



STAFF REPORT

DATE: November 19th 2024

CONSENT

AGENDA ITEM: Approve Landscape Security Reduction for Legacy at Northstar Development
SUBMITTED BY: Sophia Jensen, City Planner

ISSUE BEFORE COUNCIL: Should the City Council approve a release of warranty security for 1st addition and a reduction of warranty security for Legacy at Northstar 2nd-4th Additions?

PROPOSAL DETAILS/ANALYSIS: Staff has received and processed the request to reduce the development security for landscaping improvements for the Legacy at Northstar Development. These phases were inspected and accepted by the Landscape Architect on October 29th 2024

	<u>Current Security Amount</u>	<u>Proposed Security Amount</u>
1. Legacy at Northstar 1st Addition - Developer Trees	\$11,500	\$0
2. Legacy at Northstar 1st Addition - Builder Trees	\$11,700	\$0
3. Legacy at Northstar 2nd Addition - Developer Trees	\$41,200	\$30,900
4. Legacy at Northstar 2nd Addition - Builder Trees	\$60,800	\$45,600
5. Legacy at Northstar 3rd Addition - Developer Trees	\$75,969	\$56,977
6. Legacy at Northstar 3rd Addition - Builder Trees	\$52,406	\$39,305
7. Legacy at Northstar 4th Addition - Developer Trees	\$47,000	\$35,250
8. Legacy at Northstar 4th Addition - Builder Trees	\$60,500	\$45,375

FISCAL IMPACT: It is the City's goal to retain, at all times during the subdivision improvements, a security amount that is adequate to ensure completion of all elements of the improvements as protection to the City tax payers against the potential of developer default.

RECOMMENDATION: Staff is recommending that the City Council, *as part of the Consent Agenda*, approve the security reductions for the Legacy at Northstar development. The release of security is contingent on the developer being current with all other payments and obligations in accordance with the Development Agreement, including a positive escrow balance as required by the city. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve the security release for the Legacy at Northstar 1st-4th Additions as detailed in the respective Security Reduction Worksheets, contingent on the developer being current with all other payments and obligations in accordance with the Development Agreement, including a positive escrow balance as required by the city”

ATTACHMENTS:

1. Security Reduction Worksheets (1st- 4th Addition)
2. Close Out Inspection Letters (1st-4th Addition)

LEGACY AT NORTH STAR 1ST ADDITION

Time of Performance: October 31, 2018

DEVELOPMENT AGREEMENT AMOUNTS				REDUCTIONS						
CATEGORY	CONSTRUCTION	125%	REMARKS	#1	#2	#3	#4	#5	#6	#7
Grading	\$247,500	\$247,500	100%						\$247,500	
Sanitary Sewer	\$366,592	\$458,240	100%	\$229,120	\$114,560		\$114,560			
Watermain	\$306,735	\$383,419	100%	\$191,709	\$95,855		\$95,855			
Storm Sewer (w/pond structures)	\$458,365	\$572,956	100%			\$429,717			\$143,239	
Streets + Sidewalks	\$666,635	\$833,294	100%			\$624,970			\$208,323	
Bituminous Trails	\$75,670	\$94,588	100%			\$70,941			\$23,647	
Surface Water Facilities	NA	NA								
Street Lighting	\$36,000	\$45,000	100%			\$33,750			\$11,250	
Street Signs and Traffic Control Signs	\$8,150	\$10,188	100%			\$7,641			\$2,547	
Private Utilities (electricity, natural gas, telephone, and cable)										
Builder Landscaping	\$37,440	\$46,800	100%					\$35,100		\$11,700
Landscaping	\$36,800	\$46,000	100%					\$34,500		\$11,500
Tree Preservation and Restoration	NA	NA								
Wetland Mitigation and Buffers	NA	NA	Included in Grading Security							
Monuments	\$5,900	\$7,375	100%			\$5,531			\$1,844	
Erosion Control	NA	NA	Included in Grading Security							
Turn Lane + By-pass Lane	\$166,290	\$207,863	100%			\$155,897			\$51,966	
Record Drawings	\$5,000	\$6,250	100%			\$4,688			\$1,563	
TOTALS	\$2,417,077	\$2,959,471	RELEASED AMOUNTS:	\$420,829	\$210,415	\$1,333,134	\$210,415	\$69,600	\$691,878	\$23,200
	\$2,250,787	\$2,751,609	CUMMULATIVE AMOUNTS:	\$420,829	\$631,244	\$1,964,378	\$2,174,793	\$2,244,393	\$2,936,271	\$2,959,471
			SECURITY AMOUNT REMAINING:	\$2,330,779	\$2,120,365	\$995,093	\$784,678	\$715,078	\$23,200	\$0
			DATE:	1/15/2019	9/17/2019	1/5/2021	12/20/2022	1/2/2024	11/6/2024	11/19/2024

