

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

RESOLUTION NO. 2004-033

**A RESOLUTION APPROVING THE OP DEVELOPMENT STAGE PLAN,
CONDITONAL USE PERMIT, AND PRELIMINARY PLAT OF
WHISTLING VALLEY 2ND ADDITION**

WHEREAS, Dave Sorenson of Bald Eagle Development and Elizabeth Minor have made application for a Preliminary Plat to create eighteen residential building lots and three outlots on a parcel of 45.03 acres. The property is generally located northwesterly of Keats Avenue and 10th Street, southerly and adjacent to Lake Elmo Park Reserve, and easterly of WHISTLING VALLEY, and is legally described as follows:

That part of the East One-half of the Southeast Quarter of Section 27, Township 29, Range 21, Washington County, Minnesota, being further described as follows: Commencing at the East Quarter corner of said Section 27, thence South 0 degrees 42 minutes 48 seconds East (basis of bearings is the Washington County Coordinate System, South Zone) along the East line of said Section 27 a distance of 1318.00 feet; thence South 89 degrees 11 minutes 43 seconds West 33.00 feet to the point of beginning; thence South 0 degrees 42 minutes 48 seconds East parallel with said East Line 598.00 feet; thence South 89 degrees 11 minutes 49 seconds West 660.00 feet; thence South 0 degrees 42 minutes 48 seconds East 660.00 feet, more or less, to a point distant 60 feet northerly of the South line of said Section 27; thence South 89 degrees 11 minutes 49 seconds West along a line 60.00 feet northerly of and parallel with the South line of said Section 27 a distance of 247.09 feet; thence North 0 degrees 48 minutes 11 seconds West 10.00 feet; thence South 89 degrees 11 minutes 49 seconds West along a line 70.00 feet Northerly of and parallel with said South line a distance of 378.33 feet to its intersection with the West line of the said East One-half of the Southeast Quarter of Section 27; thence along said West line North 0 degrees 42 minutes 43 seconds West 1908.76 feet; thence North 89 degrees 11 minutes 40 seconds East 1185.33 feet, more or less, to a point 133 feet Westerly of the East line of said Section 27; thence South 0 degrees 42 minutes 48 seconds East along a line of 133.00 feet Westerly of and parallel with said East line a distance of 660.82 feet; thence North 89 degrees 11 minutes 43 seconds East 100.00 feet, more or less, to the point of beginning.

WHEREAS, at its April 12, 2004 meeting, the Planning Commission reviewed and unanimously recommended approval of this application to plat a 45.03 acre parcel as a residential development of 18 building lots and three outlots.

WHEREAS, the Preliminary Plat of WHISTLING VALLEY 2ND ADDITION was presented to the City Council at its April 20, 2004 City Council Meeting where the following Findings were made:

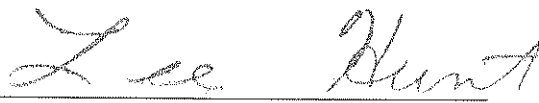
1. The OP Development Stage Plan is consistent with the Lake Elmo Comprehensive Plan and the approved OP Concept Plan.

2. The OP Development Stage Plan complies with the documentation requirements and standards of the OP Ordinance, except as noted.
3. The Preliminary Plat complies with the documentation requirements and standards of Section 400 of the City Code (Subdivision).

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby approve and accept the Preliminary Plat of WHISTLING VALLEY 2ND ADDITION, per plans that staff dated April 15, 2004, and April 6, 2004, as the same on file with the City Administrator, based on the following Conditions:

1. The Plat/Plan shall be modified to increase the area of Lot 3, Block 1 to not less than .75 acres.
2. Compliance with the recommendations of the City Engineer, City Attorney, and those of the Valley Branch Watershed District and Washington County that are found by the City to be reasonable and proper.
3. The applicant shall secure agreement from Washington County regarding any private trail access to County right-of-way, prior to submission of the Final Plat.
4. The Applicant shall include a clause in the Covenants for this project notifying prospective purchasers that Conditional Use permits (CUP) exist in the vicinity of Whistling Valley 2nd addition, including, but not limited to Hammes Mining, Linder's Greenhouse, Oakdale Gun Club, and an airstrip for small aircraft.

ADOPTED, by the Lake Elmo City Council on the 20th day of April 2004.



Lee Hunt, Mayor

ATTEST:



Charles E. Dillerud, Acting City Administrator