\$11,600.00	1
5	WENDT MYRON & BEVERLY	11306 32ND ST N	11306 32ND ST N LAKE ELMO MN 55042	1302921310015	\$19,400.00	\$7,800.00	\$11,600.00	1
6	WENDT EDNA C	11328 32ND ST N	11328 32ND ST N LAKE ELMO MN 55042	1302921310014	\$19,400.00	\$7,800.00	\$11,600.00	1
7	ANDREWS JOHN R & CHERL L	11295 32ND ST N	11295 32ND ST N LAKE ELMO MN 55042	1302921340003	\$19,400.00	\$7,800.00	\$11,600.00	1
8	RUBBERT KENNETH O & DOREEN N	11279 32ND ST N	11279 32ND ST N LAKE ELMO MN 55042	1302921340002	\$19,400.00	\$7,800.00	\$11,600.00	1
9	SANCHEZ OCTAVIO & MICHELLE	11267 32ND ST N	11267 32ND ST N LAKE ELMO MN 55042	1302921340004	\$19,400.00	\$7,800.00	\$11,600.00	1
10	REYNOLDS ROCKY P & KAREN K	11247 32ND ST N	11247 32ND ST N LAKE ELMO MN 55042	1302921340005	\$19,400.00	\$7,800.00	\$11,600.00	1
11	PROKOSCH SUSAN L	11223 32ND ST N	11240 32ND ST N LAKE ELMO MN 55042	1302921330005	\$31,000.00	\$7,800.00	\$23,200.00	2
12	BEERS MARY ANNE	3235 LAKE ELMO AVE N	PO BOX 64 LAKE ELMO MN 55042	1302921330008	\$19,400.00	\$7,800.00	\$11,600.00	1
<b>TOTAL</b>					<b>\$244,400.00</b>	<b>\$93,600.00</b>	<b>\$150,800.00</b>	<b>13</b>

OLD VILLAGE PHASE 4: STREET AND UTILITY IMPROVEMENTS  
36TH STREET LAYTON AVENUE  
FINAL ASSESSMENT ROLL (NON-RESIDENTIAL STREET AT 60%)  
STREET AND SANITARY SEWER IMPROVEMENTS

NO.	NAME	ASSESSABLE PROPERTY ADDRESS	MAILING ADDRESS	PID	TOTAL ASSESSMENT AMOUNT	STREET AND DRAINAGE ASSESSMENT AMOUNT	STREET FRONT FOOTAGE	SANITARY SEWER ASSESSMENT AMOUNT	SAC
1	CHRISTINE L SCHILTZ TRS	3686 LAYTON AVE N	721 10TH AVE N SOUTH ST. PAUL MN 55075	1302921240026	\$20,000.00	\$8,400	100	\$ 11,600.00	1
2	WOLDSNES JON	3664 LAYTON AVE N	3664 LAYTON AVE N LAKE ELMO MN 55042	1302921240027	\$20,000.00	\$8,400	100	\$ 11,600.00	1
3	TOLLARD GAYL J	3646 LAYTON AVE N	3646 LAYTON AVE N LAKE ELMO MN 55042	1302921240006	\$20,000.00	\$8,400	100	\$ 11,600.00	1
4	DITTMANN MELANIE A & MELVIN J	3624 LAYTON AVE N	3624 LAYTON AVE N LAKE ELMO MN 55042	1302921240005	\$20,000.00	\$8,400	100	\$ 11,600.00	1
5	ZEIPELT BETH N	3604 LAYTON AVE N	3604 LAYTON AVE N LAKE ELMO MN 55042	1302921240003	\$20,000.00	\$8,400	250	\$ 11,600.00	1
6	WACKER WILLIAM G & SALLYANN	3603 LAVERNE AVE N	PO BOX 167 LAKE ELMO MN 55042	1302921230017	\$8,400.00	\$8,400	120	\$ -	
7	CITY OF LAKE ELMO	3585 LAVERNE AVE N	3880 LAVERNE AVE N LAKE ELMO MN 55042	1302921230029	\$25,200.00	\$25,200	350	\$ -	
8	CITY OF LAKE ELMO		3800 LAVERNE AVE N LAKE ELMO MN 55042	1302921240018	\$25,200.00	\$25,200	397	\$ -	
9	CHEEE LLC	11320 UPPER 33RD ST N	7250 HUDSON BOULEVARD N OAKDALE MN 55128	1302921240022	\$7,920.00	\$7,920	60	\$ -	
10	CHEEE LLC		7250 HUDSON BOULEVARD N OAKDALE MN 55128	1302921240019	\$13,332.00	\$13,332	101	\$ -	
11	C A GERBITZ CO INC	11299 STILLWATER BLVD N	11299 STILLWATER BLVD N LAKE ELMO MN 55042	1302921240017	\$87,468.00	\$52,668	399	\$ 34,800.00	3
12	ELMO INN ENTERPRISES INC	3712 LAYTON AVE N	PO BOX 182 LAKE ELMO MN 55042	1302921240025	\$134,132.00	\$52,932	401	\$ 81,200.00	7
13	WILLIAM C HAGBERG TRS & PATRICIA H HAGBERG TRS	11325 STILLWATER BLVD N	3060 LAKE ELMO AVE N LAKE ELMO MN 55042	1302921240016	\$34,800.00	\$0	0	\$ 34,800.00	3
<b>TOTAL</b>					<b>\$436,452.00</b>	<b>\$227,652</b>	<b>2478</b>	<b>\$ 208,800.00</b>	<b>18</b>

\*Properties in Red represent Commercial properties.

\*\*Properties in Black represent Residential properties.



Building a Better World  
for All of Us®

May 14, 2018

RE: Lake Elmo, MN  
Old Village Phase 4: Street, Drainage and  
Utility Improvements  
City Project No. 2017.157  
SEH No. LAKMO 145378

Mr. Jack Griffin  
City Engineer  
City of Lake Elmo  
3880 Laverne Ave. N.  
Lake Elmo, MN 55042

On Thursday, May 10, 2018 at, three (3) bids were received for the above-referenced project. The bids ranged from a high of \$1,935,716.65 to a low of \$1,698,744.21. The low bid was submitted by A-1 Excavating Inc. of Bloomer, WI in the amount of \$1,698,744.21.

	<b>Contractor</b>	<b>Total Bid</b>
1	A-1 Excavating Inc.	\$1,698,744.21 **
2	RL Larson Excavating, Inc.	\$1,863,944.90
3	Geislinger & Sons, Inc.	\$1,935,716.65
	Engineer's Estimate	\$1,630,091.10

*\*\* Denotes corrected figure*

In reliance on our experience with A-1 Excavating Inc. and/or materials and information provided by the contractor, we have determined that according to their bonding agent, they presently have the financial ability to complete the project bid. SEH makes no representation or warranty as to the actual financial viability of the contractor or its ability to complete its work.

A-1 Excavating Inc. has completed similar work in Lake Elmo and surrounding communities in the past. SEH engineers can conclude that A-1 Excavating Inc. has the experience and ability to complete a project of this size and scope. Accordingly we recommend the project be awarded to A-1 Excavating Inc. in the amount of \$1,698,744.21.

Please contact me if you need any additional information or wish to discuss further. I can be reached at 651.490.2055, or via email at [shaupt@sehinc.com](mailto:shaupt@sehinc.com).

Sincerely,

Scott Haupt, PE  
Project Manager

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**CONTRACT CHANGE ORDER FORM**

**CITY OF LAKE ELMO, MINNESOTA**  
**OLD VILLAGE PHASE 4 IMPROVEMENTS**  
**PROJECT NO. 2017.157**

**FOCUS ENGINEERING, inc.**

**CHANGE ORDER NO.** 1 **DATE:** May 31, 2018

**TO:** A-1 Excavating, Inc, 408 26th Avenue PO Box 90, Bloomer, WI 54724

This Document will become a supplement to the Contract and all provisions will apply hereto. The Contract Documents are modified as follows upon execution of this Change Order.

**CHANGE ORDER DESCRIPTION / JUSTIFICATION:**

This change order addresses a design change requested by the City. 1) Add storm sewer infrastructure along 36th Street to accommodate alley drainage when the alley is improved in the future.

