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CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005- 037

**A RESOLUTION APPROVING THE MINOR SUBDIVISION REQUEST OF DANIEL AND
JEAN OLINGER.**

WHEREAS, on the 1st day of March, 2005, Daniel and Jean Olinger, ("Applicant") submitted a completed application requesting that the City of Lake Elmo approve a minor subdivision of a parcel located at 9057 Lake Jane Trail and legally described as:

That part of the Government Lot 5 of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota , lying northerly of the south 40 acres thereof and lying south of the following described line:

Commencing at the southeast corner of said Government Lot 5; thence northerly along the east line of said Government Lot 5 a distance of 1694.00 feet to the southeast corner of the tract described in Book 274 of Deeds, page 366, on file and of record in the office of the County Recorder, Washington County, Minnesota and the point of beginning of said described line; thence westerly deflecting to the left 90 degrees 00 minutes 00 seconds along the south line of said tract a distance of 330.00 feet to the southwest corner of said tract; thence northerly deflecting to the right 90 degrees 00 minutes 00 seconds along the westerly line of said tract to a line distant 249.00 feet southerly of the southerly line of Lake Jane Trail and the southeast corner of the tract described in Document No. 362324 on file and of record in said office of the County Recorder; thence westerly along said line and along the south line of said tract to the west line of said tract and the west line of the East 505.00 feet of said Government Lot 5; thence southerly along said west line of the East 505.00 feet of Government Lot 5 a distance of 9.27 to a point on the North line of the South 1711.82 feet of said Government Lot No. 5; thence Westerly along the North line of the South 1711.82 feet of said Government Lot No. 5 for 803.07 feet to the West line of said Government Lot No. 5, and said described line there terminating.

AND

That part of the Government Lot 5 of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota , described as follows:

Commencing at the southeast corner of said Government Lot 5; thence northerly along the east line of said Government Lot 5 a distance of 1694.00 feet to the southeast corner of the tract described in Book 274 of Deeds, page 366, on file and of record in the office of the County Recorder, Washington County, Minnesota; thence westerly deflecting to the left 90 degrees 00 minutes 00 seconds along the south line of said tract a distance of 330.00 feet to the southwest corner of said tract; thence northerly deflecting to the right 90 degrees 00 minutes 00 seconds along the westerly line of said tract to a line distant 249.00 feet southerly of the southerly line of Lake Jane Trail and the southeast corner of the tract described in Document No. 362324 on file and of record in said office of the County Recorder; thence westerly along said line and along the south line of said tract to the west line of said tract and the west line of the East 505.00 feet of said Government Lot 5 and the point of beginning; thence northerly along the west line of said tract and along said west line of the East 505.00 feet of Government Lot 5 to said south line of

Lake Jane Trail; thence easterly along said south line of Lake Jane Trail to said west line of the tract described in Book 274 of Deeds, page 366; thence northerly along said west line to the shore line of Lake Jane; thence westerly along said shore line to the east line of the West 591.00 feet of said Government Lot 5; thence southerly along said east line to the north line of the South 1711.82 feet of said Government Lot 5; thence easterly along said north line to the west line of the East 505.00 feet of said Government Lot 5; thence northerly along said west line of the East 505.00 feet of Government Lot 5 a distance of 9.27 feet to the southeast corner of the tract described in Document No. 362324 on file and of record in said office of the County Recorder to the point of beginning.

Subject to a drainage easement in favor of the Valley Branch Watershed District as described in Document No. 397877, on file and of record in said office of the County Recorder.

Also, subject to existing Lake Jane Trail running east-west through the above described property

ALSO:

