



## **STAFF REPORT**

DATE: 4/2/2024

**REGULAR  
MOTION**

**TO:** City Council  
**FROM:** Sophia Jensen, City Planner  
**AGENDA ITEM:** Peanut Poppy's Ranch Minor Subdivision and Easement Vacation

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### **INTRODUCTION:**

The City received a minor subdivision application and easement vacation application from Lucy Wegscheider as Trustee for Viola E Sullwold Living Trust; the Gilbert E Sullwold Living Trust; and as Lucy and Scott Wegscheider. The request is to consolidate seven parcels of land and split it into two parcels. No development is proposed with this request. Land use would remain the same, each property is currently a single family farmstead.

Viola and Gilbert Sullwold are both deceased, and Lucy is their daughter. Pursuant to the terms of the Trusts, their property is to be divided between their two daughters. The property must be split via a minor subdivision due to the road right of way to be dedicated. An easement vacation is also required to eliminate the existing roadway easement since it will be dedicated with the minor subdivision.

### **ISSUE BEFORE CITY COUNCIL:**

The City Council is being asked to make a determination on the minor subdivision and easement vacation requests.

### **GENERAL INFORMATION:**

*Address:* 1019047<sup>th</sup> St N and 4890 Kimbro Ave N

*PID:* 11.029.21.21.0001, 11.029.21.22.0002, 02.029.21.34.0005,  
02.029.21.34.0001, 02.029.21.33.0004, 11.029.21.21.0002,  
11.029.21.0003

*Existing Zoning:* Agriculture (A), Shoreland Overlay District,  
Valley Branch Watershed District

*Comprehensive Plan:* Agricultural Preserve (AP)

*Surrounding Zoning:* North: Agriculture (A)  
South: 47<sup>th</sup> Street and Rural Residential (RR)  
East: Kimbro Ave and Rural Residential (RR)  
West: Keats Ave and Rural Residential (RR)

*Deadline for Action:* Application Complete – 2/5/2024  
120 Day Deadline – 6/1/2024

*Applicable Regulations:* Title 103 – Subdivision Regulations  
Article V – Zoning Administration  
Article XI – Rural Districts  
Article XIX – Shoreland Overlay District  
Lake Elmo 2040 Comprehensive Plan

**REVIEW AND ANALYSIS:**

**Minor Subdivision:** The City's subdivision regulations allow for certain major subdivision procedures and requirements to be waived when: 1) no more than four lots are being created; 2) when no new public infrastructure or rights-of-way or streets are necessary; and 3) when the proposed lots meet the minimum road frontage and area requirements of the underlying zoning district. The minor subdivision process allows for concurrent review and approval of a preliminary and final plat. Below is a review of the minor subdivision criteria:

1. The proposed minor subdivision does not require any new public infrastructure or any new public streets.
2. The request is not adding additional lots, instead seven existing lots are being consolidated into two lots.
3. This request will meet the City's agriculture zoning lot dimension and bulk building requirements.
4. No tree removal or structure/building changes are proposed as a part of this request.

**Easement Vacation** The property currently has a roadway easement that covers 47<sup>th</sup> Street North. Due to the minor subdivision of the property the existing easement must be vacated and rededicated as road right of way.

**CITY AGENCY REVIEW:**

This request was distributed for review on February 8<sup>th</sup>, 2024. The following departments provided comments on the applications:

- Valley Branch Watershed District - Indicated a VBWD permit would be required for this request.
- City Engineer - Provided comments that the submittal appears to satisfy the required easement and ROW dedications.
- Fire Department – Did not have comments on the request.
- City Attorney – Provided a plat opinion.
- MN DNR – Did not provide comments.

**PUBLIC COMMENT:**

A public hearing notice was sent to surrounding properties on February 14<sup>th</sup> 2024. A public hearing notice was published in the City's official newspaper on February 16<sup>th</sup>, 2024. Staff has not received any public comment.

**PLANNING COMMISSION:**

The Planning Commission reviewed these requests at their February 26<sup>th</sup> 2024 meeting. The Commission voted to recommend approval of both requests with conditions (Vote 5-0).

**FINDINGS:**

Staff is recommending that the Planning Commission consider the following findings with regards to the request:

- That the Peanut Poppy's Ranch minor subdivision and easement vacation is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

- That the Peanut Poppy's Ranch minor subdivisions and easement vacation is consistent with the future development plans of the area and with the standards of the City's agriculture zoning district.
- That the Peanut Poppy's Ranch minor subdivision meets the requirements of the City's minor subdivision regulations and specifically the requirements concerning exceptions to platting.

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. The applicant must obtain all other necessary City, state, and other governing body permits and approvals prior to release of the plat for recording.
2. The City Attorney's comments set forth in the plat opinion shall be addressed prior to release of the plat for recording.
3. The applicant shall record the plat within 180 days after the approval and provide proof to the City. If not recorded within 180 days, approval of the minor subdivision shall be considered void, unless a request for a time extension is submitted in writing and approved by the council.

**RECOMMENDATIONS:**

Staff recommends City Council approve the minor subdivision and easement vacation request.  
Suggested Motions:

***“Move to approve Resolution 2024-039 approving the Peanut Poppy's Ranch minor subdivision and easement vacation request based on the findings of fact and conditions presented in the staff report.”***

**ATTACHMENTS:**

- 1) Location Map
- 2) Land Use Applications
- 3) Final Plat
- 4) VBWD Email (2-8-2024)
- 5) City Engineer Email (2-12-2024)
- 6) Fire Dept. Memo (2-14-2024)
- 7) City Attorney Plat Opinion (2-16-2024)
- 8) Resolution 2024-039

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

**RESOLUTION NO. 2024-039**

***A RESOLUTION APPROVING THE PEANUT POPPY RANCH MINOR SUBDIVISION  
AND EASEMENT VACATION***

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

**WHEREAS**, Lucy Wegscheider P.O Box 197 Lake Elmo MN 55042 (“Applicant”) submitted applications to the City of Lake Elmo (“City”) for a Minor Subdivision and Easement Vacation for Peanut Poppy’s Ranch, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on February 26<sup>th</sup>, 2024 to review and consider a Minor Subdivision (Preliminary Plat and Final Plat) and Easement Vacation request; and

**WHEREAS**, the consensus of the Lake Elmo Planning Commission was to recommend to the City Council approval of the Minor Subdivision and Easement Vacation subject to conditions of approval; and

**WHEREAS**, the City Council reviewed and approved the Minor Subdivision and Easement Vacation at its April 2<sup>nd</sup> 2024 meeting subject to conditions of approval.

**WHEREAS**, the proposed Peanut Poppy’s Ranch Minor Subdivision includes two lots; and Easement Vacation of the Roadway Easement on 47<sup>th</sup> Street North; and

**WHEREAS**, the City Council reviewed the Peanut Poppy’s Ranch Minor Subdivision and Easement Vacation at its meeting held on April 2<sup>nd</sup> 2024 and made the following findings of fact:

- That the Peanut Poppy’s Ranch minor subdivision and easement vacation is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Peanut Poppy’s Ranch minor subdivisions and easement vacation is consistent with the future development plans of the area and with the standards of the City’s agriculture zoning district.
- That the Peanut Poppy’s Ranch minor subdivision meets the requirements of the City’s minor subdivision regulations and specifically the requirements concerning exceptions to platting.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Royal Golf Pool and Fitness Center Minor Subdivision subject to the following conditions:

1. The applicant must obtain all other necessary City, state, and other governing body permits and approvals prior to release of the plat for recording.
2. The City Attorney's comments set forth in the plat opinion shall be addressed prior to release of the plat for recording.
3. The applicant shall record the plat within 180 days after the approval and provide proof to the City. If not recorded within 180 days, approval of the minor subdivision shall be considered void, unless a request for a time extension is submitted in writing and approved by the council.

Passed and duly adopted this 2<sup>nd</sup> day of April, 2024 by the City Council of the City of Lake Elmo, Minnesota.

