



CITY COUNCIL
DATE: 10/15/19

TO: City Council

FROM: Ken Roberts, Planning Director

AGENDA ITEM: **Easement Vacations and Minor Subdivision – Outlot O of Inwood Addition (Inwood 6th Addition)**

REVIEWED BY: Ben Prchal, City Planner

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to consider the vacation of existing easements and a minor subdivision and final plat request from RPS Legacy Desoto to divide Outlot O of the Inwood Addition into three separate parcels. The proposed minor subdivision/final plat would facilitate the transfer of 2.27 acres of land to Kwik Trip for the construction of a new fuel station/convenience store to be located on the southeast corner of Inwood Avenue North and 5th Street North. (Staff has prepared a separate staff report about the proposed Kwik Trip development.) Staff is recommending approval of the easement vacations and minor subdivision as presented, subject to conditions of approval.

GENERAL INFORMATION

Applicant: RPS Legacy Desoto, Little Canada MN 55117

Property Owners: RPS Legacy Desoto, Little Canada MN 55117

Location: Outlot O, Inwood Addition. PID Number 33.029.21.13.0017

Request: Application for a Minor Subdivision to split said property into three separate parcels

Existing Land Use and Zoning: Open field; future development site within the Inwood PUD.
Current Zoning: C – Commercial and HDR PUD

Surrounding Land Use and Zoning: North – Future commercial development site across 5th Street;
East – Future High density residential site (Outlot A of Inwood) across Island Trail; West – Oakdale across Inwood Avenue North; South – Outlot C, Inwood (ponding area)

Comprehensive Plan: MU-C (mixed use commercial)

History: The City Council approved the general concept plan for the Inwood PUD on September 16, 2014, the preliminary plat on December 2, 2014 and the Final Plat on May 19, 2015 for Phase 1. Since then, the City has approved several additions for the Inwood PUD, all for property north of 5th Street North.

The Planning Commission reviewed this request on August 12, 2019 and recommended approval, subject to the conditions listed in the staff report.

Deadline for Action: Application Complete – 7-12-2019
 60 Day Deadline – 9-11-2019
 Extension Letter Mailed – No (but the applicant agreed to a time-extension)
 120 Day Deadline – 11-10-2019

Applicable Regulations: Chapter 153 – Subdivision Regulations

REQUEST DETAILS

The City of Lake Elmo has received a request from RPS Legacy Desoto (the property owners), for a minor subdivision to divide Outlot O of the Inwood Addition into three lots. The purpose of the proposed minor subdivision is to facilitate the transfer of 2.27 acres of land from the property owners to Kwik Trip for the construction of a new fuel station/convenience store. The proposed minor subdivision also would create 1.9-acre outlot (Outlot A) immediately east of the Kwik Trip site and a 5.72-acre outlot (Outlot B) lying west of Island Trail. The property owner intends to develop the future Outlot A for commercial uses and Outlot B for high-density residential land uses.

The City's Subdivision regulations allow for certain subdivisions of land to be exempt from the City's requirements for platting when no more than four lots are being created, when no new public infrastructure or rights-of-way or streets are necessary and when the proposed lots meet the minimum road frontage and area requirements of the underlying zoning. The proposed minor subdivision does not require any new public infrastructure or any new public streets as those improvements are in place. Each of the lots the minor subdivision would create exceed the commercial zoning requirements concerning lot size (20,000 square feet) and lot frontage (100 feet). As such, the proposed plat meets all the City requirements for a minor subdivision.

CITY ENGINEER REVIEW. I have attached the City Engineer's review comments (dated August 6, 2019) for your consideration. Items of note are as follows and I have included these as recommended conditions of approval.

- The Preliminary plat and project plans should be revised to show the proposed lot lines and easements consistent on each set of plans.
- Drainage and utility easements must be provided for any public utilities constructed as part of this project, including City-owned watermain and hydrants, with easements shown on the plat and on the project plans. Any watermain lines serving hydrants placed internal to the site require minimum 30-foot-wide easements centered over the hydrants and pipe. These easements must be dedicated to the City and be provided in the City's standard form of easement agreement.
- The developer/owner should consider adjusting the east lot line of Outlot A further west to facilitate shared commercial driveway access between Outlot A and Outlot B. As proposed, Outlot B would not have access to the new driveway along the east side of Outlot A as there would be a strip of land as part of Outlot A along the east side of the driveway.
- There were a number of other amendments required to the plan for approval, which can be reviewed in the memo. It is a recommended condition of approval that all of these comments be addressed on the plans before the applicant/developer submits a final plat for approval.

PARKLAND DEDICATION

When the City approved the Inwood PUD, the project plans showed property for public parks and trails over about 12 percent of the residential portion of the development (lying north of 5th Street). There were at that time, however, no provisions or park dedications made to the City for the commercial areas of the PUD or for area south of 5th Street.

The proposed development does not propose a public park and staff would not recommend a park land dedication with this proposal. The current City Code standard for park dedication for developments in a commercial zoning district is a fee of \$4,500 per acre. At \$4,500 an acre, the park dedication fee for this 2.27 acre site will be \$10,215. The City will require the developer to pay this fee before releasing the final plat for recording and before the City will issue a grading or building permit for the site.

EASEMENT VACATIONS

The applicant also is requesting that the City vacate the existing easements on and around Outlot O as part of this plat approval. They are making this request as it would be easier and cleaner for the applicant to record the new plat with the existing easements vacated. In addition, the developer could not record a new final plat (or replat) with the existing easements in place. The proposed plat will have new easements on it that will replace the easements the City will be vacating. City staff is recommending as a condition of approval that the plat or subdivision show a 10-foot-wide drainage and utility easement along the entire perimeter of the plat and property.