**Attachments (list documents supporting change):** Plan Sheets 3, 30, and 32 Revised for Change Order No. 1

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
CO1-1	18" RC Pipe Sewer, Des 3006 CL V	LF	262	\$59.00	\$15,458.00
CO1-2	Construct Drainage Struct Des. CC-48" (w/ Casting)	EA	2	\$2,490.00	\$4,980.00
CO1-3	Construct Drainage Struct Des. CC-72" (w/ Casting)	EA	1	\$3,780.00	\$3,780.00
CO1-4	Storm Sewer Drain Inlet Protection	EA	2	\$150.00	\$300.00

**NET CONTRACT CHANGE \$24,518.00**

Amount of Original Contract	\$ 1,698,744.21
Sum of Additions/Deductions approved to date (CO Nos. )	\$ 0.00
Contract Amount to date	\$ 1,698,744.21
Amount of this Change Order (ADD) ( <del>DEDUCT</del> ) ( <del>NO CHANGE</del> )	\$ 24,518.00
Revised Contract Amount	\$ 1,723,262.21

The Contract Period for Completion will be (UNCHANGED) (~~INCREASED~~) (~~DECREASED~~) 0 days

APPROVED BY ENGINEER: FOCUS ENGINEERING

*Chl dl*

ENGINEER

5/31/2018

DATE

APPROVED BY CONTRACTOR

BY

DATE

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

BY

DATE

BY

DATE

SANITARY SEWER STRUCTURE SCHEDULE															
MH NO.	STREET	STATION	LOCATION	EXISTING TOP OF CASTING	CASTING ASSEMBLY R-1642-B (SAN)	PROPOSED TOP OF CASTING ELEV.	LOW INV ELEV.	MH DIAM.	MH BUILD (LIN. FT)	STD. MH (10') (EACH)	DRAINS TO	% GRADE	8" PVC SDR 26 (LIN.FT)	Connect to Ex. Main (Each)	REMARKS
EX1	32ND STREET N	0+60.00	4.1 RT	913.38		913.38	892.62								
2	32ND STREET N	2+50.00	3.2 RT	-	X	903.07	893.38	4.00	9.69	X	EX1	0.40	134	X	CONNECT TO EXIST. 8" STUB
EX3	36TH STREET N	10+69.44	1.6 RT	926.44		926.44	911.53								
4	36TH STREET N	14+07.37	26.3 RT		X	923.20	913.20	4.00	10.00	X	EX3	0.40	316	X	CONNECT TO EXIST. 8" STUB
-	36TH STREET N	14+18.71	48.0 RT				913.41				4	0.40	28		28' STUB TO EAST (PLUG IN BELL END IS INCIDENTAL)
5	LAYTON AVENUE N	16+39.21	0.00 RT		X	923.15	914.28	4.00	8.87	X	4	0.40	245		
6	LAYTON AVENUE N	19+00.00	0.00 RT		X	924.46	915.42	4.00	9.04	X	5	0.40	261		
7	LAYTON AVENUE N	22+61.93	0.00 RT		X	926.28	916.97	4.00	9.31	X	6	0.40	362		
8	LAYTON AVENUE N	18+99.56	150.0 RT		X	923.24	916.12	4.00	7.12	X	6	0.40	150		
					TOTAL	6						6	1496	2	

STORM SCHEDULE STRUCTURE SCHEDULE																																
STRUCTURE NO.	LOCATION		CONST. C/L		STRUCTURE TYPE	CASTING TYPE	DESIGN							TOP OF CASTING	OUTLET ELEVATION	DRAINS TO			12" RCP CL V LIN FT	15" RCP CL V LIN FT	18" RCP CL III LIN FT	42" RCP CL III LIN FT	36" SPAN RCP CL II LIN FT	44" SPAN RCP CL II LIN FT	REMARKS							
	STREET/ALIGNMENT	STATION	LT	RT			27"	2'x3'	48"	60"	72"	84"	96"			120"	NO	% GRADE								INLET ELEV.						
100	36TH/LAYTON STORM	100+00.00		0.00	STMH	R-1642-B						14.65	931.88	917.23	EX													CONSTRUCT OVER EXIST. STORM PIPE (60" RCP)				
101	36TH/LAYTON STORM	101+23.27		0.00	STMH	R-1642-B							928.00	917.34	100	0.09	917.23															
102	36TH/LAYTON STORM	101+92.30		0.00	STMH	R-1642-B							927.63	917.40	101	0.09	917.34															
103	36TH/LAYTON STORM	103+77.05		0.00	STMH	R-1642-B							925.68	917.57	102	0.09	917.40															
104	36TH/LAYTON STORM	105+74.59		0.00	STMH	R-1642-B							923.93	917.74	103	0.09	917.58															
105	36TH/LAYTON STORM	106+19.49		0.00	STMH	R-4342							922.20	917.83	104	0.20	917.74															
105A	36TH/LAYTON STORM	106+40.70		0.00	STMH	R-1642-B							923.00	917.88	105A	0.25	917.83															
105B	LAYTON AVE N	12+28.53	12.00		CBMH	R-3067-V				4.34			924.10	919.76	105A	0.73	917.83															
-	LAYTON AVE N	12+28.53	28.00		-	-								919.94	105B	0.50	919.86															
105C	LAYTON AVE N	12+28.53		12.00	CBMH	R-3067-V				4.00			924.10	920.10	105B	1.00	919.86															
-	LAYTON AVE N	12+28.53		28.00	-	-								920.28	105C	0.50	920.20															
106	LAYTON AVE N	15+00.00		12.00	CBMH	R-3067-V					4.03		922.15	918.12	105A	0.25	917.88															
107	LAYTON AVE N	15+00.00	12.00		CB	R-3067-V				3.60			922.15	918.55	106	1.00	918.31															
108	LAYTON AVE N	18+71.44		12.00	CBMH	R-3067-V					4.18		924.00	919.82	106	0.45	918.15															
109	LAYTON AVE N	18+71.44	12.00		CB	R-3067-V				3.60			924.00	920.40	106	2.00	919.92															
110	36TH/LAYTON STORM	103+77.05		51.48	CB	R-2501-C				4.00			926.50	922.50	103	2.00	921.47															
200	32ND STREET N	6+00.41		22.15	FES									897.00	201	4.08	895.39															
201	32ND STREET N	6+20.43	9.00		CBMH	R-3067-V				4.26			899.65	895.39	202	4.20	888.59															
202	32ND STREET N	7+82.13	9.00		CBMH	R-3067-V				4.60			893.09	888.49	203	2.70	886.60															
203	32ND STREET N	8+37.68		32.00	CBMH	R-3067-V				8.06			891.04	886.98	204	0.60	886.88															
204	32ND STREET N	8+52.14		41.11	FES									886.88																		
TOTALS							1	2	6	1	4	1	1	1																		

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DRAWN BY: AJB/JRB  
 DESIGNER: JRT  
 CHECKED BY: SDH  
 DESIGN TEAM

NO.	BY	DATE	REVISIONS
1	AJB	5/3/18	MOVED STRUCTURES 103 AND 110
2	AJB	5/17/18	CHANGE ORDER #1

NO. BY DATE REVISIONS

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Scott D. Haupt*  
 Scott D. Haupt, PE  
 Date: 04/26/18 Lic. No. 46603

