

## **RESOLUTION NO. 2008-038**

### *A RESOLUTION APPROVING A MINOR SUBDIVISION REQUEST BY THE MEEHAN FAMILY, LLC FOR 2038 INWOOD AVENUE*

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

**WHEREAS**, Meehan Family, LLC, 740 Marshall Avenue, St. Paul, MN ("Applicant"), is owner of property ("Property") in Lake Elmo which is legally described as follows: Lot 15, Block 1 of Torre Pines Addition, commonly known as 2038 Inwood Avenue; and

**WHEREAS**, the Applicant has submitted an application to the City of Lake Elmo ("City") for a Minor Subdivision to subdivide the Property into four new lots; and

**WHEREAS**, the Property is located within the RE zoning district; and

**WHEREAS**, the Planning Commission has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances and forwarded its recommendation concerning the request to the City Council; and

**WHEREAS**, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on August 19, 2008 and made the following findings of fact:

- 1) The Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan.
- 2) The proposed plat is consistent with and follows closely to the preliminary plat of Torre Pines First Addition.
- 3) The Minor Subdivision does not require any additional public infrastructure to serve the development that has not already been provided to the site.
- 4) The Minor Subdivision is consistent with the Lake Elmo Zoning and Subdivision Ordinances.


**NOW, THEREFORE BE IT RESOLVED**, that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the request by the Meehan Family, LLC for a Minor Subdivision.

**BE IT FURTHER RESOLVED**, that the approval of the requested Minor Subdivision and shall include the following conditions:

- 1) The applicant shall provide adequate title evidence satisfactory to the City Attorney.
- 2) All easements as requested by the City Engineer shall be documented on the final plat.

- 3) The applicant shall pay a fee in lieu of parkland dedication based on the fair market value of 7% of the area of new undeveloped lots to be created (7.5 acres), which equals 0.53 acres. City shall hire a licensed appraiser at the applicant's expense to determine the fair market value of the land for the purposes of determining the cash-in-lieu value for park dedication.
- 4) The applicant shall obtain all required permits from the Valley Branch Watershed District, Minnesota Department of Health, Minnesota Pollution Control Agency, the NPDES program, and any other approvals that are necessary.
- 5) An as built lot survey and individual lot grading plan shall be submitted prior to the issuance of a building permit for all lots within Torre Pines 2nd Addition. These plans shall be consistent with the approved grading plan for Torre Pines 1st Addition.
- 6) Soil percolation test information for on-site septic systems shall be submitted to the City prior to the issuance of a building permit for any lot within Torre Pines 2nd Addition.
- 7) The driveway access from Lot 13, Block 1 shall be moved to 21st Street prior to any expansion or replacement of the existing house on this lot.
- 8) Other information as requested by the City Engineer in a letter to the City dated July, 2008 shall be submitted prior to the issuance of a building permit for any lot within Torre Pines 2nd Addition.
- 9) The applicant shall either remove or enter into an agreement with the City related to a deadline of 90 days for the removal of an existing structure located on Lot 4, Block 1 prior to City approval of the final plat.

Passed and duly adopted this 5<sup>th</sup> day of August, 2008 by the City Council of the City of Lake Elmo, Minnesota.

  
Dean A. Johnston, Mayor

ATTEST:

  
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Susan Hoyt, City Administrator