Minnesota Statue outlines the provisions for vacating a public right-of-way or easement. It states in part that “Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition.”

DRAFT FINDINGS

Staff is recommending that the City Council consider the following findings with regards to the proposed Minor Subdivision:

- That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City’s C – Commercial Zoning District.
- That the Minor Subdivision complies with the City’s subdivision ordinance and specifically the requirements concerning exceptions to platting.

CONDITIONS OF APPROVAL

Recommended Conditions of Approval. Staff and the Planning Commission are recommending the following conditions of approval for Inwood 6th addition:

1. All required modifications to the plans as requested by the City Engineer in the review letter dated August 6, 2019 shall be incorporated into the plat and project plans. The City shall approve all plans before releasing the final plat for recording.
2. The developer shall pay the City a cash contribution of \$10,215 (the fee consistent with the City standards) for park dedication lieu of donating land for park dedication. The applicant or owner shall pay this fee before the City signs the final plat or gives any formal authorization to split the parcel into three lots.
3. The final plat shall show a 10-foot-wide drainage and utility easement along all property lines.
4. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before the execution of the final plat by City Officials.
5. Before recording the Final Plat, the Developer shall enter into a Developers Agreement or Site Work Agreement with the City. This agreement shall be in a form acceptable to the City Attorney and shall delineate who is responsible for the design, construction, and payment of public improvements and other site management and operation considerations including erosion control and construction staging.
6. Final Plat shall be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained before the start of grading or construction.
7. The applicant must submit and receive approval of a building permit application; grading, drainage, landscaping, erosion control, and other applicable plans before starting any construction activity on Lot 1, Block 1 and on the future development sites.
8. The applicant must obtain all other necessary City, State, South Washington Watershed District and other applicable governing body permits before the commencement of any construction activity on Lot 1, Block 1 and the future development sites.

RECCOMENDATIONS:

Staff and the Planning Commission recommend approval of the proposed easement vacations for Inwood 6th Addition as shown on the Drainage and Utility Easement Vacation Exhibit as prepared by Carlson McCain dated June 28, 2019.

“Move to adopt Resolution 2019 – 075 approving the request for the vacation of the existing drainage and utility easements for the Inwood 6th Addition as shown on the drainage and utility easement vacation exhibit dated June 28, 2019.”

Staff and the Planning Commission recommend approval of the minor subdivision request (Inwood 6th Addition) from RPS Legacy Desoto to divide Outlot O of Inwood Addition into three separate parcels with the recommended findings and conditions of approval listed in the staff report.

Suggested motion:

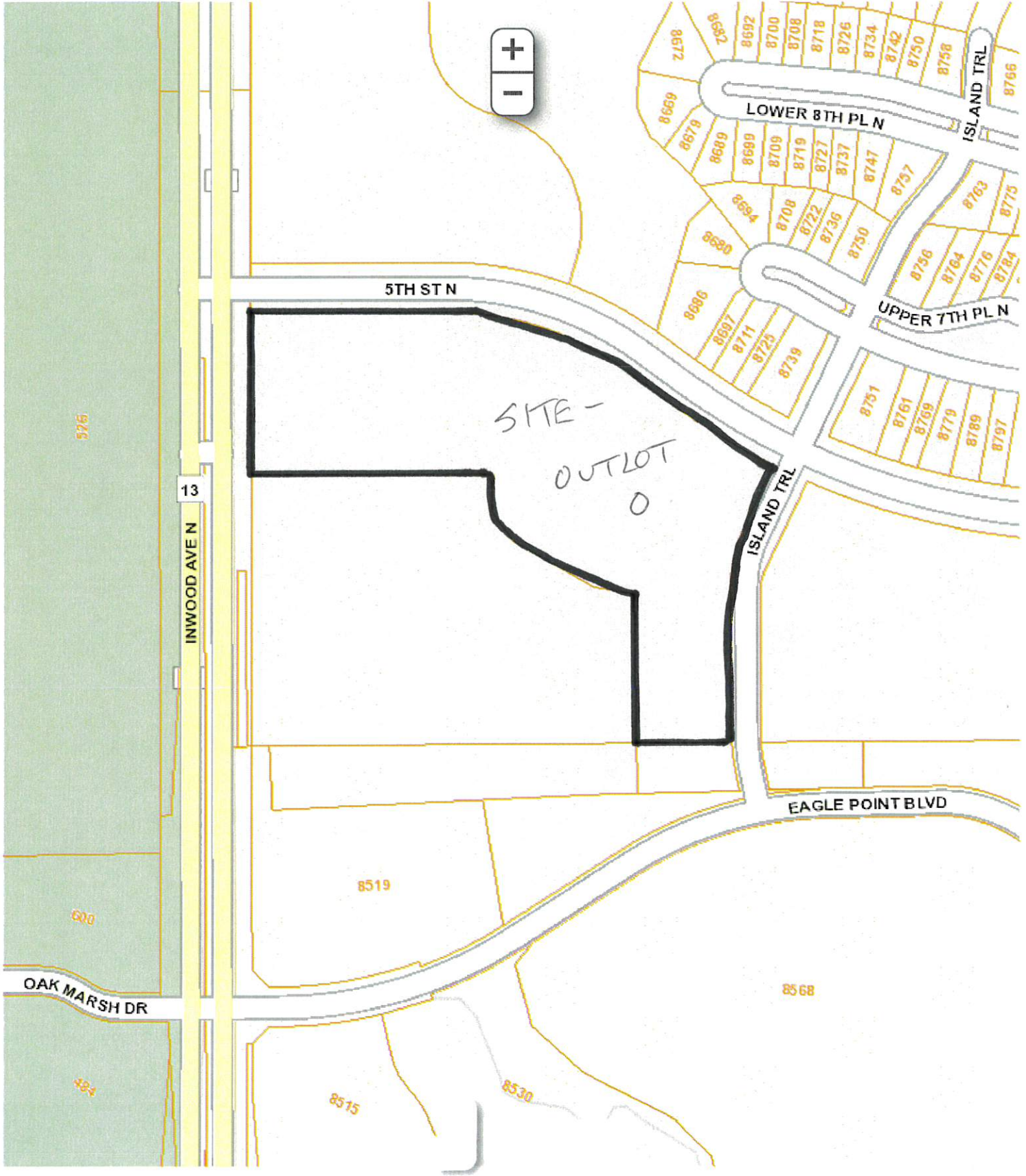
“Move to adopt Resolution 2019 – 076 approving the Minor Subdivision request (Inwood 6th Addition) to split Outlot O of Inwood Addition into three lots, subject to the conditions of approval as listed in the City staff report.”