**SEH**  
 PHONE: 651.490.2000  
 3535 VADNAIS CENTER DR.  
 ST. PAUL, MN 55110-5196  
 www.sehinc.com

**LAKE ELMO, MINNESOTA**

**STRUCTURE SCHEDULES  
 OLD VILLAGE PHASE 4 IMPROVEMENTS**

FILE NO. 145378

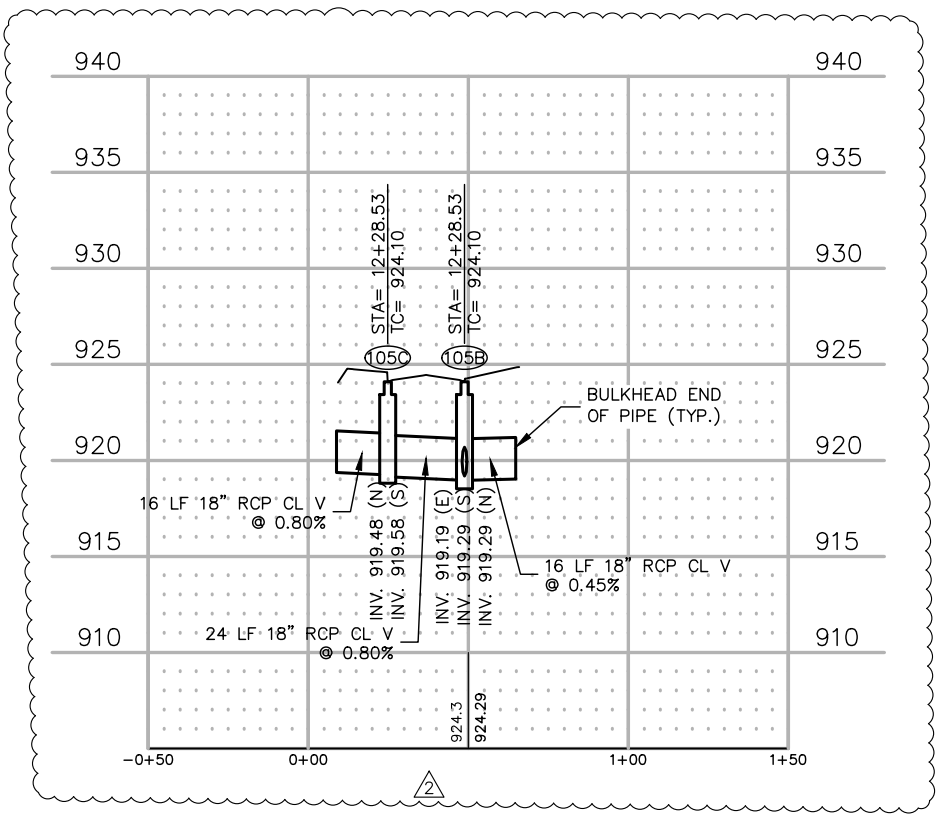
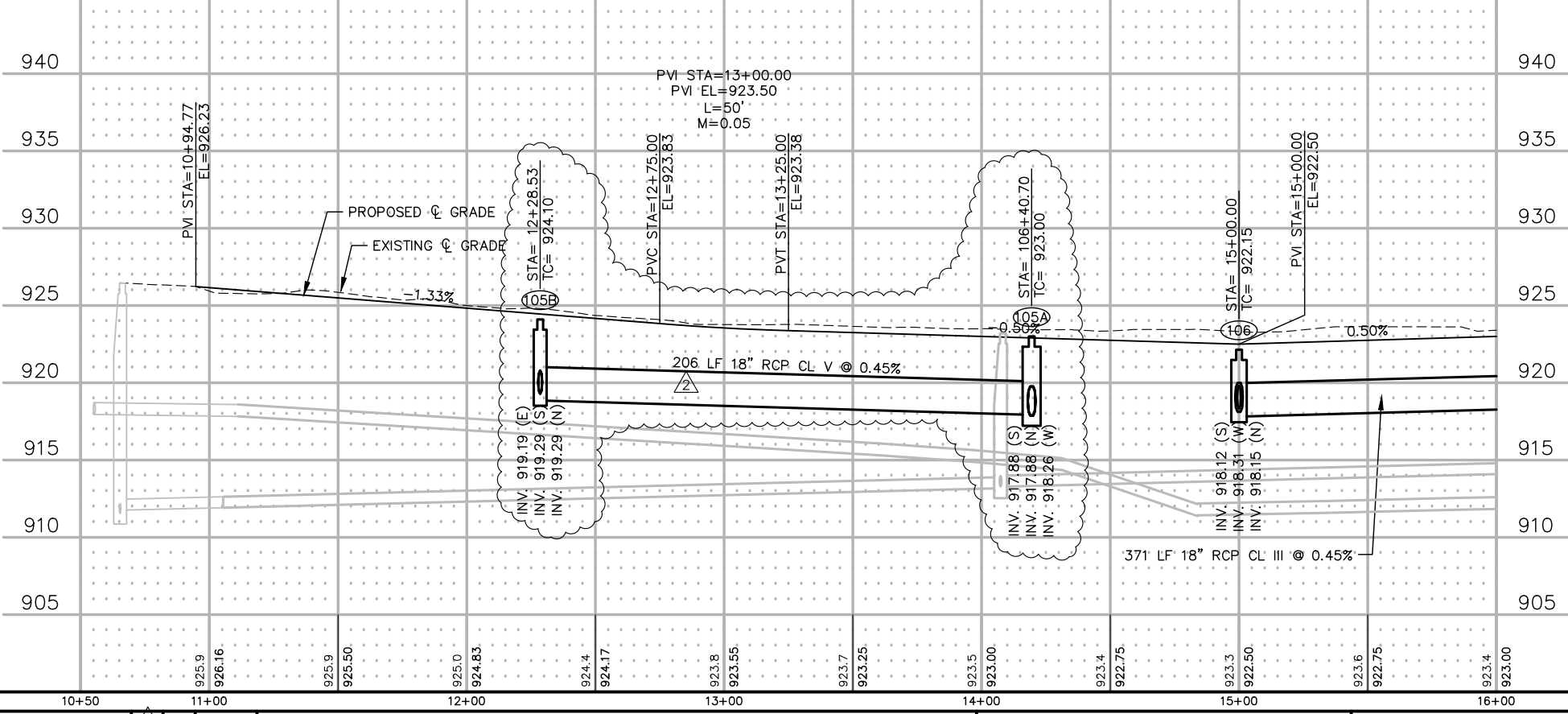
**3**  
**54**

**NOTES:**

1. CONTRACTOR TO VERIFY ALL UTILITY ELEVATIONS AND PIPE SIZES PRIOR TO BEGINNING STORM SEWER WORK.
2. PROTECT ALL FACILITIES NOT SPECIFIED FOR REMOVAL.
3. SEE STORM STRUCTURE SCHEDULE FOR STORM SEWER IMPROVEMENTS.
4. REPLACE ALL PEDESTRIAN RAMPS WITHIN PROJECT AREA PER DETAIL AS DIRECTED BY ENGINEER.



**36TH ST. N. / LAYTON AVE. N.**



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DRAWN BY: AJB/JRB  
 DESIGNER: JRT  
 CHECKED BY: SDH  
 DESIGN TEAM

NO.	BY	DATE	REVISIONS
2	AJB	5/17/18	CHANGE ORDER #1

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Scott D. Haupt*  
 Scott D. Haupt, PE  
 Date: 04/26/18 Lic. No. 46603

**SEH**  
 PHONE: 651.490.2000  
 3535 VADNAIS CENTER DR.  
 ST. PAUL, MN 55110-5196  
 www.sehinc.com

**LAKE ELMO,  
 MINNESOTA**

**STREET AND STORM SEWER  
 36TH ST. N./LAYTON AVE. N.  
 OLD VILLAGE PH. 4 IMPROVEMENTS**

FILE NO. 145378  
**30**  
**54**



Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

OLD VILLAGE PHASE 4: STREET AND UTILITY IMPROVEMENTS  
PROJECT NO. 2017.157

---

SEPTEMBER 5, 2017 Council authorizes preliminary design and preparation of the Feasibility Report.

FEBRUARY 20, 2018 Council orders the preparation of Plans and Specifications.

APRIL 17, 2018 Presentation of Feasibility Report. Council accepts Report and calls Improvement Hearing and Assessment Hearing. Approve Plans and Specifications and Order Advertisement for Bids.

MAY 10, 2018 Receive Contractor Bids.

MAY 15, 2018 Public Improvement Hearing and Final Assessment Hearing. Council Orders the Improvement (requires 4/5th vote).

JUNE 5, 2018 Adopt Final Assessment Roll. Accepts Bids and Award Contract.

JUNE 26, 2018 Conduct Pre-Construction Meeting and issue Notice to Proceed.  
•OCTOBER 27, 2018 Substantial Completion.  
•JUNE 21, 2019 Final Completion.

## ASSESSMENT AGREEMENT

**THIS ASSESSMENT AGREEMENT** (this "Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the City of Lake Elmo, a Minnesota municipal corporation (the "City") and C.A. Gerbitz Co., Inc., a Minnesota corporation (the "Owner").