LEGACY AT NORTH STAR 2ND ADDITION

Time of Performance: October 31, 2019

DEVELOPMENT AGREEMENT AMOUNTS				REDUCTIONS					
CATEGORY	CONSTRUCTION	125%	REMARKS	#1	#2	#3	#4	#5	#6
Grading	NA	NA	Included in Grading Security						
Sanitary Sewer	\$294,395	\$367,994	100%	\$275,995		\$91,998			
Watermain	\$287,645	\$359,556	100%	\$269,667		\$89,889			
Storm Sewer (w/pond structures)	\$350,133	\$437,666	75%	\$218,833	\$109,417				
Streets + Sidewalks	\$532,432	\$665,540	75%	\$332,770	\$166,385				
Bituminous Trails	NA	NA							
Surface Water Facilities	\$28,320	\$35,400	75%				\$26,550		
Street Lighting	\$18,976	\$23,720	75%				\$17,790		
Street Signs and Traffic Control Signs	\$1,750	\$2,188	75%				\$1,641		
Private Utilities (electricity, natural gas, telephone, and cable)									
Builder Landscaping	\$48,640	\$60,800	75%					\$45,600	
Landscaping	\$32,960	\$41,200	75%					\$30,900	
Tree Preservation and Restoration	NA	NA							
Wetland Mitigation and Buffers	NA	NA							
Monuments	\$7,000	\$8,750	75%				\$6,563		
Erosion Control	\$21,838	\$27,298	75%				\$20,473		
Record Drawings	\$5,000	\$6,250	75%				\$4,688		
TOTALS	\$1,629,089	\$2,036,362		RELEASED AMOUNTS: \$1,097,266	\$275,802	\$181,888	\$77,704	\$76,500	\$0
				CUMMULATIVE AMOUNTS: \$1,097,266	\$1,373,067	\$1,554,955	\$1,632,658	\$1,709,158	
				SECURITY AMOUNT REMAINING: \$939,097	\$663,295	\$481,408	\$403,704	\$327,204	
				DATE: 1/21/2020	1/4/2022	12/20/2022	1/2/2024	11/19/2024	

LEGACY AT NORTH STAR 3RD ADDITION

Time of Performance: October 31, 2021

DEVELOPMENT AGREEMENT AMOUNTS

CATEGORY	CONSTRUCTION	125%	REMARKS	REDUCTIONS					
				#1	#2	#3	#4	#5	#6
Grading	NA	NA	Included in Grading Security						
Sanitary Sewer	\$311,625	\$389,531	100%	\$292,148			\$97,383		
Watermain	\$314,469	\$393,086	100%	\$294,815			\$98,272		
Storm Sewer (w/pond structures)	\$358,510	\$448,138	100%		\$224,069	\$112,034			
Streets + Sidewalks	\$677,964	\$847,455	100%		\$423,728	\$211,864			
Bituminous Trails	\$24,180	\$30,225	75%					\$22,669	
Surface Water Facilities	\$13,495	\$16,869	75%					\$12,652	
Street Lighting	\$48,000	\$60,000	75%					\$45,000	
Street Signs and Traffic Control Signs	\$5,300	\$6,625	75%					\$4,969	
Private Utilities (electricity, natural gas, telephone, and cable)									
Builder Landscaping	\$41,925	\$52,406	75%						\$39,305
Landscaping	\$60,775	\$75,969	75%						\$56,977
Tree Preservation and Restoration	NA	NA							
Wetland Mitigation and Buffers	NA	NA							
Monuments	\$6,400	\$8,000	75%					\$6,000	
Erosion Control	\$7,750	\$9,688	75%					\$7,266	
Record Drawings	\$5,000	\$6,250	75%					\$4,688	

TOTALS	\$1,875,393	\$2,344,241	RELEASED AMOUNTS:	\$586,963	\$647,796	\$323,898	\$195,654	\$103,242	\$96,281
			CUMMULATIVE AMOUNTS:	\$586,963	\$1,234,759	\$1,558,658	\$1,754,312	\$1,857,554	\$1,953,835
			SECURITY AMOUNT REMAINING:	\$1,757,278	\$1,109,482	\$785,584	\$589,929	\$486,687	\$390,406
			DATE:	1/5/2021	1/4/2022	12/20/2022	2/7/2023	1/2/2024	11/19/2024

LEGACY AT NORTH STAR 4TH ADDITION

Time of Performance: October 31, 2022

DEVELOPMENT AGREEMENT AMOUNTS				REDUCTIONS					
CATEGORY	CONSTRUCTION	125%	REMARKS	#1	#2	#3	#4	#5	#6
Grading	NA	NA	Included in Grading Security						
Sanitary Sewer	\$186,083	\$232,604	100%	\$174,453		\$58,151			
Watermain	\$204,483	\$255,604	100%	\$191,703		\$63,901			
Storm Sewer (w/pond structures)	\$100,765	\$125,956	75%	\$62,978	\$31,489				
Streets + Sidewalks	\$522,991	\$653,739	75%	\$326,869	\$163,435				
Bituminous Trails	NA	NA							
Surface Water Facilities	NA	NA							
Street Lighting	\$18,000	\$22,500	75%			\$16,875			
Street Signs and Traffic Control Signs	\$5,575	\$6,969	75%			\$5,227			
Private Utilities (electricity, natural gas, telephone, and cable)									
Builder Landscaping	\$48,400	\$60,500	75%				\$45,375		
Landscaping	\$37,600	\$47,000	75%				\$35,250		
Tree Preservation and Restoration	NA	NA							
Wetland Mitigation and Buffers	NA	NA							
Monuments	\$6,200	\$7,750	75%			\$5,813			
Erosion Control	\$7,000	\$8,750	75%			\$6,563			
Record Drawings	\$5,000	\$6,250	75%			\$4,688			
TOTALS	\$1,142,097	\$1,427,621		RELEASED AMOUNTS:	\$756,003	\$194,924	\$161,216	\$80,625	\$0
				CUMMULATIVE AMOUNTS:	\$756,003	\$950,927	\$1,112,143	\$1,192,768	\$0
				SECURITY AMOUNT REMAINING:	\$671,618	\$476,694	\$315,478	\$234,853	
				DATE:	1/4/2022	12/20/2022	1/2/2024	11/19/2024	

Memorandum

TO: Sophia Jensen
FROM: Tim Solomonson, PLA
DATE: 10/30/2024
RE: 2 Year Landscape Warranty Inspection | Legacy at North Star - 1st Addition (Builder Trees)

	Initial Inspection Acceptance	1-Year Inspection	1-Year Re-inspection	2-Year Inspection	Final Inspection Acceptance
Legacy at North Star - 1 st Addition (Builder Trees)	10/7/21	8/31/23	8/22/24	10/29/24	10/29/24

Inspectors

- Tim Solomonson, PLA
- Leilen Farias, Landscape Designer

Inspection Summary

- The trees identified for replacement and corrective action on August 31st, 2023 and August 22nd, 2024 have been installed and adjusted as required.

Recommendations

- The 1st addition of Legacy at North Star has met the City's requirements for final acceptance.




Tim Solomonson, PLA (MN)
 Landscape Architect
 P: (612) 802-0142 | E: Tim@hkgi.com
 800 WASHINGTON AVE N STE 103 MPLS, MN 55401 | HKGI.COM

Memorandum

TO: Sophia Jensen
FROM: Tim Solomonson, PLA
DATE: 10/30/2024
RE: 2 Year Landscape Warranty Inspection | Legacy at North Star - 1st Addition (Developer Trees)

	Initial Inspection Acceptance	1-Year Inspection	1-Year Re-inspection	2-Year Inspection	Final Inspection Acceptance
Legacy at North Star - 1 st Addition (Developer Trees)	10/7/21	8/31/23	8/22/24	10/29/24	10/29/24

Inspectors

- Tim Solomonson, PLA
- Leilen Farias, Landscape Designer

Inspection Summary

- The trees identified for replacement and corrective action on August 31st, 2023 and August 22nd, 2024 have been installed and adjusted as required.

Recommendations

- The 1st addition of Legacy at North Star has met the City's requirements for final acceptance.




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Landscape Architect

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Memorandum

TO: Sophia Jensen
FROM: Tim Solomonson, PLA
DATE: 10/30/2024
RE: 1 Year Landscape Warranty Inspection | Legacy at North Star – 2nd Addition (Builder Trees)

	Initial Inspection	Initial Re-inspection	1-Year Inspection Acceptance	1-Year Re-inspection	2-Year Inspection	2-Year Re-inspection	Final Inspection Acceptance
Legacy at North Star – 2 nd Addition (Builder Trees)	8/29/23	8/22/24	10/29/24	-			

Inspectors

- Tim Solomonson, PLA
- Leilen Farias, Landscape Designer

Inspection Summary

- The trees identified for replacement and corrective action on August 29th, 2023 and August 22nd, 2024 have been installed and adjusted as required.

Recommendations

- The 2nd addition of Legacy at North Star has met the City's requirements for initial acceptance. It is recommended that the 2nd year of the landscape warranty begins.




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FROM: Tim Solomonson, PLA
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RE: 1 Year Landscape Warranty Inspection | Legacy at North Star – 2nd Addition (Developer Trees)

	Initial Inspection	Initial Re-inspection	1-Year Inspection Acceptance	1-Year Re-inspection	2-Year Inspection	2-Year Re-inspection	Final Inspection Acceptance
Legacy at North Star – 2 nd Addition (Developer Trees)	8/29/23	8/22/24	10/29/24	-			

Inspectors

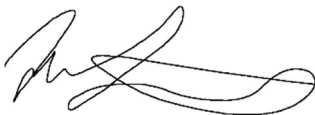
- Tim Solomonson, PLA
- Leilen Farias, Landscape Designer

Inspection Summary

- The trees identified for replacement and corrective action on August 29th, 2023 and August 22nd, 2024 have been installed and adjusted as required.

Recommendations

- The 2nd addition of Legacy at North Star has met the City's requirements for initial acceptance. It is recommended that the 2nd year of the landscape warranty begins.




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Memorandum

TO: Sophia Jensen
FROM: Tim Solomonson, PLA
DATE: 10/30/2024
RE: 1 Year Landscape Warranty Inspection | Legacy at North Star – 3rd Addition (Builder Trees)

	Initial Inspection	Initial Re-inspection	1-Year Inspection Acceptance	1-Year Re-inspection	2-Year Inspection	2-Year Re-inspection	Final Inspection Acceptance
Legacy at North Star – 3rd Addition (Builder Trees)	10/17/23	8/22/24	10/29/24	-			

Inspectors

- Tim Solomonson, PLA
- Leilen Farias, Landscape Designer

Inspection Summary

- The trees identified for replacement and corrective action on October 17th, 2023 and August 22nd, 2024 have been installed and adjusted as required.

Recommendations

- The 3rd addition of Legacy at North Star has met the City's requirements for initial acceptance. It is recommended that the 2nd year of the landscape warranty begins.




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Memorandum

TO: Sophia Jensen
FROM: Tim Solomonson, PLA
DATE: 10/30/2024
RE: 1 Year Landscape Warranty Inspection | Legacy at North Star – 3rd Addition (Developer Trees)

	Initial Inspection	Initial Re-inspection	1-Year Inspection Acceptance	1-Year Re-inspection	2-Year Inspection	2-Year Re-inspection	Final Inspection Acceptance
Legacy at North Star – 3 rd Addition (Developer Trees)	10/17/23	8/22/24	10/29/24	-			

Inspectors

- Tim Solomonson, PLA
- Leilen Farias, Landscape Designer

Inspection Summary

- The trees identified for replacement and corrective action on October 17th, 2023 and August 22nd, 2024 have been installed and adjusted as required.

Recommendations

- The 3rd addition of Legacy at North Star has met the City's requirements for initial acceptance. It is recommended that the 2nd year of the landscape warranty begins.




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Memorandum

TO: Sophia Jensen
FROM: Tim Solomonson, PLA
DATE: 10/30/2024
RE: 1 Year Landscape Warranty Inspection | Legacy at North Star – 4th Addition (Builder Trees)

	Initial Inspection	Initial Re-inspection	1-Year Inspection Acceptance	1-Year Re-inspection	2-Year Inspection	2-Year Re-inspection	Final Inspection Acceptance
Legacy at North Star – 4th Addition (Builder Trees)	10/04/23	8/22/24	10/29/24	-			

Inspectors

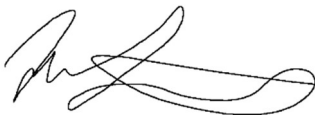
- Tim Solomonson, PLA
- Leilen Farias, Landscape Designer

Inspection Summary

- The trees identified for replacement and corrective action on October 4th, 2023 and August 22nd, 2024 have been installed and adjusted as required.

Recommendations

- The 4th addition of Legacy at North Star has met the City's requirements for initial acceptance. It is recommended that the 2nd year of the landscape warranty begins.




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Memorandum

TO: Sophia Jensen
FROM: Tim Solomonson, PLA
DATE: 10/30/2024
RE: 1 Year Landscape Warranty Inspection | Legacy at North Star – 4th Addition (Developer Trees)

	Initial Inspection	Initial Re-inspection	1-Year Inspection Acceptance	1-Year Re-inspection	2-Year Inspection	2-Year Re-inspection	Final Inspection Acceptance
Legacy at North Star – 4th Addition (Developer Trees)	10/04/23	8/22/24	10/29/24	-			

Inspectors

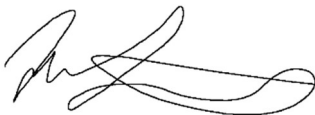
- Tim Solomonson, PLA
- Leilen Farias, Landscape Designer

Inspection Summary

- The trees identified for replacement and corrective action on October 4th, 2023 and August 22nd, 2024 have been installed and adjusted as required.

Recommendations

- The 4th addition of Legacy at North Star has met the City's requirements for initial acceptance. It is recommended that the 2nd year of the landscape warranty begins.




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