ATTACHMENTS:

1. Location/Property Line Map
2. Minor Subdivision Survey
3. Easement Vacation Exhibit
4. City Engineer Review comments dated August 6, 2019
5. Resolution 2019 – 075 Approving Drainage and Utility Easement Vacation
6. Resolution 2019 – 076 Approving Inwood 6th Addition Minor Subdivision



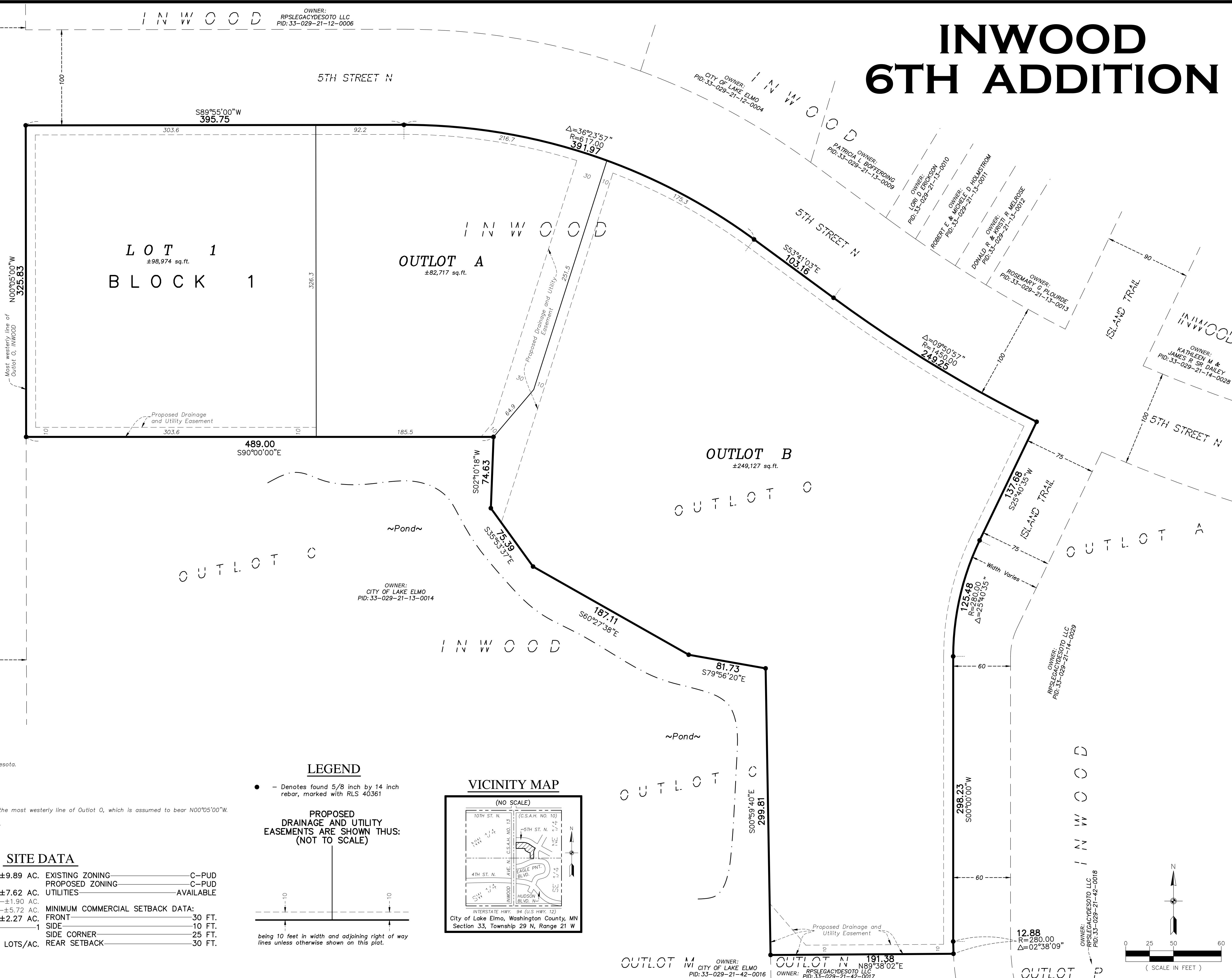
Property Viewer



INWOOD 6TH ADDITION

WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 41

INWOOD AVE N (C.S.A.H. NO. 13)



PARCEL DESCRIPTION:
Outlot O, INWOOD, Washington County, Minnesota.
(abstract property)

GENERAL NOTES:
1) Bearings shown hereon are based on the most westerly line of Outlot O, which is assumed to bear N00°05'00"W.
2) Surveyed parcel address - Unassigned.