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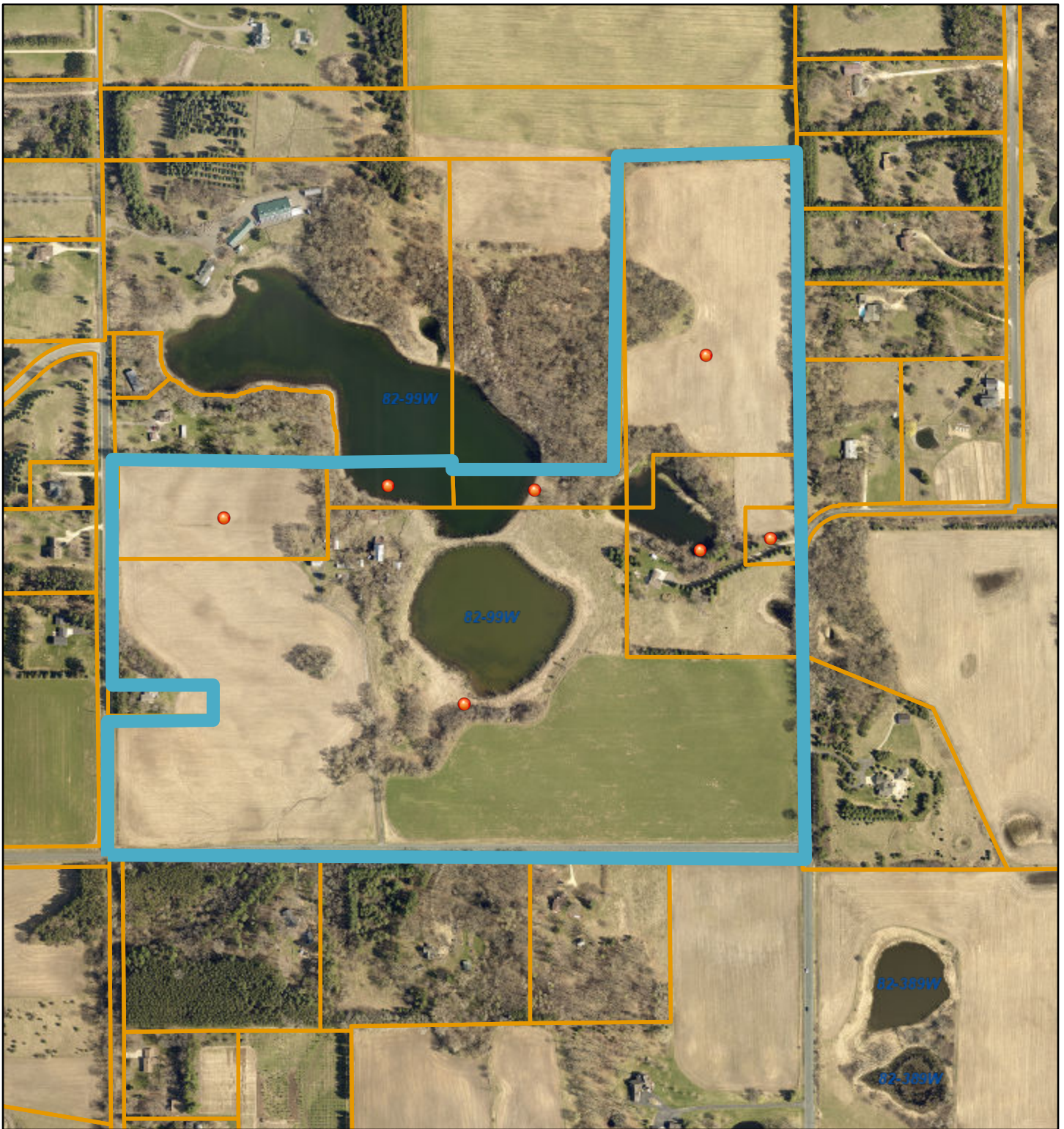
Mayor Charles Cadenhead

ATTEST:

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Julie Johnson, City Clerk

# ArcGIS Web AppBuilder



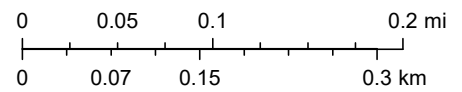
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1:9,028

 Parcels

 Municipals

DNR Protected Waters ID





**GALOWITZ · OLSON** PLLC  
ATTORNEYS AT LAW  
ST. CROIX TITLE  
OLSON MEDIATION CENTER

Tracey A. Galowitz  
Susan D. Olson  
Susannah Torseth  
Laurann J. Kirschner  
Cassandra Suchomel

Raymond O. Marshall  
Retired  
John Scott McDonald  
Retired

February 2, 2024

City of Lake Elmo  
3880 Laverne Avenue North  
Lake Elmo, MN 55042

**Re: Wegscheider Minor Subdivision Application**

To Whom It May Concern:

Our office represents Lucy Wegscheider as Trustee for Viola E. Sullwold Living Trust and as Trustee for the Gilbert E. Sullwold Living Trust; and Lucy and Scott Wegscheider.

Viola's Trust and Gilbert's Trust each own an undivided ½ interest in property located in Lake Elmo ("Trust Property"). Lucy and Scott Wegscheider own property adjacent to the Trust Property.

Viola and Gilbert Sullwold are both deceased, and Lucy is their daughter. Pursuant to the terms of Viola and Gilbert's Trusts, their property located in Lake Elmo is to be divided between their two daughters, which requires that the Trust Property must be split through a minor subdivision.

The property is unplatted, and consist of multiple PIDs. It was determined that platting the property as part of the split is the easiest way to effectuate the split and clean-up the property descriptions/PIDs.

Enclosed, please find a Minor Subdivision Application and supporting documentation. Please contact my office with any questions or requests for additional information.

My direct contact information is: [storseth@galowitzolson.com](mailto:storseth@galowitzolson.com); 651-203-4227.

Sincerely,

  
Susannah Torseth

cc: Lucy Wegscheider

Encl.

FEB 05 2024



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## MINOR SUBDIVISION APPLICATION

Applicant: Lucy Wegscheider as Trustee of the Viola Elizabeth Sullwold Living Trust & Trustee of the Gilbert E. Sullwold Living Trust; Lucy & Scott Wegscheider

Address: P.O. Box 197, Lake Elmo, MN 55042

Phone # \_\_\_\_\_

Email Address: lwegscheider@yahoo.com

Fee Owner: Undivided 1/2 interest in Viola Elizabeth Sullwold Living Trust & undivided 1/2 interest in Gilbert E. Sullwold Living Trust; Lucy & Scott Wegscheider

Address: P.O. Box 197, Lake Elmo, MN 55042

Phone # 651-260-8387

Email Address: lwegscheider@yahoo.com

Engineer: Not Applicable

Address: \_\_\_\_\_

Phone # \_\_\_\_\_

Email Address: \_\_\_\_\_

Property Location (Address): 10190 47th Street North, Lake Elmo, MN 55042 & 4890 Kimbro Avenue North, Lake Elmo, MN 55042

Complete Legal Description: See attached legal description

PID#: 11.029.21.21.0001; 11.029.21.22.0002; 02.029.21.34.0005; 02.029.21.34.0001; and 02.029.21.33.0004 (Trust) & 11.029.21.21.0002 & 11.029.21.21.0003 (Wegscheider)

Detailed Reason for Request: Viola Sullwold and Gilbert Sullwold are deceased. Their daughter, and Trustee, Lucy Wegscheider is settling their Trusts/Estates. The property owned by Viola and Gilbert's Trusts are to be divided into two parcels. The property is Torrens.

One parcel will be combined with adjacent land to the Trust already owned by Lucy and Scott Wegscheider.

The Plat will split the property owned by the Trusts into 2 parcels, combine the Wegscheider property into one of the 2 parcels, and clean up the legal descriptions and PIDs.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: *Lucy Wegscheider* Date: January 24, 2024

Lucy Wegscheider, as Trustee & individually

Signature of fee owner: *Scott Wegscheider* Date: January 24, 2024

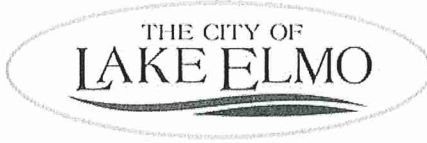
Scott Wegscheider

FEB 05 2024

*AW*



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## EASEMENT VACATION APPLICATION

Applicant: Lucy Wegscheider, Trustee for Viola Sullwold Trust & as Trustee for Gilbert Sullwold Trust  
Address: P.O. Box 197, Lake Elmo, MN 55042  
Phone # 651-260-8387  
Email Address: lwegscheider@yahoo.com

Fee Owner: Undivided 1/2 interest in Viola Elizabeth Sullwold Living Trust & undivided 1/2 interest in Gilbert E. Sullwold Living Trust  
Address: Lucy Wegscheider, Trustee, P.O. Box 197, Lake Elmo, MN 55042  
Phone # 651-260-8387  
Email Address: lwegscheider@yahoo.com

Engineer: Not Applicable  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address): 10190 47th Street North, Lake Elmo, MN 55042  
Complete Legal Description: See attached legal description

PID#: 11.029.21.21.0001

Detailed Reason for Request: \_\_\_\_\_  
Applicant has also submitted a request for a minor subdivision. The City has indicated that existing easement Doc. No. 613428 will need to be vacated as part of the minor subdivision process.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Lucy Wegscheider Date: 2-20-2024

