



TO: Planning Commission
FROM: Sophia Jensen, Senior City Planner
AGENDA ITEM: **Berschens Shores 3rd Addition Minor Subdivision and Zoning Map Amendment**
REVIEWED BY: Ashley Monterusso, City Planner

CORE STRATEGIES:

- | | |
|---|---|
| <input type="checkbox"/> Vibrant, inclusive, connected community | <input type="checkbox"/> Efficient, reliable, innovative services |
| <input type="checkbox"/> Responsive, transparent, adaptive governance | <input type="checkbox"/> Balanced Finances now and future |
| <input checked="" type="checkbox"/> Managed Growth | <input type="checkbox"/> Resilient Infrastructure |

INTRODUCTION:

The City received a minor subdivision application and zoning map amendment application from Jean and Janet Berschens (Trustees for John A. Berschens Trust & Janet M. Berschens Trust). As stated in their application narrative, this request is related to estate planning for the family. No structures/development are proposed with this request.

The subject property is currently comprised of four parcels, one of which is landlocked and others which extend over roadways. The request would shift the boundaries of the four parcels into new shapes, more conforming with City Standards.

A zoning map amendment is needed to clean up one of the parcels from Public Facilities (PF) to Rural Residential (RR). This property was zoned to Public Facilities (PF) in the early 2000's for a planned public works facility. The City relocated Public Works to its current location in 2005. The zoning for this parcel was not corrected during that plan change.

ISSUE BEFORE PLANNING COMMISSION:

The Planning Commission is being asked to hold a public hearing and make a recommendation on the requests.

GENERAL INFORMATION:

Address: 9579 45th St N

PID: 10.029.21.42.0001, 10.029.21.31.0001, 10.029.21.13.0002, 10.029.21.12.0002

Site Area: ~134.21 acres

Existing Zoning: Rural Residential (RR), Public Facilities (PF), Shoreland Overlay District, Valley Branch Watershed District

Surrounding Zoning: North: Residential Estate (RR) and Rural Single Family (RS)
South: Rural Residential (RR) and Public Facilities (PF)
East: Rural Residential (RR) and Open Space Planned Unit Development (OP-PUD)
West: Rural Single Family (RS) and Rural Residential (RR)

Deadline for Action: Application Complete – 4/11/2025
60 Day Deadline – 6/10/2025

Applicable Regulations: Title 103 – Subdivision Regulations
 Article V – Zoning Administration
 Article XI – Rural Districts
 Article XIX – Shoreland Overlay District
 Lake Elmo 2040 Comprehensive Plan

REVIEW AND ANALYSIS:

Minor Subdivision: The City’s subdivision regulations allow for certain major subdivision procedures and requirements to be waived when certain criteria are met. The minor subdivision process allows for concurrent review and approval of a preliminary and final plat. Below is a review of the minor subdivision criteria:

1. The proposed minor subdivision will result in no more than four parcels. Four parcels will be reconfigured for estate planning purposes.
2. The proposed minor subdivision will not require any new infrastructure or streets. Existing road right-of-way will be dedicated to clean up the area.
3. Easements have been dedicated where applicable.
4. This request will meet the City’s Rural Residential (RR) zoning lot dimension and bulk building requirements.
5. The request will meet the City of Lake Elmos access spacing and location. No new driveways or access points are proposed with this request.

Zoning Map Amendment: As part of the minor subdivision PID 10.029.21.13.0002 (~16.6 acres) will need to be corrected from Public Facilities (PF) to Rural Residential (RR), which is the same zoning district as the other parcels within the request. This property was zoned to Public Facilities (PF) in the early 2000’s for a planned public works facility. The City relocated Public Works to its current location in 2005. Zoning for this parcel was not corrected. This correction will make the zoning map more consistent with the City’s 2040 future land use map.