That part of the Government Lot 5 of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the southeast corner of said Government Lot 5; thence northerly along the east line of said Government Lot 5 a distance of 1694.00 feet to the southeast corner of the tract described in Book 274 of Deeds, page 366, on file and of record in the office of the County Recorder, Washington County, Minnesota; thence westerly deflecting to the left 90 degrees 00 minutes 00 seconds along the south line of said tract a distance of 330.00 feet to the southwest corner of said tract; thence northerly deflecting to the right 90 degrees 00 minutes 00 seconds along the westerly line of said tract to a line distant 249.00 feet southerly of the southerly line of Lake Jane Trail and the southeast corner of the tract described in Document No. 362324 on file and of record in said office of the County Recorder; thence westerly along said line and along the south line of said tract to the west line of said tract and the west line of the East 505.00 feet of said Government Lot 5; thence southerly a distance of 9.27 feet along said west line of the east 505.00 feet to the north line of the South 1711.82 feet of said Government Lot 5; thence westerly along said north line to the east line of the West 405.00 feet and the southeast corner of the tract described in Document No. 676524, on file and of record in said office of the County Recorder and the point of beginning, thence northerly along said east line and the east line of said tract to said shore line of Lake Jane; thence westerly along said shore line to the east line of the West 219.00 feet of said Government Lot 5 and the east line of the tract described in document No. 340685, on file and of record in said office of the County Recorder; thence southerly along said east line to said south line of Lake Jane Trail and the southeast corner of said tract; thence westerly along said south line and the south line of said tract to the west line of said Government Lot 5; thence southerly along said west line to the north line of the South 1711.82 feet of said Government Lot 5; thence easterly along said north line to the east line of the West 405.00 feet of said Government Lot 5 to the point of beginning.

EXCEPT a 66.00 foot wide parcel of land over that part of the East 186.00 feet of the West 405.00 feet of said Government Lot 5 lying 33.00 feet each side of the following described center line:

Commencing at the southwest corner of said Government Lot 5; thence North 01 degree 42 minutes 37 seconds West, bearing oriented to the Washington County Coordinate System, South Zone, along the west line of said Government Lot 5 a distance of 1943.00 feet to the center line of Lake Jane Trail as presently traveled and the point of beginning of the center line to be described; thence North 82 degrees 06 minutes 53 seconds East along said center line 218.31 feet; thence easterly along said center line and a tangential curve, concave to the south, having a radius of

3926.21 feet and a central angle of 02 degrees 45 minutes 10 seconds, a distance of 188.64 feet to said east line of the West 405.00 feet of said Government Lot 5 and said center line there terminate.

Also, subject to a utility easement in favor of the City of Lake Elmo as described in Document No. 774780, on file and of record in said office of the County Recorder.

WHEREAS, on the 14th day of March, 2005, at a public meeting, the Lake Elmo Planning Commission reviewed the Development Application, the City Planner's reports and comments, the comments of the Applicant and the Applicant's representatives; and recommended approval of the Development Application; and

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby:

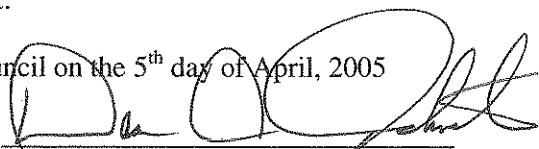
Approves the Minor Subdivision for the property located at 9057 Lake Jane Trail as illustrated on a plans prepared by Folz, Freeman, Erickson, Inc., staff dated March 8, 2005 legally described as:

Parcels A, B, and C with descriptions to be attached

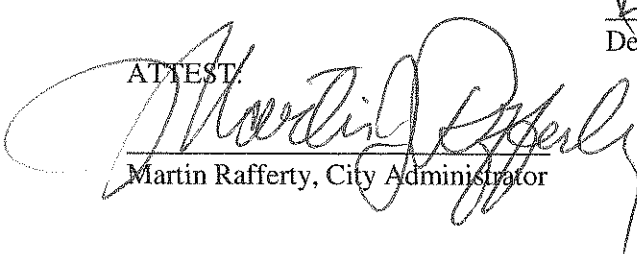
with the following condition:

1. The City Attorney must approve covenant language for the title of Parcel C prohibiting the construction of a structure on that lot.

ADOPTED, by the Lake Elmo City Council on the 5th day of April, 2005


Dean Johnston, Mayor

ATTEST.


Martin Rafferty, City Administrator

PARCEL A

That part of the East 186.00 feet of the West 405.00 feet of Government Lot 5 of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota lying northerly of the South 1711.82 feet thereof, as measured at a right angle to the south line of said Government Lot 5, containing 1.97 acres, more or less, EXCEPT, a 66.00 foot wide road parcel over that part of the above described tract lying 33.00 feet each side of the following described center line:

Commencing at the southwest corner of said Government Lot 5; thence North 01 degree 42 minutes 37 seconds West, bearing oriented to the Washington County Coordinate System, South Zone, along the west line of said Government Lot 5 a distance of 1943.00 feet to the center line of Lake Jane Trail as presently traveled and the point of beginning of the center line to be described; thence North 82 degrees 06 minutes 53 seconds East along said center line 218.31 feet; thence easterly along said center line and a tangential curve, concave to the south, having a radius of 3926.21 feet and a central angle of 02 degrees 45 minutes 10 seconds, a distance of 188.63 feet to the east line of the West 405.00 feet of said Government Lot 5 and said center line there terminate; together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: except for liens or encumbrances caused or suffered to attach to the said premises by act or omissions by persons other than the grantors herein after March 18, 1982.

ALSO:

That part of Government Lot 5 of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the southeast corner of said Government Lot 5; thence northerly along the east line of said Government Lot 5 a distance of 1694.00 feet to the southeast corner of the tract described in Book 274 of Deeds, page 366, on file and of record in the office of the County Recorder, Washington County, Minnesota and the **point of beginning**; thence westerly deflecting to the left 90 degrees 00 minutes 00 seconds along the south line of said tract a distance of 330.00 feet to the southwest corner of said tract; thence northerly deflecting to the right 90 degrees 00 minutes 00 seconds along the westerly line of said tract to a line distant 249.00 feet southerly of the southerly line of Lake Jane Trail and the southeast corner of the tract described in Document No. 362324 on file and of record in said office of the County Recorder; thence westerly along said line and along the south line of said tract to the west line of said tract and the west line of the East 505.00 feet of said Government Lot 5; thence southerly along the west line of the East 505.00 feet of Government Lot 5 a distance of 9.26 feet to the north line of the South 1711.82 feet of said Government Lot 5; thence westerly along said north line to the east line of the West 219.00 feet of said Government Lot 5; thence northerly along said east line to said south line of Lake Jane Trail and the southeast corner of the tract described in Document No. 340685 on file and of record in said office of the County Recorder; thence westerly along said south line and the south line of said tract to the west line of said Government Lot 5; thence southerly along said west line to the north line of the South 40 acres of said Government Lot 5; thence easterly along said north line to said east line of Government Lot 5; thence northerly along said east line to the point of beginning.

Subject to a drainage easement in favor of the Valley Branch Watershed District as described in Document No. 397877, on file and of record in said office of the County Recorder;

Also, subject to a public street and utility easement in favor of the City of Lake Elmo as described in Document No. 774780, on file and of record in said office of the County Recorder;

Also, subject to a public street and utility easement in favor of the City of Lake Elmo as described in Document No. 778335, on file and of record in said office of the County Recorder;

Also, subject to existing Lake Jane Trail running east-west through the above described property as described in Document No. 431649 on file and of record in said office of the County Recorder;

And other valid easements and restrictions of record, if any.

PARCEL B

That part of the Government Lot 5 of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the southeast corner of said Government Lot 5; thence northerly along the east line of said Government Lot 5 a distance of 1694.00 feet to the southeast corner of the tract described in Book 274 of Deeds, page 366, on file and of record in the office of the County Recorder, Washington County, Minnesota; thence westerly deflecting to the left 90 degrees 00 minutes 00 seconds along the south line of said tract a distance of 330.00 feet to the southwest corner of said tract; thence northerly deflecting to the right 90 degrees 00 minutes 00 seconds along the westerly line of said tract to a line distant 249.00 feet southerly of the southerly line of Lake Jane Trail and the southeast corner of the tract described in Document No. 362324 on file and of record in said office of the County Recorder; thence westerly along said line and along the south line of said tract to the west line of said tract and the west line of the East 505.00 feet of said Government Lot 5 and the **point of beginning**; thence northerly along the west line of said tract and along said west line of the East 505.00 feet of Government Lot 5 to the shore line of Lake Jane; thence westerly along said shore line to the east line of the West 591.00 feet of said Government Lot 5; thence southerly along said west line to the north line of the South 1711.82 feet of said Government Lot 5; thence easterly along said north line to the west line of the East 505.00 feet of said Government Lot 5; thence northerly along said west line 9.26 feet of the point of beginning.

Subject to a drainage easement in favor of the Valley Branch Watershed District as described in Document No. 397877, on file and of record in said office of the County Recorder;

Also, subject to existing Lake Jane Trail running east-west through the above described property;

And other valid easements and restrictions of record, if any.

PARCEL C

That part of the Government Lot 5 of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the southeast corner of said Government Lot 5; thence northerly along the east line of said Government Lot 5 a distance of 1694.00 feet to the southeast corner of the tract described in Book 274 of

Deeds, page 366, on file and of record in the office of the County Recorder, Washington County, Minnesota; thence westerly deflecting to the left 90 degrees 00 minutes 00 seconds along the south line of said tract a distance of 330.00 feet to the southwest corner of said tract; thence northerly deflecting to the right 90 degrees 00 minutes 00 seconds along the westerly line of said tract to a line distant 249.00 feet southerly of the southerly line of Lake Jane Trail and the southeast corner of the tract described in Document No. 362324 on file and of record in said office of the County Recorder; thence westerly along said line and along the south line of said tract to the west line of said tract and the west line of the East 505.00 feet of said Government Lot 5; thence northerly along the west line of said tract and along said west line of the East 505.00 feet of Government Lot 5 to said south line of Lake Jane Trail and the **point of beginning**; thence easterly along said south line of Lake Jane Trail to said west line of the tract described in Book 274 of Deeds, page 366; thence northerly along said west line to the shore line of Lake Jane; thence westerly along said shore line to the west line of the East 505.00 feet of said Government Lot 5; thence southerly along said west line to the point of beginning.

Subject to a drainage easement in favor of the Valley Branch Watershed District as described in Document No. 397877, on file and of record in said office of the County Recorder;

Also, subject to existing Lake Jane Trail running east-west through the above described property;

And other valid easements and restrictions of record, if any.

LAKE JANE TRAIL (45TH ST. NORTH)

HERETOFORE QUIT CLAIMED BY DEED DATED MARCH 18, 1982, FILED MAY 24, 1982 AS DOCUMENT NO. 431649

A 66.00 foot wide parcel of land over that part of the East 186.00 feet of the West 405.00 feet of Government Lot 5 of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota lying northerly of the South 1711.82 feet thereof, as measured at a right angle to the south line of said Government Lot 5, containing 1.97 acres, more or less, lying 33.00 feet each side of the following described center line:

Commencing at the southwest corner of said Government Lot 5; thence North 01 degree 42 minutes 37 seconds West, bearing oriented to the Washington County Coordinate System, South Zone, along the west line of said Government Lot 5 a distance of 1943.00 feet to the center line of Lake Jane Trail as presently traveled and the point of beginning of the center line to be described; thence North 82 degrees 06 minutes 53 seconds East along said center line 218.31 feet; thence easterly along said center line and a tangential curve, concave to the south, having a radius of 3926.21 feet and a central angle of 02 degrees 45 minutes 10 seconds, a distance of 188.64 feet to the east line of the West 405.00 feet of said Government Lot 5 and said center line there terminate.

ROAD PARCEL TO BE DEDICATED

A 66.00 foot wide parcel of land over that part of Government Lot 5 of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota lying northerly of the South 1711.82 feet thereof, as measured at a right angle to the south line of said Government Lot 5, lying 33.00 feet each side of the following described center line:

Commencing at the southwest corner of said Government Lot 5; thence North 01 degree 42 minutes 37 seconds West, bearing oriented to the Washington County Coordinate System, South Zone, along the west line of said Government Lot 5 a distance of 1943.00 feet to the center line of Lake Jane Trail as presently traveled; thence North 82 degrees 06 minutes 53 seconds East along said center line 218.31 feet; thence easterly along said

center line and a tangential curve, concave to the south, having a radius of 3926.21 feet and a central angle of 02 degrees 45 minutes 10 seconds, a distance of 188.63 feet to the east line of the West 405.00 feet of said Government Lot 5 **and the point of beginning** of the center line to be described; thence continuing easterly along said tangential curve, concave to the south, having a radius of 3926.21 feet and a central angle of 02 degrees 24 minutes 36 seconds, a distance of 165.15 feet; thence North 88 degrees 05 minutes 55 seconds East a distance of 408.97 feet to the west line of the tract described in Book 274 of Deeds, page 366 and said center line there terminate.