Signature of fee owner: \_\_\_\_\_ Date: \_\_\_\_\_

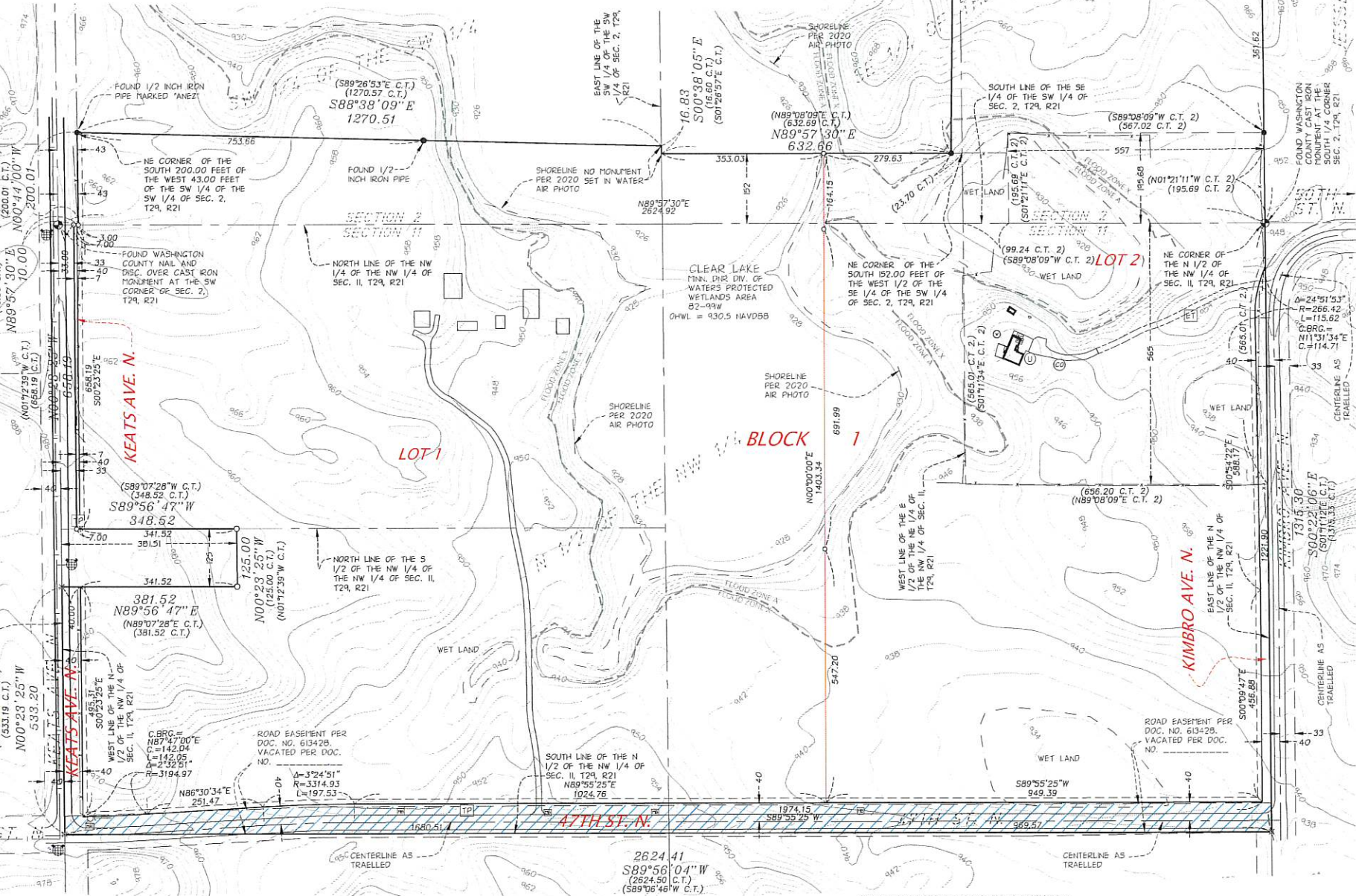
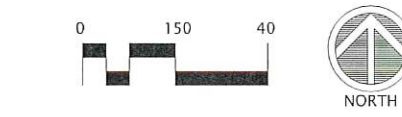
**LEGEND:**

● FOUND MONUMENT	○ FIRE DEPT. CONNECTION	— 1/2" UNDERGROUND ELECTRIC
○ SET 1/2" IRON PIPE MARKED REL. NO. 25718	○ CURB STOP	— 1/2" UNDERGROUND CABLE TV
○ CABLE TV PEDISTAL	○ WATER MOUND	— 1/2" UNDERGROUND FIBRE OPTIC
○ AIR CONDENSER	○ WATER METER	— 1/2" UNDERGROUND TELEPHONE
○ ELECTRIC MANHOLE	○ POST INDICATOR VALVE	— 1/2" OVERHEAD UTILITY
○ ELECTRIC METER	○ BOLLARD	— 1/2" UNDERGROUND GAS
○ ELECTRIC PEDISTAL	○ FLAG POLE	— 1/2" SANITARY SEWER
○ ELECTRIC TRANSFORMER	○ MAIL BOX	— 1/2" WATER MAIN
○ CURB WIRE	○ TRAFFIC SIGN	— 1/2" UNKNOWN MANHOLE
○ POWER POLE	○ CONCRETE SURFACE	— 1/2" SOIL BORING
○ GAS MANHOLE	○ RETAINING SURFACE	○ TRAFFIC SIGNAL
○ GAS METER		○ CONIFEROUS TREE
○ TELEPHONE MANHOLE		○ DECIDUOUS TREE
○ TELEPHONE PEDISTAL		
○ SANITARY CLEANOUT		
○ SANITARY MANHOLE		
○ PATCH BANK		
○ STORM DRAIN		
○ SHARDED END SECTION		
○ STORM MANHOLE		

- SURVEY NOTES:**
- BEARINGS ARE BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD 1983.
  - UNDERGROUND UTILITIES SHOWN PER AS-BUILT PLANS PROVIDED BY THE CITY OF LAKE ELMO ENGINEERING DEPARTMENT.
  - THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
  - CONTOURS SHOWN PER LIDAR DATA OBTAINED FROM THE DNR MNTOP0 WEBSITE. NOT FIELD VERIFIED.
  - WETLANDS SHOWN PER AIR PHOTO, NOT DELINEATED.

**FLOOD INFORMATION:**

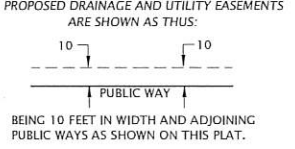
PORTIONS OF THIS PROPERTY LIES WITHIN ZONE A, AREAS DETERMINED TO BE WITHIN THE 0.1% ANNUAL CHANCE FLOODPLAIN OTHER AREAS INCLUDING ALL BUILDINGS ARE LOCATED IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.1% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NUMBER 27163C0245E HAVING AN EFFECTIVE DATE OF FEBRUARY 3RD, 2010. THERE IS NO BASE FLOOD ELEVATION FOR ZONE A.



**DEVELOPMENT DATA**

TOTAL PARCEL AREA = 4596464 SQ. FT./105.52 ACRES
LOT 1, BLOCK 1 = 2279531 SQ. FT. / 52.33 ACRES
ADJACENT RIGHT OF WAY = 122454 SQ. FT. / 2.81 ACRES
LOT 2, BLOCK 1 = 2109274 SQ. FT. / 48.42 ACRES
ADJACENT RIGHT OF WAY = 85205 SQ. FT. / 1.96 ACRES

ZONED: A  
BUILDING SETBACKS:  
FRONT = 100'  
SIDE = 100'  
REAR = 100'



**EXISTING LEGAL DESCRIPTION:**  
Certificate of Title No. XXXXXX

That part of the South Half of the Southwest Quarter of Section 2 and that part of the North Half of the Northwest Quarter of Section 11, all in Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:  
Beginning at the Northeast corner of said North Half of the Northwest Quarter of Section 11; thence South 01 degrees 11 minutes 12 seconds East (bearings are based on the Washington County Project Coordinate System, South Zone), along the east line of said North Half of the Northwest Quarter of Section 11, a distance of 1315.33 feet to its intersection with the south line of said North Half of the Northwest Quarter of Section 11; thence South 89 degrees 06 minutes 46 seconds West, along said south line of the North Half of the Northwest Quarter of Section 11, a distance 2624.50 feet to its intersection with the west line of said North Half of the Northwest Quarter of Section 11; thence North 01 degrees 12 minutes 39 seconds West, along said west line of the North Half of the Northwest Quarter of Section 11, a distance of 533.19 feet to its intersection with the south line of the north 125.00 feet of the South Half of the Northwest Quarter of said Northwest quarter of Section 11; thence North 89 degrees 07 minutes 28 seconds East, along said south line of the north 125.00 feet, a distance of 381.52 feet to its intersection with the east line of the west 381.51 feet of said South Half of the Northwest Quarter of the Northwest Quarter of Section 11; thence North 01 degrees 12 minutes 39 seconds West, along said east line of the west 381.51 feet, a distance of 125.00 feet to its intersection with the north line of said South Half of the Northwest Quarter of the Northwest Quarter of Section 11; thence South 89 degrees 07 minutes 28 seconds West, along said north line of the South Half of the Northwest Quarter of the Northwest Quarter of Section 11, a distance of 348.52 feet to its intersection with the east line of the west 33.00 feet of the North Half of said Northwest Quarter of the Northwest Quarter; thence North 01 degrees 12 minutes 39 seconds West, along said east line of the west 33.00 feet, a distance of 658.19 feet to its intersection with the north line of said Northwest Quarter of the Northwest Quarter of Section 11; thence North 89 degrees 08 minutes 09 seconds East, along said north line of the Northwest Quarter of Section 11, a distance of 10.00 feet to its intersection with the east line of the west 43.00 feet of the Southwest Quarter of said Southwest Quarter of Section 2; thence North 01 degrees 32 minutes 44 seconds West, along said east line of the west 43.00 feet of the Southwest Quarter of the Southwest Quarter of Section 2, a distance of 200.01 feet to the Northeast corner of the south 200.00 feet of the west 43.00 feet of said Southwest Quarter of the Southwest Quarter of Section 2; thence South 89 degrees 26 minutes 53 seconds east, a distance of 1270.57 feet, more or less, to its intersection with the east line of the Southwest Quarter of the Southwest Quarter of said Section 2; thence South 01 degrees 26 minutes 57 seconds east, along said east line of the Southwest Quarter of the Southwest Quarter, a distance of 16.60 feet, more or less, to its intersection with the north line of the south 152.00 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 2; thence North 89 degrees 08 minutes 09 seconds East, along said north line of the south 152.00 feet, a distance of 632.69 feet, more or less, to a point which is 23.70 feet westerly of the northeast corner of said South 152.00 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 2 and as measured along said north line of the south 152.00 feet; thence North 00 degrees 14 minutes 05 seconds West, a distance of the 1164.06 feet, more or less, to the northeast corner of said West Half of the Southeast Quarter of the Southwest Quarter of Section 2; thence North 89 degrees 04 minutes 29 seconds East, along the north line of the East Half of said Southeast Quarter of the Southwest Quarter of Section 2, a distance of 657.36 feet to its intersection with the east line of the East Half of the Southeast Quarter of the Southwest Quarter; thence South 01 degrees 21 minutes 11 seconds east, along said east line of the East Half of the Southeast Quarter of the Southwest Quarter, a distance of 1316.74 feet to the point of beginning.

**EXCEPTING**  
All that part of the Southeast Quarter of the Southwest Quarter of Section 2 and all that part of the East Half of the Northeast Quarter of the Northwest Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:  
Commencing at the northeast corner of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11 said point being the point of beginning of the land to be described; thence North 01 degrees 21 minutes 11 seconds West (bearings are based on the Washington County Project Coordinate System - South Zone), along the east line of said Southeast Quarter of the Southwest Quarter of Section 2, a distance of 195.69 feet, more or less, to its intersection with the north line of the south 195.68 feet of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said north line of the south 195.68 feet of the Southeast Quarter of the Southwest Quarter, a distance of 557.02 feet, more or less, to its intersection with the west line of the east 557.00 feet of said Southeast Quarter of the Southwest Quarter; thence South 01 degrees 21 minutes 11 seconds East, along said west line of the east 557.00 feet of the Southeast Quarter of the Southwest Quarter, a distance of 195.69 feet, more or less, to its intersection with the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said south line of the Southeast Quarter of the Southwest Quarter, a distance of 99.24 feet, more or less, to its intersection with the west line of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11; thence South 01 degrees 11 minutes 34 seconds East, along said west line of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 565.01 feet, more or less, to its intersection with the south line of the north 565.00 feet of said East Half of the Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 09 seconds East, along said south line of the north 565.00 feet of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 656.20 feet, more or less, to its intersection with said east line of the East Half of the Northeast Quarter of the Northwest Quarter; thence North 01 degrees 11 minutes 12 seconds West, along said east line of the East Half of the Northeast Quarter of the Northwest Quarter to the point of beginning.

Certificate of Title No. XXXXXX  
All that part of the Southeast Quarter of the Southwest Quarter of Section 2 and all that part of the East Half of the Northeast Quarter of the Northwest Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:  
Commencing at the northeast corner of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11 said point being the point of beginning of the land to be described; thence North 01 degrees 21 minutes 11 seconds West (bearings are based on the Washington County Project Coordinate System - South Zone), along the east line of said Southeast Quarter of the Southwest Quarter of Section 2, a distance of 195.69 feet, more or less, to its intersection with the north line of the south 195.68 feet of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said north line of the south 195.68 feet of the Southeast Quarter of the Southwest Quarter, a distance of 557.02 feet, more or less, to its intersection with the west line of the east 557.00 feet of said Southeast Quarter of the Southwest Quarter; thence South 01 degrees 21 minutes 11 seconds East, along said west line of the east 557.00 feet of the Southeast Quarter of the Southwest Quarter, a distance of 195.69 feet, more or less, to its intersection with the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said south line of the Southeast Quarter of the Southwest Quarter, a distance of 99.24 feet, more or less, to its intersection with the west line of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11; thence South 01 degrees 11 minutes 34 seconds East, along said west line of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 565.01 feet, more or less, to its intersection with the south line of the north 565.00 feet of said East Half of the Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 09 seconds East, along said south line of the north 565.00 feet of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 656.20 feet, more or less, to its intersection with said east line of the East Half of the Northeast Quarter of the Northwest Quarter; thence North 01 degrees 11 minutes 12 seconds West, along said east line of the East Half of the Northeast Quarter of the Northwest Quarter to the point of beginning.

**PROPOSED EASEMENT VACATIONS**  
THE FOLLOWING REQUEST TO VACATE A PUBLIC ROAD EASEMENT WITHIN THIS PROPOSED SUBDIVISION TO CLEAN UP FUTURE REFERENCES OF THE EASEMENT FOR TITLE PURPOSES. THE LEGAL DESCRIPTION TO VACATE THE EASEMENTS IS AS FOLLOWS:

That particular Road Easement Described in Doc. No. 613428  
DENOTES EASEMENT TO BE VACATED

**PEANUT POPPY'S RANCH**

**CONTACT:**  
Susannah Torseth  
Attorney at Law | Galowitz Olson PLLC  
d/b/a St. Croix Title  
10390 39th Street North  
Lake Elmo, MN 55042  
Office: 651-777-6960  
Direct: 651-203-4227  
Fax: 651-777-8937  
storseth@galowitzolson.com

**OWNERS:**  
Gilbert & Viola Sullwold Trust  
Lucy Wegscheider

**COUNTY/CITY:**  
WASHINGTON COUNTY  
CITY OF LAKE ELMO

**REVISIONS:**

DATE	REVISION
10-9-23	PRELIMINARY ISSUE
12-27-23	PRELIMINARY PLAT

**CERTIFICATION:**  
I hereby certify that this plan 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.

*Daniel L. Thurnes*  
Daniel L. Thurnes Registration Number: 25718  
Date: 10-9-23

**PROJECT LOCATION:**  
**4890 KIMBRO AVE. N.**  
**10190 47TH ST. N.**  
PID# 1102921210001  
PID# 1102921220002  
PID# 1102921330004  
PID# 1102921340005  
PID# 1102921210003  
PID# 1102921340001

Suite #200  
1970 Northwestern Ave.  
Stillwater, MN 55082  
Phone 651.275.8969  
dan@cssurvey.net

**CORNERSTONE LAND SURVEYING, INC.**

FILE NAME PROJECT NO. SURVLA002 LAW23002

PRELIMINARY PLAT

FEB 05 2024

# PEANUT POPPY'S RANCH

KNOW ALL PERSONS BY THESE PRESENTS: That Lucy Wegscheider as Trustee of the Viola Elizabeth Sullwold Living Trust and Lucy Wegscheider and Lake Elmo Bank as Co-Trustees of the Gilbert E. Sullwold Living Trust, fee owners of the following described property situated in the County of Washington, State of Minnesota, to wit:

That part of the South Half of the Southwest Quarter of Section 2 and that part of the North Half of the Northwest Quarter of Section 11, all in Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:

Beginning at the Northeast corner of said North Half of the Northwest Quarter of Section 11; thence South 01 degrees 11 minutes 12 second East (bearings are based on the Washington County Project Coordinate System, South Zone), along the east line of said North Half of the Northwest Quarter of Section 11, a distance of 1315.33 feet to its intersection with the south line of said North Half of the Northwest Quarter of Section 11; thence South 89 degrees 06 minutes 46 seconds West, along said south line of the North Half of the Northwest Quarter of Section 11, a distance 2624.50 feet to its intersection with the west line of said North Half of the Northwest Quarter of Section 11; thence North 01 degrees 12 minutes 39 seconds West, along said west line of the North Half of the Northwest Quarter of Section 11, a distance of 533.19 feet to its intersection with the south line of the north 125.00 feet of the South Half of the Northwest Quarter of said Northwest quarter of Section 11; thence North 89 degrees 07 minutes 28 seconds East, along said south line of the north 125.00 feet, a distance of 381.52 feet to its intersection with the east line of the west 381.51 feet of said South Half of the Northwest Quarter of the Northwest Quarter of Section 11; thence North 01 degrees 12 minutes 39 seconds West, along said east line of the west 381.51 feet, a distance of 125.00 feet to its intersection with the north line of said South Half of the Northwest Quarter of the Northwest Quarter of Section 11; thence South 89 degrees 07 minutes 28 seconds West, along said north line of the South Half of the Northwest Quarter of the Northwest Quarter of Section 11, a distance of 348.52 feet to its intersection with the east line of the west 33.00 feet of the North Half of said Northwest Quarter of the Northwest Quarter; thence North 01 degrees 12 minutes 39 seconds West, along said east line of the west 33.00 feet, a distance of 658.19 feet to its intersection with the north line of said Northwest Quarter of the Northwest Quarter of Section 11; thence North 89 degrees 08 minutes 09 seconds East, along said north line of the Northwest Quarter of the Northwest Quarter of Section 11, a distance of 10.00 feet to its intersection with the east line of the west 43.00 feet of the Southwest Quarter of said Southwest Quarter of Section 2; thence North 01 degrees 32 minutes 44 seconds West, along said east line of the west 43.00 feet of the Southwest Quarter of the Southwest Quarter of Section 2, a distance of 200.01 feet to the Northeast corner of the south 200.00 feet of the west 43.00 feet of said Southwest Quarter of the Southwest Quarter of Section 2; thence South 89 degrees 26 minutes 53 seconds east, a distance of 1270.57 feet, more or less, to its intersection with the east line of the Southwest Quarter of the Southwest Quarter of said Section 2; thence South 01 degrees 57 seconds east, along said east line of the Southwest Quarter of the Southwest Quarter, a distance of 16.60 feet, more or less, to its intersection with the north line of the south 152.00 feet of the Southeast Quarter of the Southwest Quarter of Section 2; thence North 89 degrees 08 minutes 09 seconds East, along said north line of the south 152.00 feet, a distance of 632.69 feet, more or less, to a point which is 23.70 feet westerly of the northeast corner of said South 152.00 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 2 and as measured along said north line of the south 152.00 feet; thence North 00 degrees 14 minutes 05 seconds West, a distance of the 1164.06 feet, more or less, to the northeast corner of said West Half of the Southeast Quarter of the Southwest Quarter of Section 2; thence North 89 degrees 04 minutes 29 seconds East, along the north line of the East Half of said Southeast Quarter of the Southwest Quarter of Section 2, a distance of 657.36 feet to its intersection with the east line of the East Half of the Southeast Quarter of the Southwest Quarter; thence South 01 degrees 21 minutes 11 seconds east, along said east line of the East Half of the Southeast Quarter of the Southwest Quarter, a distance of 1316.74 feet to the point of beginning.

#### EXCEPTING

All that part of the Southeast Quarter of the Southwest Quarter of Section 2 and all that part of the East Half of the Northeast Quarter of the Northwest Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:  
Commencing at the northeast corner of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11 said point being the point of beginning of the land to be described; thence North 01 degrees 21 minutes 11 seconds West (bearings are based on the Washington County Project Coordinate System - South Zone), along the east line of said Southeast Quarter of the Southwest Quarter of Section 2, a distance of 195.69 feet, more or less, to its intersection with the north line of the south 195.68 feet of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said north line of the south 195.68 feet of the Southeast Quarter of the Southwest Quarter, a distance of 557.02 feet, more or less, to its intersection with the west line of the east 557.00 feet of said Southeast Quarter of the Southwest Quarter; thence South 01 degrees 21 minutes 11 seconds East, along said west line of the east 557.00 feet of the Southeast Quarter of the Southwest Quarter, a distance of 195.69 feet, more or less, to its intersection with the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said south line of the Southeast Quarter of the Southwest Quarter, a distance of 99.24 feet, more or less, to its intersection with the west line of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11; thence South 01 degrees 11 minutes 34 seconds East, along said west line of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 565.01 feet, more or less, to its intersection with the south line of the north 565.00 feet of said East Half of the Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 09 seconds East, along said south line of the north 565.00 feet of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 656.20 feet, more or less, to its intersection with said east line of the East Half of the Northeast Quarter of the Northwest Quarter; thence North 01 degrees 11 minutes 12 seconds West, along said east line of the East Half of the Northeast Quarter of the Northwest Quarter to the point of beginning.

and

All that part of the Southeast Quarter of the Southwest Quarter of Section 2 and all that part of the East Half of the Northeast Quarter of the Northwest Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:  
Commencing at the northeast corner of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11 said point being the point of beginning of the land to be described; thence North 01 degrees 21 minutes 11 seconds West (bearings are based on the Washington County Project Coordinate System - South Zone), along the east line of said Southeast Quarter of the Southwest Quarter of Section 2, a distance of 195.69 feet, more or less, to its intersection with the north line of the south 195.68 feet of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said north line of the south 195.68 feet of the Southeast Quarter of the Southwest Quarter, a distance of 557.02 feet, more or less, to its intersection with the west line of the east 557.00 feet of said Southeast Quarter of the Southwest Quarter; thence South 01 degrees 21 minutes 11 seconds East, along said west line of the east 557.00 feet of the Southeast Quarter of the Southwest Quarter, a distance of 195.69 feet, more or less, to its intersection with the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said south line of the Southeast Quarter of the Southwest Quarter, a distance of 99.24 feet, more or less, to its intersection with the west line of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11; thence South 01 degrees 11 minutes 34 seconds East, along said west line of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 565.01 feet, more or less, to its intersection with the south line of the north 565.00 feet of said East Half of the Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 09 seconds East, along said south line of the north 565.00 feet of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 656.20 feet, more or less, to its intersection with said east line of the East Half of the Northeast Quarter of the Northwest Quarter; thence North 01 degrees 11 minutes 12 seconds West, along said east line of the East Half of the Northeast Quarter of the Northwest Quarter to the point of beginning.

Have caused the same to be surveyed and platted as PEANUT POPPY'S RANCH and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said Lucy Wegscheider as Trustee of the Viola Elizabeth Sullwold Living Trust has herunto set her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Signed: Lucy Wegscheider

\_\_\_\_\_, Trustee  
Lucy Wegscheider

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
This foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2024 by Lucy Wegscheider as Trustee of the Viola Elizabeth Sullwold Living Trust .

\_\_\_\_\_, (signature)  
\_\_\_\_\_, (printed name)

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_

My Commission Expires \_\_\_\_\_.

In witness whereof said Lucy Wegscheider, Co-Trustee of the Gilbert E. Sullwold Living Trust, has herunto set her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Signed: Lucy Wegscheider

\_\_\_\_\_, Co-Trustee  
Lucy Wegscheider

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
This foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2024 by Co-Trustee of the Gilbert E. Sullwold Living Trust .

\_\_\_\_\_, (signature)  
\_\_\_\_\_, (printed name)

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_

My Commission Expires \_\_\_\_\_.

In witness whereof said Lake Elmo Bank, Co-Trustees of the Gilbert E. Sullwold Living Trust, has herunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Signed: Lake Elmo Bank

\_\_\_\_\_, Co-Trustee  
Banker name

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
This foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2024 by Banker Name, banker, of Lake Elmo Bank, Co- Trustee of the Viola Elizabeth Sullwold Living Trust.

\_\_\_\_\_, (signature)  
\_\_\_\_\_, (printed name)

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_

My Commission Expires \_\_\_\_\_.

I, Daniel L. Thurmes, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Daniel L. Thurmes, Licensed Land Surveyor, Minnesota License No. 25718

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
This instrument was acknowledged before me on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2024, by Daniel L. Thurmes, Land Surveyor, Minnesota License No. 25718.

\_\_\_\_\_, (signature)  
\_\_\_\_\_, (print)

Notary Public,  
Dakota County, Minnesota  
My Commission Expires January 31, 2025

LAKE ELMO PLANNING COMMISSION  
Approved by the Planning Commission of the City of Lake Elmo,

Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By \_\_\_\_\_, Chairperson

By \_\_\_\_\_, Secretary

CITY COUNCIL OF THE CITY OF LAKE ELMO  
This plat was approved by the City Council of the City of Lake

Elmo, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2024 and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

By \_\_\_\_\_, Mayor

By \_\_\_\_\_, Clerk

WASHINGTON COUNTY SURVEYOR  
Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11,

this plat has been reviewed and approved this \_\_\_\_\_ day of  
\_\_\_\_\_, 2024.

By \_\_\_\_\_  
Washington County Surveyor

By \_\_\_\_\_

WASHINGTON COUNTY AUDITOR/TREASURER  
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9 and Section 272.12, taxes payable in the year 2024, on real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered, on

this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By \_\_\_\_\_  
Washington County Auditor/Treasurer

By \_\_\_\_\_ Deputy

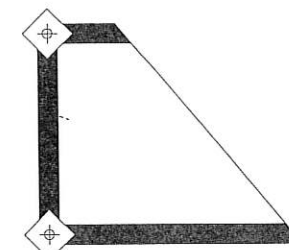
WASHINGTON COUNTY REGISTRAR OF TITLES  
Document Number \_\_\_\_\_

I hereby certify that this instrument was filed in the Office of the Registrar of Titles for

record on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded in Washington County Records.

By \_\_\_\_\_  
Washington County Registrar of Titles

By \_\_\_\_\_ Deputy



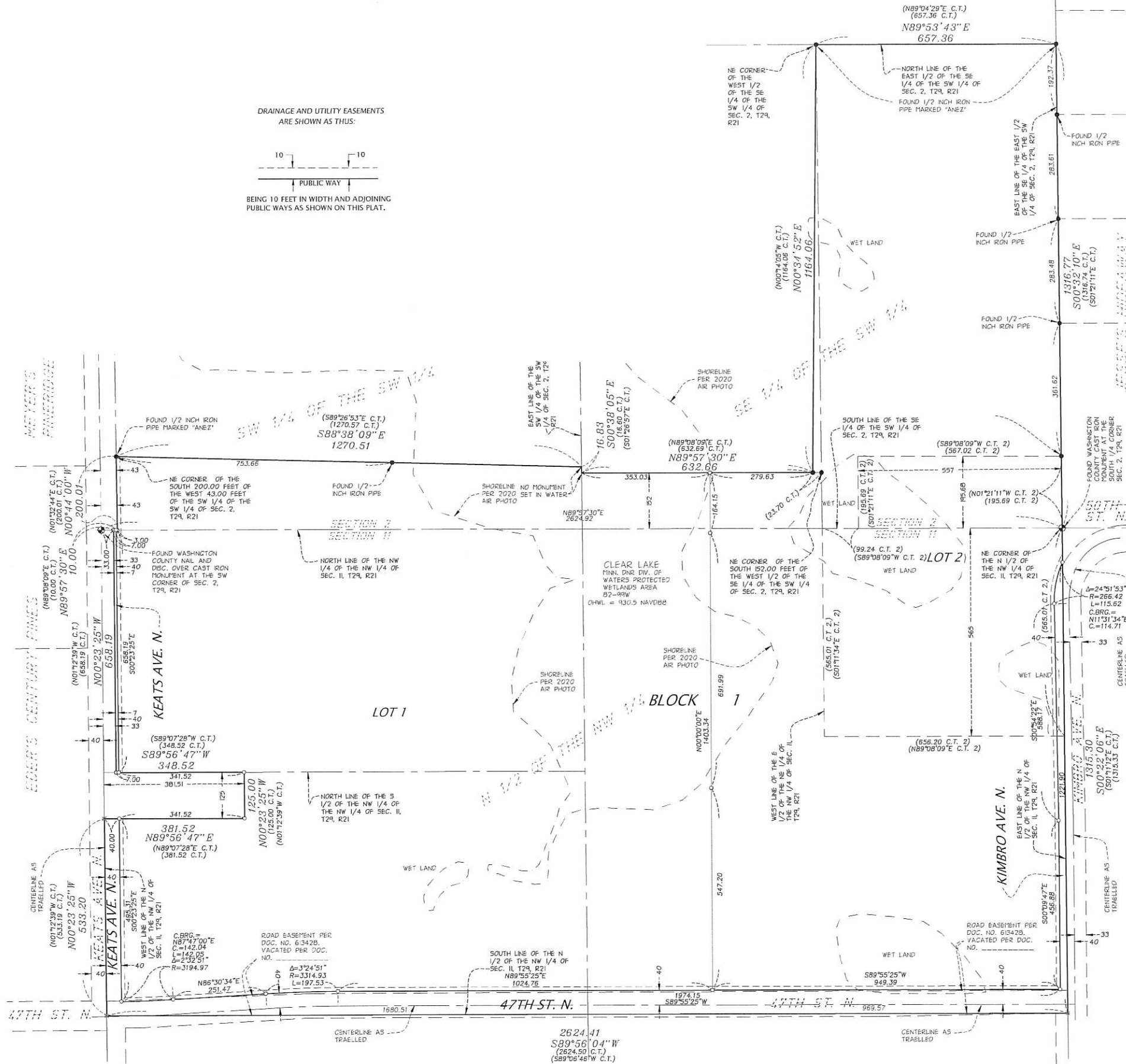
CORNERSTONE  
LAND SURVEYING, INC.  
SHEET 1 OF 2 SHEETS

# PEANUT POPPY'S RANCH

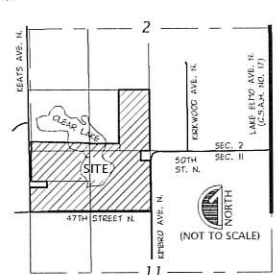
DRAINAGE AND UTILITY EASEMENTS  
ARE SHOWN AS THUS:



BEING 10 FEET IN WIDTH AND ADJOINING  
PUBLIC WAYS AS SHOWN ON THIS PLAT.



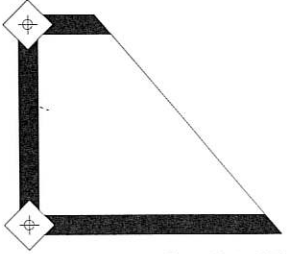
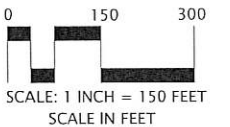
## VICINITY MAP



SEC. 2 & 11, TWP. 29, RNG. 21,  
LAKE ELMO, WASHINGTON COUNTY,  
MINNESOTA

THE ORIENTATION OF THIS BEARING SYSTEM IS BASED  
UPON THE WEST LINE OF N 1/2 OF THE NW 1/4 OF  
SEC. 11, T29, R21, WHICH IS ASSUMED TO HAVE THE  
BEARING OF N00°23'25\"/>

- DENOTES SET 1/2 INCH X 18 INCH IRON PIPE MARKED  
R.L.S. 25718.
- ⊗ DENOTES SET P.K. NAIL
- DENOTES FOUND 1/2 INCH IRON PIPE, MARKED RLS 13775,  
UNLESS OTHERWISE INDICATED.
- ⊠ DENOTES FOUND WASHINGTON COUNTY CAST  
IRON MONUMENT
- (589°28'57\"/>



**CORNERSTONE**  
LAND SURVEYING, INC.  
SHEET 2 OF 2 SHEETS

**From:** [John P. Hanson](#)  
**To:** [Sophia Jensen](#)  
**Subject:** RE: Lake Elmo Land Use Agency Review - February 1st Batch  
**Date:** Thursday, February 8, 2024 2:01:14 PM  
**Attachments:** [image002.png](#)  
[image003.jpg](#)

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**Caution:** This email originated outside our organization; please use caution.

Sophia,

All subdivisions, plats, developments, and lot-line modifications require permits from the Valley Branch Watershed District. Please inform the Peanut Poppy Ranch representatives of the requirement.

It appears that because no site changes are proposed at the Fury Motors site that the United Rentals project does not require a VBWD permit.

Thanks,

John

John P. Hanson, PE  
Valley Branch Watershed District Engineer  
Barr Engineering Co. | 4300 MarketPointe Drive | Bloomington, MN 55435  
office: 952.832.2622 | cell: 612.590.1785  
[JHanson@barr.com](mailto:JHanson@barr.com) | [www.barr.com](http://www.barr.com) | [www.vbwd.org](http://www.vbwd.org)



**From:** [Jack Griffin](#)  
**To:** [Sophia Jensen](#)  
**Cc:** [Nathan Fuerst](#); [Chad Isakson](#)  
**Subject:** Wagscheider Minor Subdivision Application (Peanut Poppy Ranch)  
**Date:** Monday, February 12, 2024 7:28:27 PM

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**Caution:** This email originated outside our organization; please use caution.

Sophia,

Please see the engineering review comments for the Minor Subdivision Application located at 10190 47th Street and 4890 Kimbro. The review comments generally remain unchanged from the preliminary review provided last November 2023. The application materials appear to have addressed all R/W and easement preservation requirements.

The following R/W and easement dedications must be incorporated as part of any Minor Subdivision approvals.

1. 47th Street North, from Keats Avenue N to Kimbro Avenue N. Roadway is an existing Major Collector roadway in the 2040 Comprehensive Plan. Right-of-way dedication requirements are 80 to 120 feet, so 80 feet minimum. The subject parcel should be required to provide 40-foot right-of-way dedication as measured from the existing roadway centerline. Dedication appears to be provided as part of the application materials.
2. Kimbro Avenue North, from 47th Street N to 50th Street N. Roadway is an existing Major Collector roadway in the 2040 Comprehensive Plan. Right-of-way dedication requirements are 80 to 120 feet, so 80 feet minimum. The subject parcel should be required to provide 40-foot right-of-way dedication as measured from the existing roadway centerline. Dedication appears to be provided as part of the application materials.
3. Keats Avenue North, from 47th Street N to TH36. Roadway is a neighborhood Collector roadway. Right-of-way dedication requirements per city engineering design standards are 80 feet. The subject parcel should be required to provide 40-foot right-of-way dedication as measured from the existing roadway centerline. Dedication appears to be provided as part of the application materials.
4. The Minor subdivision approval must also be contingent upon the granting of a 10-foot wide drainage and utility easement along all public right-of-way. Dedication appears to be provided as part of the application materials.

All R/W dedication identified above must be made as measured from the existing paved roadway centerlines.

Thanks ~Jack

John (Jack) W. Griffin, P.E.  
Principal / Sr. Municipal Engineer



**LAKE ELMO FIRE DEPARTMENT – OFFICE OF THE FIRE MARSHAL**  
*Fire Prevention, Code Enforcement, and Public Education*



February 14, 2024

Sophia Jensen, Planner  
City of Lake Elmo

Re: Peanut Poppy Ranch – Minor Subdivision and Easement Vacation

Sophia,

Based on the plan documents dated February 8, 2024, the fire department has no comments pertaining to the proposed subdivision and easement vacation.

However, should improvement be made such as but not limited to streets, buildings, and the like the fire department may offer additional comments.

Respectfully,

*Anthony Svoboda*



**Anthony Svoboda** | Assistant Chief  
Lake Elmo Fire Department  
Fire Station #1 - 3510 Laverne Ave N. | Lake Elmo, MN | 55042  
651-747-3907 office | [www.lakeelmo.org](http://www.lakeelmo.org)



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 (612) 337-9310 fax  
 www.kennedy-graven.com  
 Affirmative Action, Equal Opportunity Employer

**SAMANTHA C. ZUEHLKE**  
 Attorney at Law  
 Direct Dial (612) 337-9205  
 Email: szuehlke@kennedy-graven.com

February 15, 2024

**VIA E-MAIL ONLY**

Ms. Sophia Jensen  
 City Planner  
 City of Lake Elmo  
 3880 Laverne Avenue North  
 Lake Elmo, MN 55042

***RE: Plat Opinion for PEANUT POPPY’S RANCH***

Dear Sophia:

At the City’s request, I have reviewed two title commitment issued by St. Croix Title, as issuing agent for Old Republic National Title Insurance Company, each with an effective date of January 22, 2024, Commitment Nos. P22405-24-P2914 and P22405-24-P2915 (the “Commitments”). I have reviewed Torrens Certificate Nos. 47613 and 82544. I have also reviewed a preliminary plat prepared by Cornerstone Land Surveying, Inc., which is titled **PEANUT POPPY’S RANCH** (the “Plat”).

The Commitments purport to cover the following legal description:

That part of the South Half of the Southwest Quarter of Section 2 and that part of the North Half of the Northwest Quarter of Section 11, all in Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:

Beginning at the Northeast corner of said North Half of the Northwest Quarter of Section 11; thence South 01 degrees 11 minutes 12 seconds East (bearings are based on the Washington County Project Coordinate System, South Zone), along the east line of said North Half of the Northwest Quarter of Section 11, a distance of 1315.33 feet to its intersection with the south line of said North Half of the Northwest Quarter of Section 11; thence South 89 degrees 06 minutes 46 seconds West along said south line of the North Half of the Northwest Quarter of Section 11, a distance of 2624.50 feet to its intersection with the west line of said North Half of the Northwest Quarter of Section 11; thence North 01 degrees 12 minutes 39 seconds West, along said west line of the North Half of the Northwest Quarter of Section 11, a distance of 533.19 feet to its intersection with the south line of the north 125.00 feet of the South Half of the Northwest Quarter of said Northwest Quarter of Section 11; thence North 89 degrees 07 minutes 28 seconds East, along



said south line of the north 125.00 feet, a distance of 381.52 feet to its intersection with the east line of the west 381.51 feet of said South Half of the Northwest Quarter of the Northwest Quarter of Section 11; thence North 01 degrees 12 minutes 39 seconds West, along said east line of the west 381.51 feet, a distance of 125.00 feet to its intersection with the north line of said South Half of the Northwest Quarter of the Northwest Quarter of Section 11; thence South 89 degrees 07 minutes 28 seconds West, along said north line of the South Half of the Northwest Quarter of the Northwest Quarter of Section 11, a distance of 348.52 feet to its intersection with the east line of the west 33.00 feet of the North Half of said Northwest Quarter of the Northwest Quarter; thence North 01 degrees 12 minutes 39 seconds West, along said east line of the west 33.00 feet, a distance of 658.19 feet to its intersection with the north line of said Northwest Quarter of the Northwest Quarter of Section 11; thence North 89 degrees 08 minutes 09 seconds East, along said north line of the Northwest Quarter of the Northwest Quarter of Section 11, a distance of 10.00 feet to its intersection with the east line of the west 43.00 feet of the Southwest Quarter of said Southwest Quarter of Section 2; thence North 01 degrees 32 minutes 44 seconds West, along said east line of the west 43.00 feet of the Southwest Quarter of the Southwest Quarter of Section 2, a distance of 200.01 feet to the Northeast corner of the south 200.00 feet of the west 43.00 feet of said Southwest Quarter of the Southwest Quarter of Section 2; thence South 89 degrees 26 minutes 53 seconds east, a distance of 1270.57 feet, more or less, to its intersection with the east line of the Southwest Quarter of the Southwest Quarter of said Section 2; thence South 01 degrees 26 minutes 57 seconds east, along said east line of the Southwest Quarter of the Southwest Quarter, a distance of 16.60 feet, more or less, to its intersection with the north line of the south 152.00 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 2; thence North 89 degrees 08 minutes 09 seconds East, along said north line of the south 152.00 feet, a distance of 632.69 feet, more or less, to a point which is 23.70 feet westerly of the northeast corner of said South 152.00 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 2 and as measured along said north line of the south 152.00 feet; thence North 00 degrees 14 minutes 05 seconds West, a distance of 1164.06 feet, more or less, to the northeast corner of said West Half of the Southeast Quarter of the Southwest Quarter of Section 2; thence North 89 degrees 04 minutes 29 seconds East, along the north line of the East Half of said Southeast Quarter of the Southwest Quarter of Section 2, a distance of 657.36 feet to its intersection with the east line of the East Half of the Southeast Quarter of the Southwest Quarter; thence South 01 degrees 21 minutes 11 seconds east, along said east line of the East Half of the Southeast Quarter of the Southwest Quarter, a distance of 1316.74 feet to the point of beginning.

EXCEPTING

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The southeast corner and the southeasterly part of the premises described herein has been marked with Judicial Landmarks as shown in Document No. 53068.

Torrens Property/Cert. No. 82544

(the "Trust Property")

AND

The Land referred to herein below is situated in the County of Washington, State of Minnesota, and is described as follows:

All that part of the Southeast Quarter of the Southwest Quarter of Section 2 and all that part of the East Half of the Northeast Quarter of the Northwest Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:

Commencing at the northeast corner of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11 said point being the point of beginning of the land to be described; thence North 01 degrees 21 minutes 11 seconds West (bearings are based on the Washington County Project Coordinate System-South Zone), along the east line of said Southeast Quarter of the Southwest Quarter of Section 2, a distance of 195.69 feet, more or less, to its intersection with the north line of the south 195.68 feet of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said north line of the south 195.68 feet of the Southeast Quarter of the Southwest Quarter, a distance of 557.02 feet, more or less, to its intersection with the west line of the east 557.00 feet of said Southeast Quarter of the Southwest Quarter; thence South 01 degrees 21 minutes 11 seconds East, along said west line of the east 557.00 feet of the Southeast Quarter of the Southwest Quarter, a distance of 195.69 feet, more or less, to its intersection with the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 09 seconds West, along said south line of the Southeast Quarter of the Southwest Quarter, a distance of 99.24 feet, more or less, to its intersection with the west line of said East Half of the Northeast Quarter of the Northwest Quarter of Section 11; thence South 01 degrees 11 minutes 34 seconds East, along said west line of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 565.01 feet, more or less, to its intersection with the south line of the north 565.00 feet of said East Half of the Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 09 seconds East, along said south line of the north 565.00 feet of the East Half of the Northeast Quarter of the Northwest Quarter, a distance of 656.20 feet, more or less, to its intersection with said east line of the East Half of the Northeast Quarter of the Northwest Quarter; thence North 01 degrees 11 minutes 12 seconds West, along said east line of the East Half of the Northeast Quarter of the Northwest Quarter to the point of beginning.

Torrens Property/Cert. No. 47613

(the “Wegscheider Property”) (collectively, the “Property”).

Based on my review of the Commitments and the Plat, I have the following comments relative to the proposed Plat:

1. **Plat execution.** The Plat must be signed by:

a. The fee owners:

- i. Lucy V. Wegscheider and Scott R. Wegscheider, wife and husband; and
- ii. Lucy Wegscheider, Trustee of the Viola Elizabeth Sullwold Living Trust of August 30, 2000, and Lucy Wegscheider, Trustee of the Gilbert E. Sullwold Living Trust of August 30, 2000.

*The Plat must be executed with all the formalities of a deed of title. I require review of an Affidavit of Trustee that the trustees signing the Plat are authorized to sign the Plat on behalf of the Trusts.*

- b. The Commitments indicate that there is no mortgage on the Property. *I require verification that no mortgages will be recorded against the Property prior to the recording of the Plat.*
2. **Plat Corrections.** I require review of the following revisions.
- a. The Plat does not appear to convey any new drainage and utility easements to the public, including along the perimeters of Lots 1 and 2, Block 1. *The City should review and determine if it additionally requires public drainage and utility easements to be dedicated along the perimeters of the lots. Public dedication language must additionally be added by the surveyor to the Plat.*
  - b. The legal description of the Trust Property should be revised from “a distance of 533.19 feet to its intersection with the south line of the north 125.00 feet of the South Half of the Northwest Quarter of said Northwest quarter of Section 11” to “a distance of 533.19 feet to its intersection with the south line of the north 125.00 feet of the South Half of the Northwest Quarter of said Northwest Quarter of Section 11” (revision underlined for emphasis only).
  - c. Unless the Wegscheider Property is to be conveyed in equal parts to the Viola Elizabeth Sullwold Living Trust of August 30, 2000, and the Gilbert E. Sullwold Living Trust of August 30, 2000, Lucy V. Wegscheider and Scott R. Wegscheider, wife and husband, as fee owners of the Wegscheider Property, must sign the Plat. If Lucy V. Wegscheider and Scott R. Wegscheider must sign the Plat, a notification of interest for the Wegscheiders must also be inserted and it must be indicated on the Plat which property is owned by the above-named Trusts and which property is owned by the Wegscheiders as husband and wife.
  - d. The Plat indicates that there is a Co-Trustee of the Gilbert E. Sullwold Living Trust (Lake Elmo Bank). The Commitment indicates that only Lucy Wegscheider is the Trustee of the Gilbert E. Sullwold Living Trust. *I require review of an Affidavit of Trustee identifying the Trustees and who is authorized to act on behalf of the Trust.*
  - e. The Trust notification of interest must be revised to “Viola Elizabeth Sullwold Living Trust of August 30, 2000, and Lucy Wegscheider, Trustee of the Gilbert E.

Sullwold Living Trust of August 30, 2000". References to each trust should be revised throughout the Plat to reference the full name of the Trust as described.

- f. The Trust notification of interest should be revised to "property situation in the City of Lake Elmo, County of Washington, State of Minnesota:"
- g. The notification of interest should be revised from "and does hereby dedicate" to "and do hereby dedicate".
- h. Each instance of the notification should be revised from "herunto set her hand" to "hereunto set her hand".
- i. The signature block for the Viola Elizabeth Sullwold Living Trust should be revised from:

Signed: Lucy Wegscheider  
\_\_\_\_\_, Trustee  
Lucy Wegscheider

to:

\_\_\_\_\_  
Lucy Wegscheider, Trustee of the Viola Elizabeth Sullwold Living Trust of August 30, 2000

- j. The acknowledgement for the Viola Elizabeth Sullwold Living Trust should be revised from "Viola Elizabeth Sullwold Living Trust ." to "Viola Elizabeth Sullwold Living Trust .".
- k. Pursuant to City Code, the City does not require its Planning Commission to sign plats. The Planning Commission approval certificate should be removed from the Plat.
- l. The signature block for the Gilbert E. Sullwold Living Trust should be revised from:

Signed: Lucy Wegscheider  
\_\_\_\_\_, Co-Trustee  
Lucy Wegscheider

to:

\_\_\_\_\_

Lucy Wegscheider, Trustee of the Gilbert E. Sullwold Living Trust of  
August 30, 2000

- m. Pursuant to City Code, the City does not require its Planning Commission to sign plats. The Planning Commission approval certificate should be removed from the Plat.

3. **Title Exceptions.**

Trust Property:

- a. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an inspection and an accurate and complete land survey of the Land. *No further action is required.*
- b. Easements, or claims of easements, not recorded in the Public Records. *The fee owners should provide copies of any easements not in the public records, if any, for my review.*
- c. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records. *The fee owners should provide copies of any liens for services, labor, or material furnished against the Property not in the public records, if any, for my review.*
- d. Subject to the terms and conditions of an Order dated August 21, 1979, and filed August 29, 1979, as Document No. 53068. Document No. 53068 is memorialized upon Certificate of Title in order to show the placement of Judicial Landmarks at the southeast corner and along the southeast line of Property. *No further action is required.*
- e. Subject to the terms and conditions of an Order dated October 27, 1992, and filed November 3, 1992, as Document No. 1020403. *The Order registers as Torrens both the Trust Property and the Wegscheider Property. The Order references a permanent easement for public roadway granted to the City, by Deed Document No. 613428. The Plat depicts the roadway along 47<sup>th</sup> St. N., and references the easement by document number, and states the easement is to be vacated. I require review of the vacation documents prior to the recording of the Plat.*
- f. Subject to the terms and conditions of an Order dated August 16, 2023, and filed September 13, 2023, as Document No. 1287864. The Order corrects the legal description of the Property and directed issuance of new certificates of title for the Property. *No further action is required.*

- g. Prior to registration as Torrens, the Property, or portions thereof, were placed in a metropolitan agricultural preserve pursuant to Document No. 441681 filed March 1, 1983. *Any deferred green acres taxes must be paid prior to the recording of the Plat.*

Wegscheider Property:

- a. Rights or claims of parties in possession not recorded in the Public Records. *The fee owners should provide copies of and disclose any leases not recorded in the public records, if any, for my review.*
  - h. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an inspection and an accurate and complete land survey of the Land. *No further action is required.*
  - i. Easements, or claims of easements, not recorded in the Public Records. *The fee owners should provide copies of any easements not in the public records, if any, for my review.*
  - j. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records. *The fee owners should provide copies of any liens for services, labor, or material furnished against the Property not in the public records, if any, for my review.*
4. **Property taxes and assessments.** All real estate taxes (including delinquent taxes and any deferred Green Acres taxes) due in the year the Plat is to be recorded must be paid prior to recording. All special assessments must also be paid.

Trust Property:

Tax I.D. No. 11.029.21.21.0001

2024 base tax has been proposed in the amount of \$4,792.00, and taxes are unpaid.

There are no delinquent taxes of record.

Tax I.D. No. 11.029.21.22.0002

2024 base tax has been proposed in the amount of \$576.00, and taxes are unpaid.

There are no delinquent taxes of record.

Tax I.D. No. 02-029-21-34-0005

2024 base tax has been proposed in the amount of \$322.00, and taxes are unpaid.

There are no delinquent taxes of record.

Tax I.D. No. 02-029-21-34-0001

2024 base tax has been proposed in the amount of \$936.00, and taxes are unpaid.

There are no delinquent taxes of record.

Tax I.D. No. 02-029-21-33-0004

2024 base tax has been proposed in the amount of \$8.00, and taxes are unpaid.

There are no delinquent taxes of record.

Wegscheider Property:

Tax I.D. No. 11.029.21.21.0003

2024 base tax has been proposed in the amount of \$576.00, and taxes are unpaid.

There are no delinquent taxes of record.

Tax I.D. No. 11.029.21.21.0002

2024 base tax has been proposed in the amount of \$8.00, and taxes are unpaid.

There are no delinquent taxes of record.

This letter does not purport to set forth every matter relevant to a determination of whether title to the Property is marketable, and no one should rely upon it for that purpose. The sole purpose of this letter is to identify required signatories to the Plat and related issues of interest to the City in connection with platting, as evidenced by the Commitment.

This opinion is conditioned upon both my review of a final plat and the issuance of a title policy in favor of the City of Lake Elmo, insuring the City's interests as they appear on the Plat.

Please contact me if you have any questions regarding this information. Thank you.

Sincerely,

*Samantha C. Zuehlke*

Samantha C. Zuehlke