CITY AGENCY REVIEW:

This was distributed for review on April 16th. The following departments provided comments:

- Public Works (Email 4/21/25) – Provided comments requesting 45th St ROW and proposed property line revisions to accommodate existing trail.
- Valley Branch Watershed District (Email 4/22/25) - Indicated a VBWD permit would be required for this request.
- City Engineer (Memo 4/28/25) - Provided comments that the submittal appears to satisfy the required easement and ROW dedications. Suggests revisions for 45th St trail right-of-way and easement vacation.
- Fire Department (Memo 4/23/25) – Provided standard comments related to roads, waterlines, access, gates, and addressing.
- City Attorney – Provided a plat opinion with requested revisions. A condition of approval has been added regarding this memo.
- MN DNR – No Comment Provided.

PUBLIC COMMENT:

A public hearing notice was sent to surrounding properties on April 29th, 2025 and May 12th 2025. A public hearing notice was published in the City’s official newspaper on May 16th, 2025. Staff has not received any public comment at this time.

FINDINGS:

Staff is recommending that the Planning Commission consider the following findings with regards to the requests:

- That the Berschens Shores 3rd Addition minor subdivision and zoning map amendment is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Berschens Shores 3rd Addition minor subdivision and zoning map amendment is consistent with the future development plans of the area and with the standards of the City's agriculture zoning district.
- That the Berschens Shores 3rd Addition minor subdivision meets the requirements of the City's minor subdivision regulations and specifically the requirements concerning exceptions to platting.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant must obtain all other necessary City, state, and other governing body permits and approvals prior to release of the plat for recording.
2. The applicant shall work with the City to assign addresses the four parcels.
3. The City Attorney's comments set forth in the plat opinion shall be addressed prior to release of the plat for recording.
4. Lot 1, Block 1 will continue to be used for agricultural purposes in combination with Lot 2, Block 1 in order to keep the existing accessory structure configuration so that it meets the City's requirements for accessory buildings. Once agricultural operations cease, or the parcels are no longer under common ownership, the accessory buildings on both lots must be brought into conformance so that they meet the City's current limitations on the number and size of accessory buildings.
5. The special assessments currently levied against the property subject to the minor subdivision shall be transferred or paid in full prior to release of the final plat for recording.
6. The applicant shall record the plat and resolution within 180 days after approval and provide proof to the City. If both are not recorded within 180 days, approval of the minor subdivision shall be considered void, unless a request for a time extension is submitted in writing and approved by the council.

RECOMMENDATIONS:

Staff recommends the Planning Commission to recommend approval of the minor subdivision and zoning map amendment request. Suggested Motion:

“Move to recommend approval of the Berschens Shores 3rd Addition minor subdivision and zoning map amendment requests based on the findings of fact and conditions presented in the staff report.”

ATTACHMENTS:

- 1) Location Map
- 2) Land Use Applications and Plat
- 3) Public Works (Email 4/21/25)
- 4) VBWD (Email 4/22/2025)
- 5) Fire Department (Memo 4/23/25)

- 6) City Engineer (Memo 4/28/25)
- 7) City Attorney (Memo 4/29/25)

ArcGIS Web AppBuilder



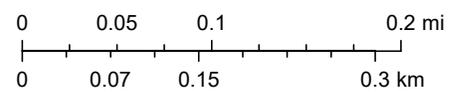
4/28/2025, 2:31:50 PM

1:9,028

 Parcels

 Municipals

DNR Protected Waters ID



Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

MINOR SUBDIVISION APPLICATION

Applicant: Jean Berschens and Janet Berschens, Trustees (respectively)
Address: 9420 Jane Court N, Lake Elmo, MN 55042
Phone # 651-777-0562 (hard of hearing)
Email Address: janetmberschens@gmail.com

Fee Owner: John A. Berschens Trust dated January 22, 2010 & Janet M. Berschens Trust dated January 22, 2010
Address: 9420 Jane Court N, Lake Elmo, MN 55042
Phone # 651-777-0562 (hard of hearing)
Email Address: janetmberschens@gmail.com

Engineer: Chris Gray, