

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 97-49

A RESOLUTION GRANTING A MINOR SUBDIVISION TO RICHARD WICKA/FRAUENSHUH
COMPANIES AND THE NORTHLAND PROPERTIES
C/O: UNITED PROPERTIES (George Burkards)

WHEREAS, Richard Wicka/Frauenshuh Companies and The Northland Properties c/o:United Properties (George Burkards) made application to the City of Lake Elmo for a minor subdivision pursuant to Section 400.10, Subd. 1 of the Lake Elmo Municipal Code of the following described parcel of land.

PROPERTY DESCRIPTION

(Per Certificate of Title No. 35997)

The West Half of the Southeast Quarter (W1/2 of SE 1/4) of Section Thirty-three (33), Township Twenty-nine (29) North, Range Twenty-One (21) West, except that part lying north of the north right-of-way line as shown on State Highway Right-of-Way Plat No. 4 of 12, State

Project 8282 (94=392) 902.

(Per Certificate of Title No. 29141)

The East one-half of the Southeast Quarter (E1/2 of SE1/4) of Section Thirty-Three (33), Township Twenty-nine (29) North, Range Twenty-one (21) West, containing according to the United States Survey thereof Eighty (80) acres.

E X C E P T I N G therefrom The West 175.0 feet of the East 568.52 feet of the South 373.37 feet of the East one-half of the Southeast Quarter (E1/2 of SE1/4) of Section Thirty-three (33), Township Twenty-nine (29) North, Range Twenty-one (21) West, Village of Lake Elmo, Washington County, Minnesota, containing 1.5 acres, more or less, subject to the right-of-way of Minnesota Highway 12.

ALSO EXCEPTING therefrom the East 200.0 feet of the South 435.6 feet of the East one-half of the Southeast Quarter (E1/2 of SE1/4) of

ALSO EXCEPTING therefrom that certain 11.54 acres, more or less, as is more specifically set forth in a plat, dated February 19, 1972 and filed for record with the Washington County Registrar of Titles on March 1, 1972 as Document No. 33420, being Parcel 27 as shown on said plat. Section 33, Township 29 North, Range 21 West.

(Per Certificate of Title No. 37577)

That part of the East one-half of the Southeast one-quarter (E1/2 of SE1/4) of Section 33, Township 29, Range 21 West, Village of Lake Elmo, previously intended to be taken by the State of Minnesota for right-of-way for Trunk Highway No. 94 as more specifically set forth in a plat dated February 19, 1972 and filed for record with the Washington County Registrar of Titles on March 1, 1972 as Document No. 33420, containing 11.54 acres, more or less, being Parcel 27 as shown on said plat.

WHEREAS, the Lake Elmo Planning Commission considered the request for a minor subdivision on September 8, 1997; and recommended unanimously that a minor subdivision be granted; and

WHEREAS, the Lake Elmo City Council reviewed the recommendation of the Planning Commission at its meeting on September 16, 1997, and has determined that the application for a minor subdivision is in compliance with the regulations of the City.

NOW, THEREFORE, BE IT RESOLVED, that a minor subdivision be granted and said minor subdivision shall result in the following described parcels.

PARCEL 1

All that part of the Southeast Quarter of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the east line of said Southeast Quarter, a distance of 918.87 feet to the POINT OF BEGINNING; thence North 90 degrees 00 minutes 00 seconds West a distance of 683.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence westerly 123.88 feet along the arc of a non-tangential curve concave to the south whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the northerly right of way line of Hudson Blvd.; thence northwesterly 77.76 feet along the arc of a non-tangential curve concave to the northeast whose radius is 768.51 feet and whose chord bears North 34 degrees 16 minutes 46 seconds West; thence North 31 degrees 22 minutes 50 seconds West, along said right of way line, a distance 290.09 feet; thence North 00 degrees 15 minutes 24 seconds East a distance of 171.52 feet; thence North 88 degrees 36 minutes 04 seconds West a distance of 78.76 feet; thence North 00 degrees 11 minutes 01 seconds West a distance of 26.40 feet; thence North 87 degrees 28 minutes 01 seconds West a distance of 51.35 feet; thence northwesterly a distance of 820.84 feet along the arc of a non-tangential curve concave to the southwest whose radius is 1004.83 feet and whose chord bears North 60 degrees 36 minutes 11 seconds West; thence North 05 degrees 59 minutes 47 seconds East a distance of 20.00 feet; thence North 88 degrees 46 minutes 25 seconds West a distance of 482.79 feet; thence North 48 degrees 41 minutes 46 seconds West a distance of 148.45 feet; thence North 04 degrees 37 minutes 07 seconds West a distance of 448.09 feet; thence North 00 degrees 03 minutes 44 seconds West a distance of 94.77 feet; thence South 89 degrees 56 minutes 16 seconds West a distance of 10.00 feet; thence North 00 degrees 03 minutes 44 seconds West a distance of 82.48 feet; thence North 87 degrees 20 minutes 29 seconds East a distance of 9.82 feet; thence North 00 degrees 04 minutes 54 seconds West a distance of 514.76 feet to a point on the north line of said Southeast Quarter; thence North 89 degrees 38 minutes 02 seconds East along said north line, a distance of 38.50 feet, to the north line of State Highway Plat No. 4 of 12 filed as Document Nos. 33419 and 33420 and rescinded in Document No. 1024225, Order No. 79132; thence South 02 degrees 42 minutes 23 seconds East along the north line of said State Highway Plat, a distance of 128.73 feet; thence North 87 degrees 20 minutes 27 seconds East along the north line of said State Highway Plat, a distance of 651.64 feet; thence North 88 degrees 39 minutes 03 seconds East, along the north line of said State Highway Plat, a distance of 541.98 feet to the east line of the west one half of said Southeast Quarter; thence North 00 degrees 06 minutes 44 seconds East, along said east line, a distance of 83.25 feet to the north line of said Southeast Quarter; thence North 89 degrees 38 minutes 03 seconds East, along said north line a distance of 1310.21 feet to the northeast corner of said Southeast Quarter; thence South 00 degrees 00 minutes 40 seconds East, along the east line of said Southeast Quarter, a distance of 1719.57 feet to the POINT OF BEGINNING and there terminating. This parcel contains 4000490.87 square feet, 91.84 acres, more or less. Subject to Transmission Line Easement per document No. 21697 and other easements of record.

PARCEL 2

All that part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 28 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the east line of said Southeast Quarter, a distance of 435.81 feet to the POINT OF BEGINNING; continue thence North 00 degrees 00 minutes 40 seconds West, along said east line, a distance of 483.26 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 683.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence westerly 123.88 feet along the arc of a non-tangential curve concave to the south whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the northerly right of way line of Hudson Blvd.; thence southeasterly, along said northerly right of way, a distance of 421.73 feet along the arc of a non-tangential curve concave to the northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence North 00 degrees 00 minutes 40 seconds West a distance of 178.36 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 175.00 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 223.25 feet to a point on the northerly right of way line of Hudson Blvd.; thence southeasterly, along said northerly right of way line a distance of 53.13 feet along the arc of a non-tangential curve concave to the north, whose radius is 768.51 feet and whose chord bears South 84 degrees 06 minutes 58 seconds East; continue thence South 86 degrees 05 minutes 47 seconds East a distance of 141.01 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 301.88 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 200.00 feet to the POINT OF BEGINNING and there terminating. This parcel contains 465,334 square feet, 10.45 acres, more or less.

Subject to a 30 foot wide utility easement described as follows:

Commence at the southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the east line of said Southeast Quarter, a distance of 918.87 feet; thence West 272.73 feet, along the north line of parcel 2, to the Point of Beginning; thence South a distance of 435.74 feet; thence South 45 degrees 00 minutes 00 seconds West a distance of 22.43 feet; thence North 89 degrees 57 minutes 50 seconds West a distance of 279.84 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 241.38 feet; thence South 48 degrees 15 minutes 31 seconds West a distance of 33.93 feet to a point on the northerly right of way line of Hudson Road; thence northwesterly 32.74 feet along the arc of a non-tangential curve, concave to the northeast whose radius is 768.51 feet and whose chord bears North 65 degrees 21 minutes 24 seconds West; thence North 48 degrees 15 minutes 31 seconds East a distance of 33.61 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 257.97 feet; thence South 89 degrees 57 minutes 50 seconds East a distance of 295.71 feet; thence North a distance of 421.60 feet to a point on the north line of parcel 2; thence East, on said north line a distance of 30.00 feet to the point of beginning and there terminating.

RESIDUAL DESCRIPTION OF PARCEL #29141

All that part of the East one-half of the Southeast Quarter of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, Along the east line of said Southeast Quarter, a distance of 918.87 feet to the POINT OF BEGINNING; thence North 90 degrees 00 minutes 00 seconds West a distance of 683.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence westerly 123.88 feet along the arc of a non-tangential curve concave to the south whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the northerly right of way line of Hudson Blvd.; thence southeasterly along said northerly right of way line a distance of 421.73 feet along the arc of a non-tangential curve concave to the northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence South 00 degrees 00 minutes 40 seconds East a distance of 197.02 feet to a point on the south line of said Southeast Quarter; thence North 89 degrees 35 minutes 53 seconds East along said south line a distance of 368.52 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 133.73 feet to a point on the northerly right of way of Hudson Blvd.; thence North 86 degrees 05 minutes 47 seconds West along said northerly right of way a distance of 141.01 feet to a point of curvature; thence northwesterly 53.13 feet along the arc of a curve concave to the north whose radius is 768.51 feet and whose chord bears North 84 degrees 06 minutes 58 seconds West; thence South 00 degrees 00 minutes 40 seconds East a distance of 150.13 feet to a point on said south line; thence South 89 degrees 35 minutes 53 seconds West along said south line a distance of 922.36 feet to a point on the east line of the west one-half of said Southeast Quarter; thence North 00 degrees 06 minutes 47 seconds East along said east line a distance of 2639.00 to a point on the north line of said Southeast Quarter; thence North 89 degrees 38 minutes 02 seconds East along said north line a distance of 1310.21 feet to the east one-quarter corner of said Section 33; thence South 00 degrees 00 minutes 40 seconds East a distance of 1719.57 feet to the point of beginning and there terminating.

EXCEPTING therefrom that certain 11.54 acres, more or less, as is more specifically set forth in a plat, dated February 19, 1972 and filed for record with the Washington County Registrar of Titles on March 1, 1972 as Document No. 33420, being Parcel 27 as shown on said plat.

Subject to Transmission Line Easement per Document No. 21697 and other easements of record

(Per Certificate of Title No. 37577)

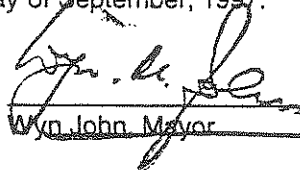
That part of the East one-half of the Southeast one-quarter (E1/2 of SE1/4) of Section 33, Township 29, Range 21 West, Village of Lake Elmo, previously intended to be taken by the State of Minnesota for right-of-way for Trunk Highway No. 94 as more specifically set forth in a plat dated February 19, 1972 and filed for record with the Washington County Registrar of Titles on March 1, 1972 as Document No. 33420, containing 11.54 acres, more or less, being Parcel 27 as shown on said plat.

NOTE: The above property description was referenced from Sundt Land Surveying, Inc., Boundary Survey dated November 13, 1995

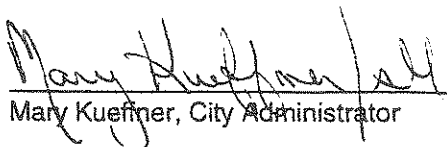
BE IT FURTHER RESOLVED that said minor subdivision is approved with the following conditions:

1. A payment of a park dedication fee of \$20,484.00.
2. A utility easement will be conveyed to City prior to construction of building.

ADOPTED BY the Lake Elmo City Council this 16th day of September, 1997.


Wyn John Mayor

ATTEST:


Mary Kueffner, City Administrator

Certificate of Title

No. 37577

Transfer from No. 29142. Originally registered the Twenty-seventh day of June, A.D. 1929

Register of Titles 3, Page 294, Washington County, Minnesota.

STATE of MINNESOTA,
COUNTY of WASHINGTON

—= REGISTRATION =—

S.S.

This is to certify that

THE NORTHLAND COMPANY, a corporation under the laws of the State of Minnesota

3500 W. 80th Street - Suite 100 of the City of Bloomington

County of _____ and State of Minnesota
is now the owner of an estate to-wit: in fee simple

of and in the following described land, situated in the County of Washington and State of Minnesota, to-wit:

That part of the East one-half of the Southeast one-quarter (E½ of SE¼) of Section 33, Township 29, Range 21 West, Village of Lake Elmo, previously intended to be taken by the State of Minnesota for right-of-way for Trunk Highway No. 94 as more specifically set forth in a plat dated February 19, 1972 and filed for record with the Washington County Registrar of Title on March 1, 1972 as Document No. 33420, containing 11.54 acres, more or less, being Parcel 27 as shown on said plat.

Subject to the encumbrances, liens and interest noted by the memorandum underwritten or endorsed hereon; and subject to the following rights or encumbrances subsisting, as provided in Section 508.25, Minnesota Statutes, annotated, namely:

1. Liens, claims, or rights arising or existing under the laws or the Constitution of the United States, which this state cannot require to appear of record.
2. The lien of any real property tax or special assessment for which the land has not been sold at the date of the certificate of title.
3. Any lease for a period not exceeding three years when there is actual occupation of the premises thereunder.
4. All rights in public highways upon the land.
5. Such right of appeal, or right to appeal and contest the application as is allowed by this chapter.
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title.
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

That the said
marriedis of the age of _____ years is
and is under _____ disability.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office
this Twentieth day of October 19 88

Registrar of Titles, In and for the County of Washington and State of Minnesota

By _____ DEPUTY _____