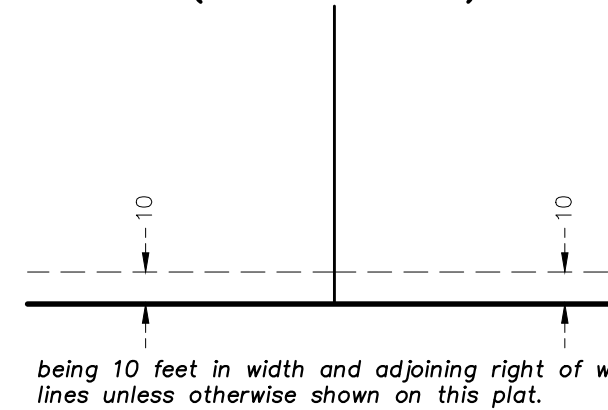
SITE DATA

TOTAL SITE AREA	±9.89 AC.	EXISTING ZONING	C-PUD
TOTAL OUTLOT AREA	±7.62 AC.	PROPOSED ZONING	C-PUD
OUTLOT A	±1.90 AC.	UTILITIES	AVAILABLE
OUTLOT B	±5.72 AC.	MINIMUM COMMERCIAL SETBACK DATA:	
TOTAL LOT AREA	±2.27 AC.	FRONT	30 FT.
TOTAL NUMBER OF LOTS	1	SIDE	10 FT.
GROSS DENSITY	0.10 LOTS/AC.	SIDE CORNER	25 FT.
		REAR SETBACK	30 FT.

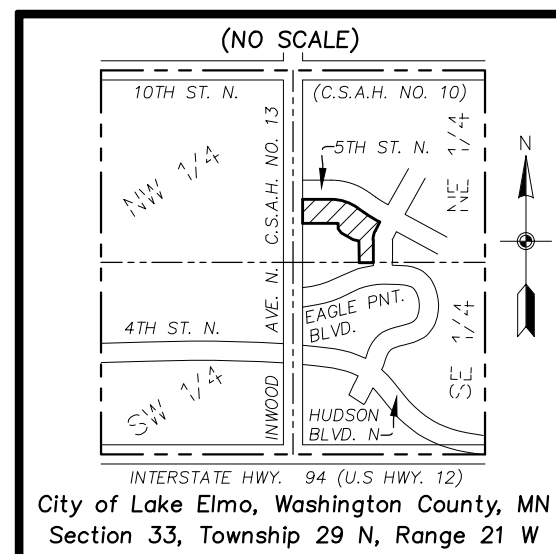
LEGEND

● - Denotes found 5/8 inch by 14 inch rebar, marked with RLS 40361

PROPOSED DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS: (NOT TO SCALE)



VICINITY MAP
(NO SCALE)



ENVIRONMENTAL - ENGINEERING - SURVEYING
3890 Pheasant Ridge Dr. NE #100, Blaine, MN
Phone: 763-489-7900 Fax: 763-489-7959

PRELIMINARY PLAT

INWOOD 6TH ADDITION
Lake Elmo, Minnesota

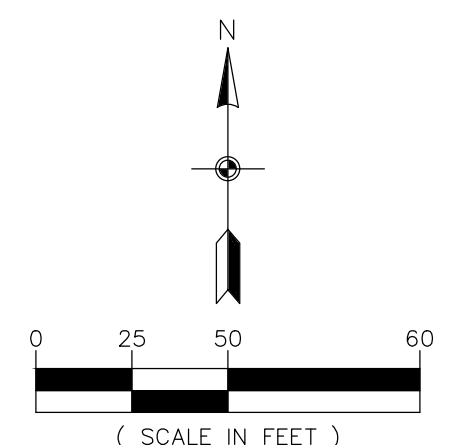
RPS LEGACY LLC
2935 Country Drive, Suite 100
Little Canada, MN 55117

REVISIONS

1.	
2.	
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4.	
5.	
6.	
DRAWN BY:	KCM
ISSUE DATE:	6/28/19
FILE NO:	1870

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Name: Thomas R. Balluff
Signature: *Thomas R. Balluff*
Date: 6/28/19 License #: 40361



WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 41

INWOOD AVE N (C.S.A.H. NO. 13)

North bound lane

325.83

89°55'00"W
395.75

Drainage & Utility Easement
per the plat of INWOOD
(to be vacated)

Drainage & Utility Easement
per the plat of INWOOD
(to be vacated)

Drainage & Utility Easement
per the plat of INWOOD
(to be vacated)