**WHEREAS**, the Owner is the fee owner of certain land located at: 11299 Stillwater Boulevard N, Lake Elmo, Minnesota, identified as PID #13.029.21.24.0017, legally described on the attached Exhibit A (the "Property"); and

**WHEREAS**, the Owner received notice from the City that the Property was going to be specially assessed for street, drainage, and sanitary sewer improvements as part of the City's Old Village Phase 4 Street and Utility Improvement Project (the "Project"); and

**WHEREAS**, the Property was going to be specially assessed \$87,780.00 for street and drainage improvements and \$34,800.00 for sanitary sewer improvements, which is a total assessment of \$122,580.00 (the "Assessment"); and

**WHEREAS**, the improvement hearing and the final assessment hearing for the Project were held by the City Council on May 15, 2018 (the "Hearings"); and

**WHEREAS**, the Owner filed an objection to the Assessment with the City prior to the Hearings; and

**WHEREAS**, the City and the Owner have agreed that the Owner will withdraw its objection to the Assessment and not file a special assessment appeal related to the Assessment provided that the City agree to reduce the Assessment as set forth in this Agreement; and

**NOW, THEREFORE**, based on the foregoing recitals which are incorporated herein, the parties agree as follows:

1. The Owner represents and agrees that it is the fee owner of the Property, has full legal power and authority to encumber the Property as herein provided, that doing so is not in violation of the terms or conditions of any instrument or agreement of any nature to which the Owner is bound or which relates in any manner to the Property including, but not limited to, outstanding mortgages, liens, or encumbrances against the Property.
2. The City agrees that it will reduce the amount of the Assessment related to the street and drainage improvements from \$87,780.00 to \$52,668.00. This will be reflected in the final assessment roll that is to be adopted by the City Council at its meeting on June 5, 2018. The sanitary sewer improvement assessment will remain the same (\$34,800.00). Therefore, the amount of the Assessment will be \$87,468.00.
3. The Owner hereby withdraws its objection to the Assessment. The Owner waives notice of hearing and hearing on the Assessment, waives its right to appeal the levy of the

Assessment and agrees that all requirements of Minnesota Statutes Chapter 429 are hereby waived.

4. This Agreement shall bind the Owner and its successors and assigns and run with the Property. The parties intend that this Agreement to be in a form which is recordable among the land records of Washington County, Minnesota.
5. The Owner represents and warrants that the Property is not classified for tax purposes so as to result in any deferral, avoidance of, or limitation on the obligation to pay special assessments including, without limitation, under the Minnesota "Green Acres" statute. The Owner agrees that no action will be taken nor any application or request will be filed to secure such tax status for the Property until the Assessment is paid in full.
6. The Owner agrees to execute any document requested by the City or Washington County in order to implement the intent of this Agreement.
7. This Agreement shall terminate upon the payment of the Assessment.

C.A. GERBITZ CO., INC.

By: Debra K Grobner

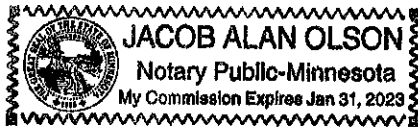
Its: V. P.

STATE OF MINNESOTA )  
 )ss.

COUNTY OF WASHINGTON )

The foregoing instrument was acknowledged before me this 30 day of MAY, 2018, by Debra K Grobner the V. P. of C.A. Gerbitz Co., Inc., a Minnesota corporation on behalf of the corporation.

[Signature]  
Notary Public





**CITY OF LAKE ELMO**

By: \_\_\_\_\_  
Mike Pearson  
Its: Mayor

By: \_\_\_\_\_  
Julie Johnson  
Its: City Clerk

STATE OF MINNESOTA            )  
  ) ss  
COUNTY OF WASHINGTON        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Mike Pearson and Julie Johnson, the Mayor and City Clerk, respectively, of the City of Lake Elmo, a municipal corporation under the laws of Minnesota, on behalf of the City.

\_\_\_\_\_  
Notary Public

This document drafted by:  
KENNEDY & GRAVEN, CHARTERED (SJS)  
470 U.S. Bank Plaza  
200 South Sixth Street  
Minneapolis MN 55402  
(612) 337-9300

## **EXHIBIT A**

### **Legal Description of the Property**

That part of Lot 40, County Auditor' Subdivision No. 8, County of Washington, State of Minnesota with the point of beginning starting at the intersection of the east line of Chicago Avenue as platted in Busch's 1<sup>st</sup> Addition to Cloverdale and the Southwesterly right-of-way line of Minnesota Highway 212 then South along the East line SD Avenue 399.2 feet then East at a right angle 100.16 feet then North and parallel with the SD East line SD Avenue 470.61 feet to its intersection with the Southwesterly right-of-way SD Highway 212 then Southwesterly along SD right-of-way Highway 212 for 123 feet to the point of beginning.

## ASSESSMENT AGREEMENT

**THIS ASSESSMENT AGREEMENT** (this “Agreement”) is made this 30 day of May, 2018, by and between the City of Lake Elmo, a Minnesota municipal corporation (the “City”) and Elmo Inn Enterprises, Inc., a Minnesota corporation (the “Owner”).

**WHEREAS**, the Owner is the fee owner of certain land located at: 3712 Layton Avenue N, Lake Elmo, Minnesota, identified as PID #13.029.21.24.0025, legally described on the attached Exhibit A (the “Property”); and

**WHEREAS**, the Owner received notice from the City that the Property was going to be specially assessed for street, drainage, and sanitary sewer improvements as part of the City’s Old Village Phase 4 Street and Utility Improvement Project (the “Project”); and

**WHEREAS**, the Property was going to be specially assessed \$88,220.00 for street and drainage improvements and \$81,200.00 for sanitary sewer improvements, which is a total assessment of \$169,420.00 (the “Assessment”); and

**WHEREAS**, the improvement hearing and the final assessment hearing for the Project were held by the City Council on May 15, 2018 (the “Hearings”); and

**WHEREAS**, the Owner filed an objection to the Assessment with the City prior to the Hearings; and

**WHEREAS**, the City and the Owner have agreed that the Owner will withdraw its objection to the Assessment and not file a special assessment appeal related to the Assessment provided that the City agrees to reduce the Assessment as set forth in this Agreement and satisfies certain parking issues related to the Property; and

**NOW, THEREFORE**, based on the foregoing recitals which are incorporated herein, the parties agree as follows:

1. The Owner represents and agrees that it is the fee owner of the Property, has full legal power and authority to encumber the Property as herein provided, that doing so is not in violation of the terms or conditions of any instrument or agreement of any nature to which the Owner is bound or which relates in any manner to the Property including, but not limited to, outstanding mortgages, liens, or encumbrances against the Property.
2. The City agrees that it will reduce the amount of the Assessment related to the street and drainage improvements from \$88,220.00 to \$52,932.00. This will be reflected in the final assessment roll that is to be adopted by the City Council at its meeting on June 5, 2018. The sanitary sewer improvement assessment will remain the same (\$81,200.00). Therefore, the amount of the Assessment will be \$134,132.00.
3. The City and the Owner agree that only parallel parking will be allowed along Layton Avenue N and that angle parking will not be permitted. There will be seven parallel parking spaces on Layton Avenue N that will be along the Property.
4. The City agrees that the Owner and its employees and customers may use the City-owned parking lot that is located at the site of the VFW Baseball Field, PID #13.029.21.24.0018 (the "Parking Lot") for parking. The City agrees that it will grade the Parking Lot and put down an aggregate base material no later than December 31, 2018. The City further agrees to keep the Parking Lot plowed and maintained in accordance with City standard practice.
5. The City agrees that as part of the Project, it will not stripe Layton Avenue N with double yellow stripes which would have prohibited parking along Layton Avenue N. The City agrees that parking will be permitted along the east side of Layton Avenue N. for the time being, but in the event that the City finds there to be a public safety issue at a later date, it may decide to prohibit parking.
6. The City agrees that it will not, as part of the Project remove the street lights and landscaping that were installed in the right-of-way by the Owner. The Owner shall be responsible for maintaining these items. By allowing these items to remain in the right-of-way, the City is not, except as otherwise provided in this Agreement, waiving any rights that it has to the right-of-way, including, but not limited to, the right to require the Owner to remove these items from the right-of-way in the future.
7. The Owner hereby withdraws its objection to the Assessment. The Owner waives notice of hearing and hearing on the Assessment, waives its right to appeal the levy of the Assessment and agrees that all requirements of Minnesota Statutes Chapter 429 are hereby waived as they relate to the Property, the Project, and the Assessment.





## **EXHIBIT A**

### **Legal Description of the Property**

Lots 11, 12, 13, 14, and 15 of Block 2, Busch's 1<sup>st</sup> Addition to Cloverdale, according to the recorded plat thereof, County of Washington, State of Minnesota.

## **DRAINAGE AND UTILITY EASEMENTS**

THIS INSTRUMENT is made by CHEEE, LLC, a Minnesota limited liability company, Grantor, in favor of the City of Lake Elmo, Grantee (the "City").

### Recitals

- A. Grantor is the fee owner of the property located in Washington County Minnesota (the "Property") and legally described on Exhibit A attached hereto.
- B. Grantor desires to grant to the City easements, according to the terms and conditions contained herein.

### Terms of Easements

1. Grant of Easements. For good and valuable consideration, receipt of which is acknowledged by Grantor, Grantor grants and conveys to the City perpetual, non-exclusive drainage and utility easements over, under, and across the portion of the Property described on Exhibit B and depicted on Exhibit C attached hereto.
2. Scope of Easements. The perpetual, non-exclusive drainage and utility easements granted herein includes the right of the City, its contractors, agents, and employees to enter the premises at all reasonable times for the purpose of locating, constructing, reconstructing, operating, maintaining, inspecting, altering and repairing the utilities, drainage ways and stormwater facilities in the described easement areas.

The easements granted herein also includes the right to cut, trim, or remove from the easement areas such improvements, trees, shrubs, or other vegetation, and to prohibit obstructions and grading alterations as in the City's judgment unreasonably interfere with the easements or the function of the facilities located therein.





**EXHIBIT A TO  
DRAINAGE AND UTILITY EASEMENTS**

Legal Description of the Property

Parcels 2, 3 and 4: All that part of the West half of Section 13, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota and all that part of Lots 13 through 22, Block 1, ELMO PARK and all that part of Lot 40, COUNTY AUDITOR'S PLAT NO. 8 according to the plats thereof; on file and of record in the office of the County Recorder, Washington County, Minnesota, described as follows: Commencing at the North Quarter Section corner of said Section 13; thence South 88 degrees 32 minutes 13 seconds West, (bearing based on the Washington County Project Coordinate System, South Zone), along the North line of said Section 13, a distance of 726.05 feet to its intersection with the West line of the East 726.00 feet of said West Half of Section 13; thence South 00 degrees 48 minutes 00 seconds East, along said West line of the East 726.00 feet of the West Half of Section 13, a distance of 2633.85 feet to Judicial Landmark No. 7 and to its intersection with a Northeasterly extension of the Southerly line of Block 1, of said ELMO PARK, and to the point of beginning of the this description; thence South 71 degrees 44 minutes 52 seconds West, along said Northeasterly extension of the Southerly line of Block 1 ELMO PARK and along the Southerly line of Block 1, ELMO PARK, a distance of 478.71 feet to Judicial Landmark No. 8 and to a point which is 21.25 feet Northeasterly from the Southwesterly corner of said Lot 13, Block 1, ELMO PARK, and as measured along the Southerly line of said Lot 13, Block 1, ELMO PARK; thence North 18 degrees 15 minutes 08 seconds West, perpendicular to said Southerly line of Lot 13, Block 1, ELMO PARK, a distance of 157.29 feet to Judicial Landmark No. 16 and to its intersection with a line that bears North 89 degrees 47 minutes 31 seconds East from the Northeast corner of Lot 21, Block 4, CLOVERDALE, according to the plat thereof, on file and of record in the office of the County Recorder, Washington County, Minnesota; thence North 89 degrees 47 minutes 31 seconds East, a distance of 11.09 feet to Judicial Landmark No. 1; thence North 71 degrees 45 minutes 35 seconds East, a distance of 188.02 feet to Judicial Landmark No. 2; thence North 00 degrees 52 minutes 30 seconds West, parallel with the East line of said Block 4, CLOVERDALE, a distance of 346.30 feet to Judicial Landmark No. 3 and to its intersection with an Easterly extension of the South line of 36<sup>th</sup> Street North, formerly known as Busch Avenue, as described and dedicated in the plat of BUSCH'S FIRST ADDITION TO CLOVERDALE ELMO on file and of record in the office of the County Recorder, Washington County, Minnesota; thence South 89 degrees 07 minutes 28 seconds West, along said Easterly extension of said South line of 36<sup>th</sup> Street North, a distance of 40.00 feet to Judicial Landmark No. 4 and to its intersection with the East line of Layton Avenue North, formerly known as Chicago Avenue, as described and dedicated in said BUSCH'S FIRST ADDITION TO CLOVERDALE ELMO; thence North 00 degrees 43 minutes 04 seconds West, along said East line of Layton Avenue North, a distance of 59.97 feet to Judicial Landmark No. 5 and to its intersection with an Easterly extension of the North line of said 36<sup>th</sup> Street North; thence North 89 degrees 02 minutes 11 seconds East, along said Easterly extension of the North line of said 36<sup>th</sup> Street North, a distance of 353.76 feet, more or less, to Judicial Landmark No. 6 and to its intersection with said West line of the East 726.00 feet of the West Half of Section 13; thence South 00 degrees 48 minutes 00 seconds East, along said West line of the East 726.00 feet of the

West Half of Section 13, a distance of 469.94 feet to Judicial Landmark No. 7 and to the point of beginning.

The boundaries of Parcels 2, 3 and 4 have been marked by Judicial Landmarks set pursuant to Torrens, Case No. C3-88-5612.

Together with easement for storage purposes reserved in Document Number 1155779.

(Torrens Certificate No. 61168).

**EXHIBIT B TO  
DRAINAGE AND UTILITY EASEMENTS**

Legal Description of the Easement Areas

A perpetual easement for drainage and utility purposes over, under, across and through that part of the parcel of land described in Exhibit A, described as follows:

Commencing at said Judicial Landmark No. 5; thence on an assigned bearing of South 00 degrees 06 minutes 06 seconds West, along the west line of said parcel of land, a distance of 27.40 feet to the Point of Beginning of the easement to be described; thence South 61 degrees 12 minutes 37 seconds East 45.56 feet; thence South 00 degrees 03 minutes 20 seconds East a distance of 10.59 feet to the easterly extension of the southerly right-of-way line of 36th Street; thence South 89 degrees 56 minutes 38 seconds West, a distance of 40.00 feet, along the easterly extension of said southerly right-of-way line to the east right -of-way line of Layton Avenue North; thence North 00 degrees 06 minutes 06 minutes East, along said east right-of-way line, a distance of 32.57 feet to the point of beginning. Said easement contains 867 square feet, more or less,

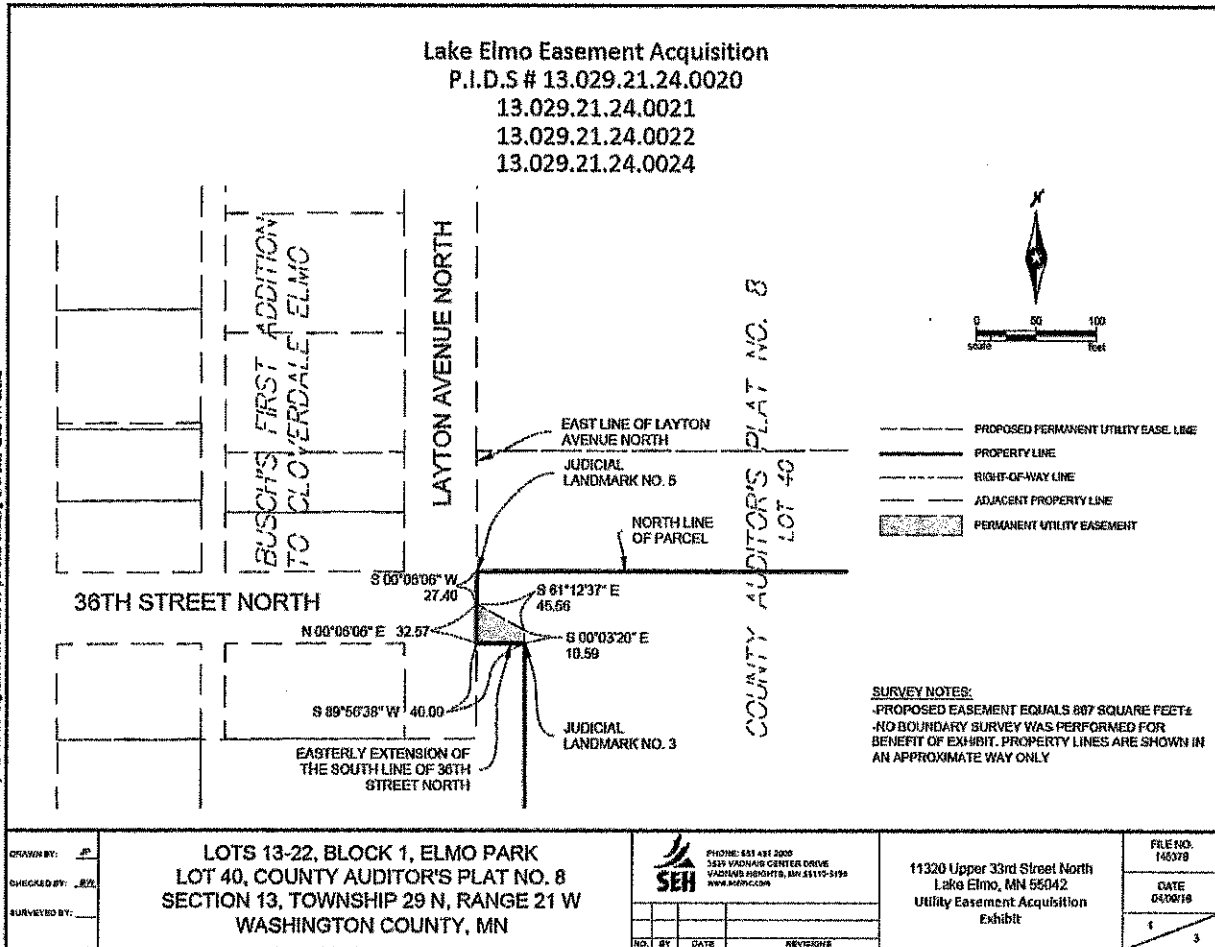
AND

A perpetual easement for drainage and utility purposes over, under, across and through that part of the parcel of land described in Exhibit A, described as follows:

Commencing at said Judicial Landmark No. 7; thence on an assigned bearing of South 72 degrees 34 minutes 02 seconds West, along the south line of said Block 1, ELMO PARK, a distance of 217.46 feet to the point of beginning of the easement to be herein described; thence continue South 72 degrees 34 minutes 02 seconds West, along said south line, a distance of 30.00 feet; thence North 17 degrees 27 minutes 34 seconds West 91.14 feet; thence South 89 degrees 45 minutes 09 seconds West 72.93 feet; thence North 00 degrees 23 minutes 14 seconds West 43.02 feet to a line between said Judicial Landmark No. 1 and No. 2; thence North 72 degrees 34 minutes 45 seconds East, along said line between Judicial Landmark No. 1 and No. 2, a distance of 24.42 feet to said Judicial Landmark No. 2; thence South 00 degrees 03 minutes 20 seconds East, along the southerly extension of a line between Judicial Landmark No. 2 and No. 3, a distance of 20.23 feet; thence North 89 degrees 45 minutes 09 seconds East 71.88 feet; thence South 17 degrees 27 minutes 34 seconds East 113.27 feet to the point of beginning. Said easement contains 5,974 square feet, more or less.

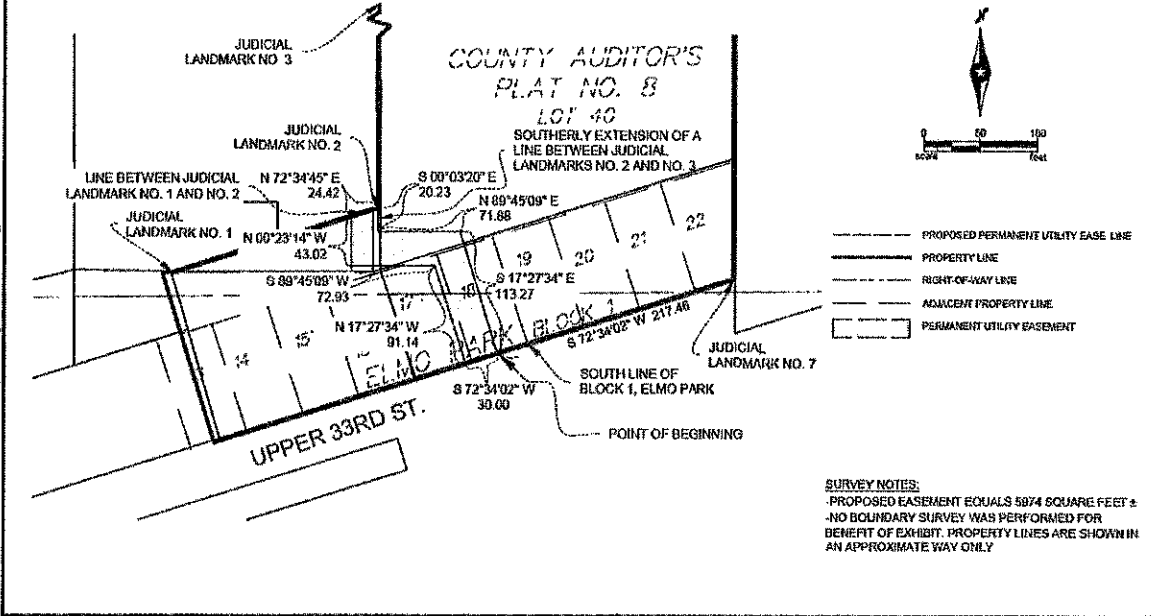
# EXHIBIT C TO DRAINAGE AND UTILITY EASEMENTS

## Depictions of Drainage and Utility Easements




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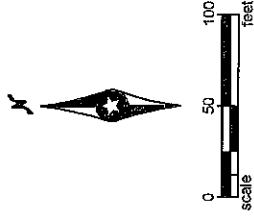
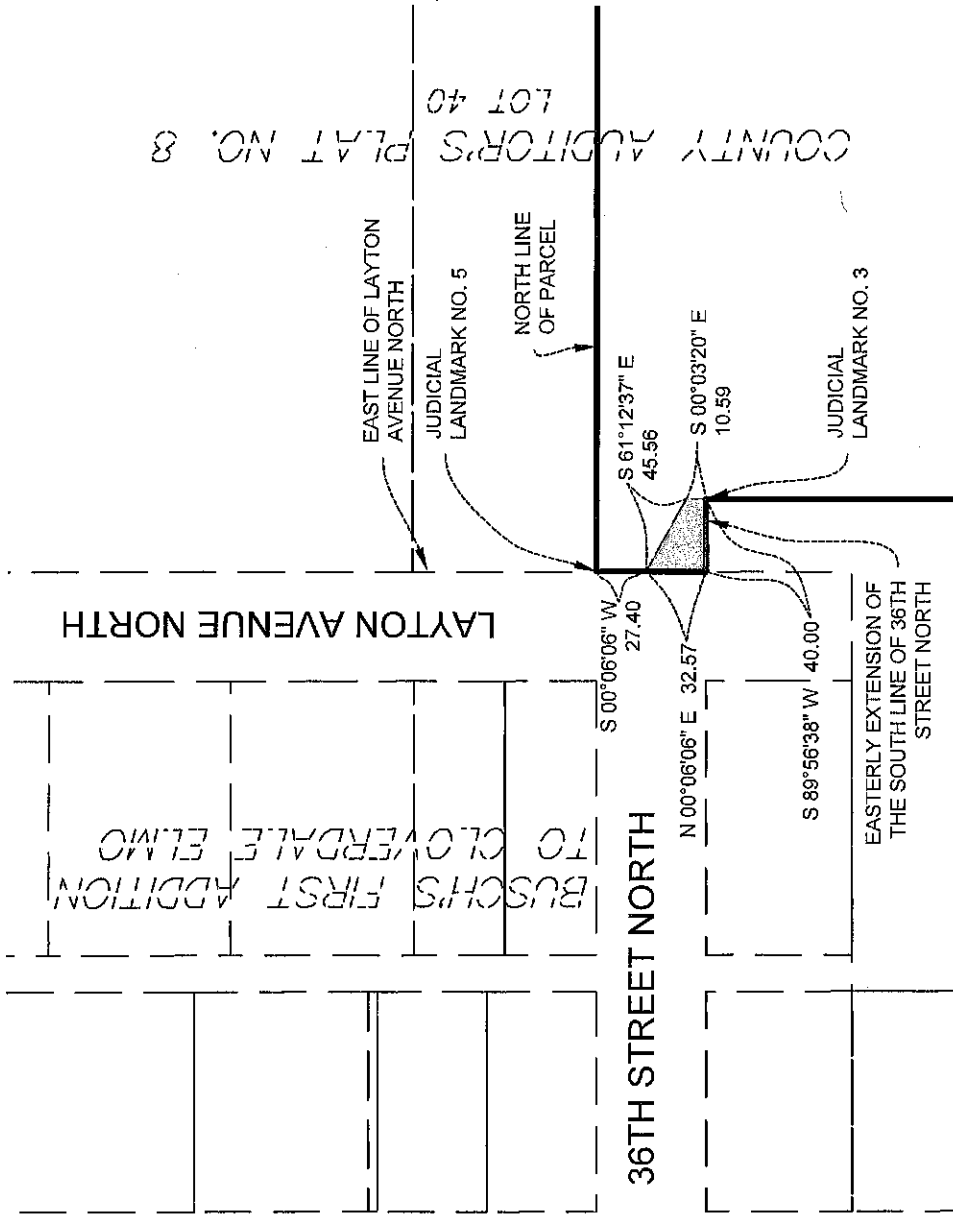
Lake Elmo Easement Acquisition  
P.I.D.S # 13.029.21.24.0020  
13.029.21.24.0021  
13.029.21.24.0022  
13.029.21.24.0024



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DRAWN BY: <u>JP</u> CHECKED BY: <u>BL</u> SURVEYED BY:	<b>LOTS 13-22, BLOCK 1, ELMO PARK AND LOT 40, COUNTY AUDITOR'S PLAT NO. 8 SECTION 13, TOWNSHIP 29 N, RANGE 21 W WASHINGTON COUNTY, MN</b>	 P:\MSL\21240020\21240020.dwg COUNTY AUDITOR'S PLAT NO. 8 DATE: 8/17/2016	11320 Upper 33rd Street North Lake Elmo, MN 55042 Utility Easement Acquisition Exhibit	FILE NO: 145378 DATE: 04/00/16 2 / 2
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Lake Elmo Easement Acquisition  
 P.I.D.S # 13.029.21.24.0020  
 13.029.21.24.0021  
 13.029.21.24.0022  
 13.029.21.24.0024



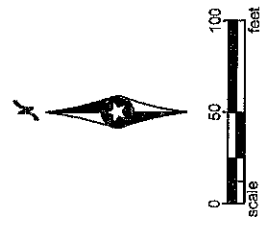
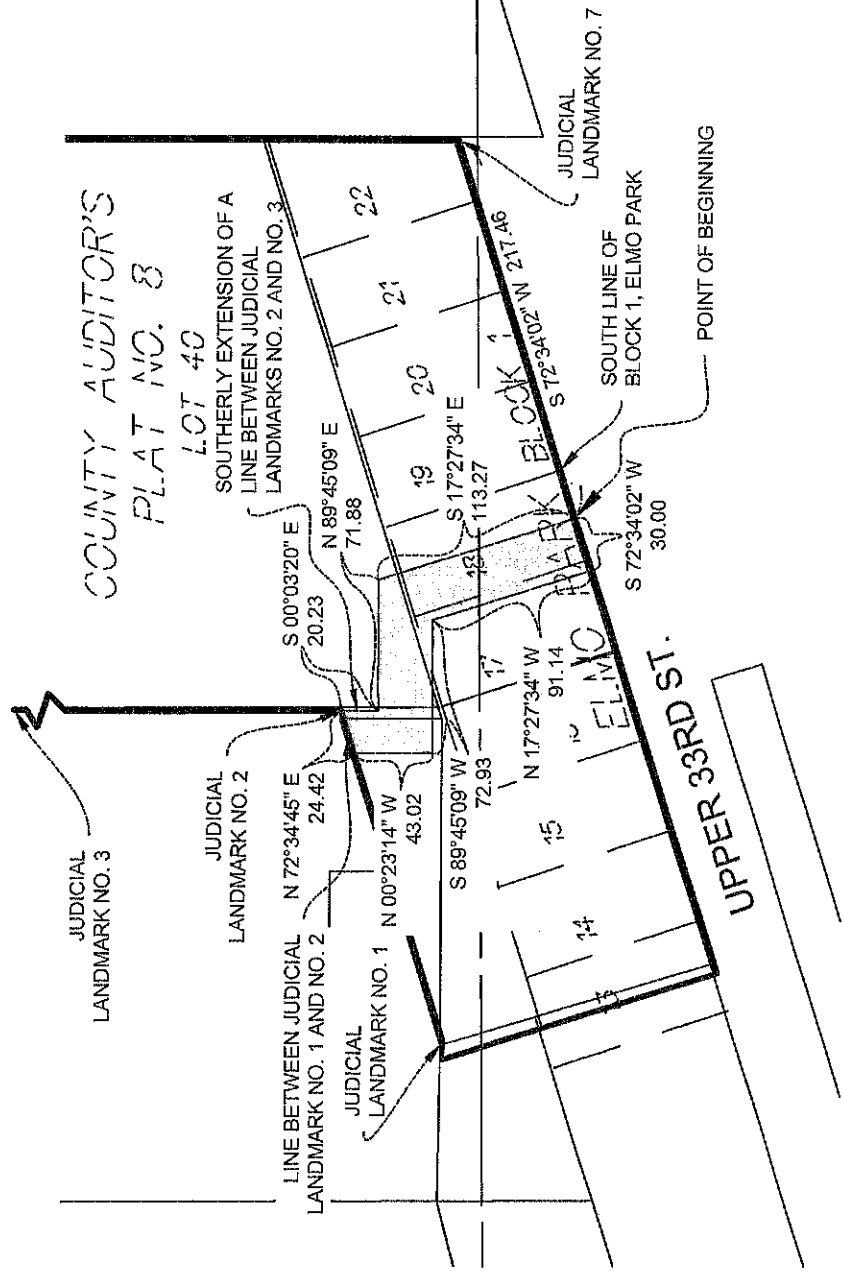
- PROPOSED PERMANENT UTILITY EASE. LINE
- PROPERTY LINE
- - - RIGHT-OF-WAY LINE
- - - ADJACENT PROPERTY LINE
- █ PERMANENT UTILITY EASEMENT

**SURVEY NOTES:**  
 -PROPOSED EASEMENT EQUALS 867 SQUARE FEET±  
 -NO BOUNDARY SURVEY WAS PERFORMED FOR  
 BENEFIT OF EXHIBIT. PROPERTY LINES ARE SHOWN IN  
 AN APPROXIMATE WAY ONLY

COUNTY AUDITOR'S PLAT NO. 8  
 LOT 40

DRAWN BY: <u>JP</u>		FILE NO. 145378
CHECKED BY: <u>BW</u>		DATE 04/09/16
SURVEYED BY: _____		1 / 3
LOTS 13-22, BLOCK 1, ELMO PARK LOT 40, COUNTY AUDITOR'S PLAT NO. 8 SECTION 13, TOWNSHIP 29 N, RANGE 21 W WASHINGTON COUNTY, MN		
PHONE: 651.491.2000 3635 VADNAIS CENTER DRIVE VADNAIS HEIGHTS, MN 55110-5196 www.sehinc.com		
11320 Upper 33rd Street North Lake Elmo, MN 55042 Utility Easement Acquisition Exhibit		
NO.	BY	DATE
		REVISIONS

Lake Elmo Easement Acquisition  
 P.I.D.S # 13.029.21.24.0020  
 13.029.21.24.0021  
 13.029.21.24.0022  
 13.029.21.24.0024



- PROPOSED PERMANENT UTILITY EASE LINE
- PROPERTY LINE
- - - RIGHT-OF-WAY LINE
- - - ADJACENT PROPERTY LINE
- PERMANENT UTILITY EASEMENT

**SURVEY NOTES:**  
 -PROPOSED EASEMENT EQUALS 5974 SQUARE FEET +  
 -NO BOUNDARY SURVEY WAS PERFORMED FOR  
 BENEFIT OF EXHIBIT. PROPERTY LINES ARE SHOWN IN  
 AN APPROXIMATE WAY ONLY

FILE NO. 145378
DATE 04/08/16
2 / 3

11320 Upper 33rd Street North  
 Lake Elmo, MN 55042  
 Utility Easement Acquisition  
 Exhibit

PHONE 651-491-2000		NO.	BY	DATE	REVISIONS
5535 VADNAIS CENTER DRIVE VADNAIS HEIGHTS, MN 55110-0196 www.sehinc.com					

LOTS 13-22, BLOCK 1, ELMO PARK AND  
 LOT 40, COUNTY AUDITOR'S PLAT NO. 8  
 SECTION 13, TOWNSHIP 29 N, RANGE 21 W  
 WASHINGTON COUNTY, MN

DRAWN BY: JP
CHECKED BY: BW
SURVEYED BY: _____



**Legal Description of Record:**

Parcels 2, 3 and 4: All that part of the West half of Section 13, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota and all that part of Lots 13 through 22, Block 1, ELMO PARK and all that part of Lot 40, COUNTY AUDITOR'S PLAT NO. 8 according to the plats thereof; on file and of record in the office of the County Recorder, Washington County, Minnesota, described as follows: Commencing at the North Quarter Section corner of said Section 13; thence South 88 degrees 32 minutes 13 seconds West, (bearing based on the Washington County Project Coordinate System, South Zone), along the North line of said Section 13, a distance of 726.05 feet to its intersection with the West line of the East 726.00 feet of said West Half of Section 13; thence South 00 degrees 48 minutes 00 seconds East, along said West line of the East 726.00 feet of the West Half of Section 13, a distance of 2633.85 feet to Judicial Landmark No. 7 and to its intersection with a Northeastly extension of the Southerly line of Block 1, of said ELMO PARK, and to the point of beginning of the this description; thence South 71 degrees 44 minutes 52 seconds West, along said Northeastly extension of the Southerly line of Block 1, ELMO PARK and along the Southerly line of Block 1, ELMO PARK, a distance of 478.71 feet to Judicial Landmark No. 8 and to a point which is 21.25 feet Northeastly from the Southwest corner of said Lot 13, Block 1, ELMO PARK, and as measured along the Southerly line of said Lot 13, Block 1, ELMO PARK; thence North 18 degrees 15 minutes 08 seconds West, perpendicular to said Southerly line of Lot 13, Block 1, ELMO PARK, a distance of 157.29 feet to Judicial Landmark No. 16 and to its intersection with a line that bears North 89 degrees 47 minutes 31 seconds East from the Northeast corner of Lot 21, Block 4, CLOVERDALE; according to the plat thereof, on file and of record in the office of the County Recorder, Washington County, Minnesota; thence North 89 degrees 47 minutes 31 seconds East from the Northeast corner of Lot 21, Block 4, CLOVERDALE, a distance of 11.09 feet to Judicial Landmark No. 1; thence North 71 degrees 45 minutes 35 seconds East, a distance of 188.02 feet to Judicial Landmark No. 2; thence North 00 degrees 52 minutes 30 seconds West, parallel with the East line of said Block 4, CLOVERDALE, a distance of 346.30 feet to Judicial Landmark No. 3 and to its intersection with an Easterly extension of the South line of 36th Street North, formerly known as Busch Avenue, as described and dedicated in the plat of BUSCH'S FIRST ADDITION TO CLOVERDALE ELMO on file and of record in the office of the County Recorder, Washington County, Minnesota; thence South 89 degrees 07 minutes 28 seconds West, along said Easterly extension of said South line of 36th Street North, a distance of 40.00 feet to Judicial Landmark No. 4 and to its intersection with the East line of Layton Avenue North, formerly known as Chicago Avenue, as described and dedicated in said BUSCH'S FIRST ADDITION TO CLOVERDALE ELMO; thence North 00 degrees 43 minutes 04 seconds West, along said East line of Layton Avenue North, a distance of 59.97 feet to Judicial Landmark No. 5 and to its intersection with an Easterly extension of the North line of said 36th Street North; thence North 89 degrees 02 minutes 11 seconds East, along said Easterly extension of the North line of said 36th Street North, a distance of 353.76 feet, more or less, to Judicial Landmark No. 6 and to its intersection with said West line of the East 726.00 feet of the West Half of Section 13; thence South 00 degrees 48 minutes 00 seconds East, along said West line of the East 726.00 feet of the West Half of Section 13, a distance of 469.94 feet to Judicial Landmark No. 7 and to the point of beginning.

The boundaries of Parcels 2, 3 and 4 have been marked by Judicial Landmarks set pursuant to Torrens, Case No. C3-88-5612.

Together with easement for storage purposes reserved in Document Number 1155779.

(Torrens Certificate No. 61168)

**Proposed Drainage and Utility Easement:**

A perpetual easement for drainage and utility purposes over, under, across and through that part of the above described parcel of land, described as follows:

Commencing at said Judicial Landmark No. 5; thence on an assigned bearing of South 00 degrees 06 minutes 06 seconds West, along the west line of said parcel of land, a distance of 27.40 feet to the Point of Beginning of the easement to be described; thence South 61 degrees 12 minutes 12 minutes 37 seconds East 45.56 feet; thence South 00 degrees 03 minutes 20 seconds East a distance of 10.59 feet to the easterly extension of the southerly right-of-way line of 36th Street; thence South 89 degrees 56 minutes 38 seconds West, a distance of 40.00 feet, along the easterly extension of said southerly right-of-way line to the east right -of-way line of Layton Avenue North; thence North 00 degrees 06 minutes 06 minutes East, along said east right-of-way line, a distance of 32.57 feet to the point of beginning. Said easement contains 867 square feet, more or less,


AND,

A perpetual easement for drainage and utility purposes over, under, across and through that part of the above described parcel of land, described as follows:

Commencing at said Judicial Landmark No. 7; thence on an assigned bearing of South 72 degrees 34 minutes 02 seconds West, along the south line of said Block 1, ELMO PARK, a distance of 217.46 feet to the point of beginning of the easement to be herein described; thence continue South 72 degrees 34 minutes 02 seconds West, along said south line, a distance of 30.00 feet; thence North 17 degrees 27 minutes 34 seconds West 91.14 feet; thence South 89 degrees 45 minutes 09 seconds West 72.93 feet; thence North 00 degrees 23 minutes 14 seconds West 43.02 feet to a line between said Judicial Landmark No. 1 and No. 2; thence North 72 degrees 34 minutes 45 seconds East, along said line between Judicial Landmark No. 1 and No. 2, a distance of 24.42 feet to said Judicial Landmark No. 2; thence South 00 degrees 03 minutes 20 seconds East, along the southerly extension of a line between Judicial Landmark No. 2 and No. 3, a distance of 20.23 feet; thence North 89 degrees 45 minutes 09 seconds East 71.88 feet; thence South 17 degrees 27 minutes 34 seconds East 113.27 feet to the point of beginning. Said easement contains 5,974 square feet, more or less.

DRAWN BY: JP  
CHECKED BY: BW  
SURVEYED BY:

**LOTS 13-22, BLOCK 1, ELMO PARK AND  
LOT 40, COUNTY AUDITOR'S PLAT NO. 8  
SECTION 13, TOWNSHIP 29 N, RANGE 21 W  
WASHINGTON COUNTY, MN**

  
PHONE: 651-481-2000  
3535 VADNAIS CENTER DRIVE  
VADNAIS HEIGHTS, MN 55110-6196  
www.sehinc.com

NO.	BY	DATE	REVISIONS

11320 Upper 33rd Street North  
Lake Elmo, MN 55042  
Utility Easement Acquisition  
Exhibit

FILE NO.  
145378  
DATE  
04/09/18  
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