489.00
S90°00'00"E

302°10'18"W
74.63

75.39
S55°53'37"E

Pond
NWL=994.5
100 YR. HWL=1001.3

OWNER:
CITY OF LAKE ELMO
PID: 33-029-21-13-0014

INWOOD

Pond
NWL=994.5
100 YR. HWL=1001.3

OUTLOT C

187.11
S60°27'38"E

81.73
S79°56'20"E

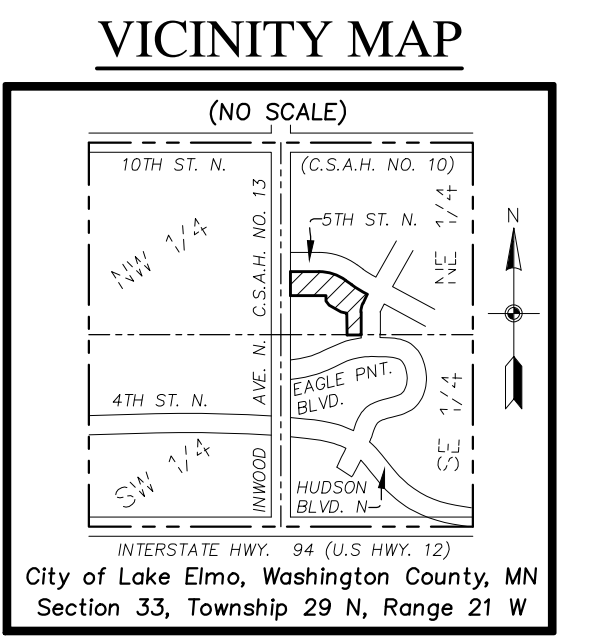
300°59'40"E
299.81

OUTLOT M
OWNER:
CITY OF LAKE ELMO
PID: 33-029-21-42-0016

OUTLOT N
OWNER:
RPSLEGACYDESOTO LLC
PID: 33-029-21-42-0017

12.88
R=280.00
Δ=02°38'09"

OUTLOT P
OWNER:
RPSLEGACYDESOTO LLC
PID: 33-029-21-42-0018



PARCEL DESCRIPTION:
Outlot O, INWOOD, Washington County, Minnesota.
(abstract property)

GENERAL NOTES:

- Bearings shown herein are based on the most westerly line of Outlot O, which is assumed to bear N00°05'00"W.
- Surveyed parcel address - Unassigned.
- Surveyed property contains ±430,817 sq. ft. (±9.89 acres).

BENCHMARKS

1. TOP NUT OF HYDRANT LOCATED ON THE SOUTH SIDE OF EAGLE POINT ROAD APPROXIMATELY 1,290 FEET EASTERLY OF THE INTERSECTION OF EAGLE POINT ROAD AND INWOOD AVENUE NORTH.
ELEVATION = 1006.57

LEGEND

○	- Denotes set 5/8 inch by 14 inch rebar, marked with RLS 40361	→	- Denotes Guy Wire
☆	- Denotes Light Pole	— ue — ue	- Denotes Underground Electric
⊕	- Denotes Miscellaneous Sign	— ug — ug	- Denotes Underground Gas
× 000.0	- Denotes Existing Spot Elevation	— ufo — ufo	- Denotes Underground Fiber Optic
○	- Denotes Sanitary Manhole	— ohe — ohe	- Denotes Overhead Electric
○	- Denotes Storm Manhole	— —	- Denotes Watermain
○	- Denotes Catch Basin	— —	- Denotes Sanitary Sewer
△	- Denotes Flared End Section	— —	- Denotes Storm Sewer
△	- Denotes Fire Hydrant	— —	- Denotes Concrete Surface
△	- Denotes Gate Valve	— —	- Denotes Bituminous Surface
△	- Denotes Utility Pole	— —	- Denotes Existing Contour

EXISTING CONDITIONS

INWOOD 6TH ADDITION
Lake Elmo, Minnesota

RPS LEGACY, LLC
2935 Country Drive, Suite 100
Little Canada, MN, 55117

REVISIONS

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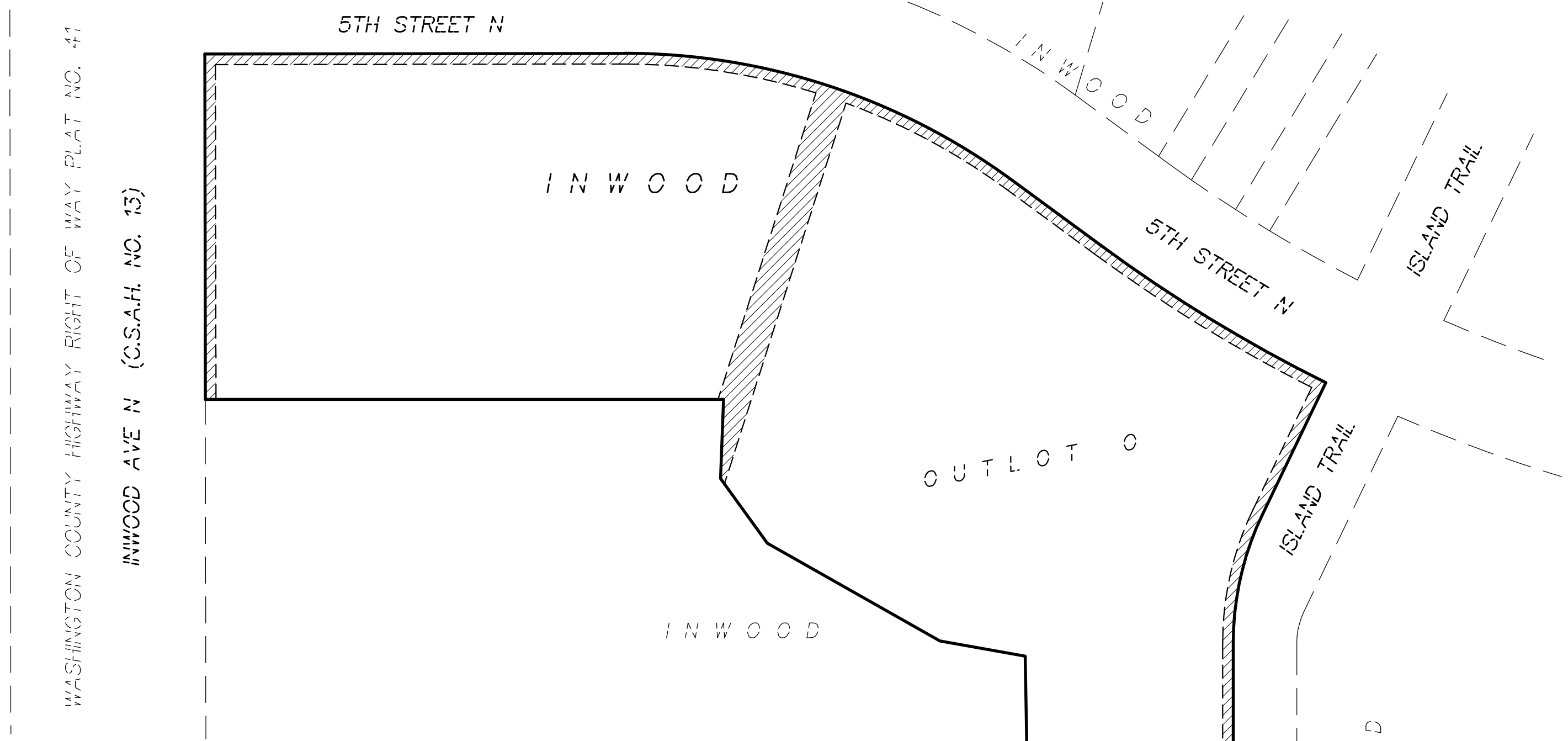
DRAWN BY: KCM
ISSUE DATE: 6/28/19
FILE NO: 1870

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Name: Thomas R. Balluff
Signature: *Thomas R. Balluff*
Date: 6/28/19 License #: 40361

Carlson McCain
ENVIRONMENTAL - ENGINEERING - SURVEYING
3890 Pheasant Ridge Dr. NE #100, Blaine, MN
Phone: 763-489-7900 Fax: 763-489-7959

Drainage and Utility Easement Vacation Sketch



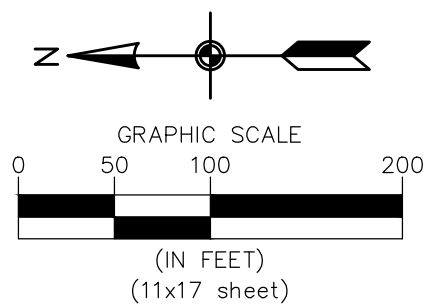
DRAINAGE AND UTILITY EASEMENT VACATION DESCRIPTION:

All of the drainage and utility easements lying over, under, and across Outlot 0, as created and dedicated in the plat of INWOOD, Washington County, Minnesota

Said easement contains ±32,977 sq. ft.



ENVIRONMENTAL • ENGINEERING • SURVEYING
 3890 Pheasant Ridge Drive NE,
 Suite 100, Blaine, MN 55449
 Phone: 763-489-7900 Fax: 763-489-7959



Save Date: 06/27/19 f:\jobs\8061 - 8080\8078 - inwood_senior_apartments\cad_c3d\survey\8078_esmt_vac_sketch.dwg

MEMORANDUM

FOCUS ENGINEERING, inc.

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. 651.300.4285

Date: August 6, 2019

To: Ken Roberts, Planning Director
Cc: Chad Isakson, P.E., Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Inwood 6th Addition – Kwik Trip
Preliminary Plat Review

An engineering review has been completed for the Inwood 6th Addition – Kwik Trip Convenience Store. A Preliminary Plan submittal was received on July 12, 2019. The submittal consisted of the following documentation prepared by Carlson McCain:

- Inwood 6th Addition Preliminary Plat dated June 28, 2019.
- Kwik Trip Store #1078 Site Plans dated June 28, 2019.
- Kwik Trip Store #1078 Storm Water Management Plan dated June 28, 2019.

STATUS/FINDINGS: Engineering has prepared the following review comments based on the plans submitted.

PRELIMINARY PLAT AND EASEMENTS

1. Outlot ownership should be identified on the Preliminary Plat and on the Preliminary Plans. Outlots A and B should be shown as Developer owned.
2. Lot lines and easements are not shown consistently between the Preliminary Plat and the Preliminary Plans. The plans must be revised to accurately reflect the proposed plat. The lot lines and easement locations may be subject to revision once they can be accurately reviewed with respect to the proposed improvements.
3. Drainage and utility easements must be provided for any public utilities constructed as part of the project, including City owned watermain and hydrants, with the easements shown on the preliminary plans.
4. Consideration should be given to adjusting the east lot line of Outlot A further west to facilitate a shared commercial driveway access between Outlot A and Outlot B. See comment #3 below for Site Plans, Traffic and Access Management.
5. Final Construction Plans and Specifications must be prepared in accordance with the latest version of the City Engineering Design Standards Manual, using City details, plan notes and specifications and meeting City Engineering Design Guidelines. The Final Construction Plans must include detailed existing condition information surrounding the plat boundaries to demonstrate that the proposed improvements match at the construction limits. Additional existing condition information is required along 5th Street North including existing small utilities, lane widths and pavement markings, existing street signs, and other features that may be impacted by the improvements.

SITE PLANS, TRAFFIC AND ACCESS MANAGEMENT

1. Access Management Guidelines were reviewed and approved along 5th Street North as part of the Inwood PUD Preliminary Plat/Plan application process (see SRF Consulting review memo dated December 15, 2014). The Preliminary Plans were amended to eliminate access between Inwood Avenue (CSAH 13) and Irene Avenue in accordance with this memorandum. Irene Avenue is located approximately 660 feet east

of Inwood Avenue which meets the City's access spacing requirements for streets and commercial driveways along a collector roadway.

2. The Kwik Trip Store site improvements show a proposed full access commercial driveway along the south leg at Irene Avenue and an intermediate right-in/right-out access to be located approximately half way between Inwood Avenue and Irene Avenue with the construction of a right turn lane. These improvements have also been reviewed by SRF Consulting with the following recommendations:
 - The proposed full access commercial driveway at Irene Avenue is consistent with the approved preliminary plans and access spacing requirements for 5th Street north. Right and left turn lanes are already in place in anticipation of this intersection.
 - The proposed intermediate right-in commercial driveway access is acceptable with modifications to the proposed right turn lane. The right turn lane should be constructed using a 150-foot full width turn lane with 5:1 taper for a total turn lane length of 210 feet.
 - The proposed intermediate right-out commercial driveway access should be eliminated. It is recommended to design this driveway access as right-in only with internal signage directing traffic to the full driveway access intersection at Irene Avenue. A "No U-turn" sign should also be placed on eastbound 5th Street at the intersection with Irene Avenue. If a right-out access is permitted traffic safety concerns exist with vehicles attempting U-turns at Irene Avenue and 5th Street which is an uncontrolled intersection.
3. It is recommended that both the full access at Irene Avenue and the intermediate right-in access be constructed as shared commercial driveways to further manage access spacing along 5th Street North.
 - The full commercial driveway access at Irene Avenue should be constructed as a shared access to both Outlot A and Outlot B.
 - It appears from the site plans that the right-in access driveway is proposed as a shared access between Lot 1, Block 1 and Outlot A, with the lot line dividing the access road.
4. Inwood Avenue (CSAH 13) and 5th Street North Traffic Signal. A traffic impact study must be completed to review and evaluate the impacts to the intersection at Inwood Avenue (CSAH 13) and 5th Street North. A financial contribution to traffic signal should be considered.

MUNICIPAL WATER SUPPLY

1. The proposed property is located in the Southwest Planning MUSA and water system high pressure zone.
2. Water availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the WAC/Connection charges for each building.
3. Connection to the municipal water supply is readily available to serve this property. Based on the proposed Inwood PUD 6th Addition plat lines, the existing watermain stub for the Kwik Trip Store (Lot 1, Block 1) will now be located on the new Outlot A and may need to be extended across a portion of Outlot A to serve Lot 1, Block 1. The applicant will be required to connect, at its sole cost, to the existing 8-inch DIP stub on Outlot A, and/or the existing 16-inch HDPE pipe located along Inwood Avenue, and extend watermain and any required hydrants internal to the site.
4. The project proposes to extend a 6-inch DIP watermain internal to the site with a hydrant placed near the rear of the proposed building. The portion of the watermain internal to the site that serves a hydrant must be City owned and operated and may need to be upgraded to an 8-inch DIP pipe based on fire suppression requirements. The applicant must submit fire suppression requirements for the building to determine the size of watermain up to each hydrant.
5. The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants and connecting watermains shall be owned and maintained by the City.
6. The applicant may be required to construct a looped watermain with a second connection point, depending upon site layout, or connect to the existing 16-inch HDPE pipe located along Inwood Avenue.
7. Any watermain lines serving hydrants placed internal to the site will require minimum 30-foot easements centered over the hydrant and pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.

MUNICIPAL SANITARY SEWER

1. The proposed property is located in the Southwest Planning MUSA current Regional Sewer Staging Plan and would discharge to the MCES WONE Interceptor.
2. Sewer availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the SAC/Connection charges for each building.
3. Connection to the municipal sanitary sewer system is readily available to serve this property. The applicant will be required to connect, at its sole cost, to the existing 8-inch PVC stub that was installed to serve this property. A 6-inch diameter private sewer service is proposed to be extended internal to the site to serve the Kwik Trip Store. No public sanitary sewer mains are proposed to be extended internal to the site.
4. Based on the proposed Inwood PUD 6th Addition plat lines, the existing sanitary sewer stub for the Kwik Trip Store (Lot 1, Block 1) will now be located on the new Outlot A and will need to be extended across a portion of Outlot A to serve Lot 1, Block 1. A private sewer service easement may be needed between the property owners of Outlot A and Lot 1, Block 1.

STORMWATER MANAGEMENT

1. A State and South Washington Watershed District (SWWD) permit will be required. The site plan is subject to a storm water management plan meeting State, SWWD and City rules and regulations.
2. The storm water management report indicates that the existing storm water facilities for this property, located just south of the property, have been designed for Lot 1, Block 1 and Outlot A to each be 75% impervious. The narrative also indicates that the proposed Kwik Trip site (Lot 1, Block 1) is proposed to be 70% impervious. Therefore, no additional storm water BMPs are proposed. Preliminary Plat approval should be contingent upon verification of these assumptions by the SWWD and City storm water consultant.
3. The applicant is proposing a private storm sewer system internal to the commercial site to collect and convey storm water runoff. The storm water will be discharged to the City owned storm water pond and infiltration basin located to the south of the proposed site. This system was constructed as part of the Inwood PUD development and will be turned over to the City upon acceptance of the Inwood PUD 1st Addition development improvements.
4. A new (2nd) storm water discharge location to the existing storm water pond is proposed. A sump manhole is shown on the plans as required with a SNOOUT oil and debris stop device. The sump manhole and SNOOUT device should be relocated from manhole #102 to manhole #101.
5. The storm sewer system constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement. The agreement should provide a maintenance plan defining the maintenance responsibilities for the private owner, the type of maintenance and the maintenance intervals, including the SNOOUT oil and debris stop device.
6. The storm sewer minimum pipe size should be 15-inch diameter pipe.

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

RESOLUTION NO. 2019-075

***A RESOLUTION APPROVING THE VACATION OF THE DRAINAGE AND UTILITY
EASEMENT OVER OUTLOT O OF THE INWOOD ADDITION***

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

WHEREAS, the City Council approved a final plat for the Inwood Addition on May 19, 2015 through adoption of Resolution No. 2015-039; and

WHEREAS, a drainage and utility easement over, under and across the entirety of Outlot O of the Inwood Addition (the “Property”) was dedicated to the City on the plat, which was duly recorded with the County Recorder; and

WHEREAS, the Property has been replatted the Inwood 6th Addition, which plat was approved by the Lake Elmo City Council on October 15, 2019 and the approval was ratified by the City Council by the adoption of Resolution No. 2019-076; and

WHEREAS, new drainage and utility easements over the Property have been dedicated by RPS Legacy Desoto, LLC, the fee owner of the Property in and on the final plat of Inwood 6th Addition; and

WHEREAS, RPS Legacy Desoto, LLC, the fee owner of the Property and the developer of the Inwood 6th Addition filed a petition with the City pursuant to Minnesota Statutes Section 412.851 to vacate the drainage and utility easement over the Property that was dedicated to the City in and on Outlot O of Inwood Addition final plat due to the dedication of new drainage and utility easements over the Property made to the City in plat of Inwood 6th Addition; and

WHEREAS, the City Clerk reviewed and examined the signatures on said petition to vacate and determined that such signatures constituted all of the owners abutting upon the easement to be vacated; and

WHEREAS, pursuant to Minnesota Statutes Section 412.851, the City scheduled a public hearing for August 12, 2019 to consider the proposed vacation of the easement; and

WHEREAS, notice of the public hearing was posted, published in the City’s official newspaper and mailed to the owners of affected properties, all in accordance with law; and

WHEREAS, the Planning Commission held the public hearing on the proposed vacation on August 12, 2019, at which hearing all interested parties were heard; and

WHEREAS, following the public hearing, the Planning Commission recommended to the City Council that the vacation of the easement as described in Exhibit A be approved because it is in the public interest due to the fact that a replacement drainage and utility easement has been dedicated to the City in the Inwood 6th Addition final plat; and

WHEREAS, the City Council in its discretion has determined that the proposed vacation of the existing drainage and utility easements will benefit the public interest because:

- 1) The City has granted Final Plat Approval for the Inwood 6th Addition, which includes PID 33-029-21-13-0017; which will grant the City new drainage and utility easements for similar purposes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA, that such request for vacation of existing drainage utility easements lying south of 5th Street North on the Parcel with PID# 33-029-21-13-0017 (Outlot O) is hereby granted in accordance with the property descriptions provided above, subject to the following conditions of approval:

1. The final plat of Inwood 6th Addition being approved by the City Council and recorded at Washington County. The final plat must include the dedication of new drainage and utility easements.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Passed and duly adopted this 15th day of October, 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 Vacated Easement

All the Drainage and utility easements over, under and across Outlot O, as created and shown on the recorded plat of Inwood, Washington County, Minnesota.

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

RESOLUTION NO. 2019 - 076

***A RESOLUTION APPROVING A MINOR SUBDIVISION OF
PROPERTY KNOWN AS OUTLOT O – INWOOD ADDITION LOCATED ON THE SOUTH
SIDE OF 5TH STREET NORTH***

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

WHEREAS, RPS Legacy Desoto, Little Canada MN, (Applicant) has submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to subdivide the property known as Outlot O, Inwood Addition, located on the south side of 5th Street North into three separate parcels in accordance with the proposed Inwood 6th Addition plat dated June 28, 2019 as prepared Carlson McCain Surveyors and signed by Thomas R. Balluff, P.L.S., License #40361, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the Lake Elmo Planning Commission reviewed the proposed Minor Subdivision at a meeting held on August 12, 2019; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Minor Subdivision as part of a memorandum to the City Council for the October 15, 2019 City Council Meeting; and

WHEREAS, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on October 15, 2019.

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

1. That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's C (commercial) and HDR (high-density residential PUD) zoning districts.

3. That the Minor Subdivision complies with the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.
4. That the Minor Subdivision subdivides Outlot O, Inwood Addition that is now 9.89 acres into three lots as follows – Lot 1, Block 1 - 2.27 acres; Outlot A - 1.90 acres and Outlot B - 5.72 acres.

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the Minor Subdivision request, provided the following conditions are met:

1. All required modifications to the plans as requested by the City Engineer in the review letter dated August 6, 2019 shall be incorporated into the plat and project plans. The City shall approve all plans before releasing the final plat for recording.
2. The developer shall pay the City a cash contribution of \$10,215 (the fee consistent with the City standards) for park dedication lieu of donating land for park dedication. The applicant or owner shall pay this fee before the City signs the final plat or gives any formal authorization to split the parcel into three lots.
3. The final plat shall show a 10-foot-wide drainage and utility easement along all property lines.
4. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before the execution of the final plat by City Officials.
5. Before recording the Final Plat, the Developer shall enter into a Developers Agreement or Site Work Agreement with the City. This agreement shall be in a form acceptable to the City Attorney and shall delineate who is responsible for the design, construction, and payment of public improvements and other site management and operation considerations including erosion control and construction staging.
6. Final Plat shall be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained before the start of grading or construction.
7. The applicant must submit and receive approval of a building permit application; grading, drainage, landscaping, erosion control, and other applicable plans before starting any construction activity on Lot 1, Block 1 and on the future development sites.
8. The applicant must obtain all other necessary City, State, South Washington Watershed District and other applicable governing body permits before the commencement of any construction activity on Lot 1, Block 1 and the future development sites.

Passed and duly adopted this 15th day of October, 2019 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk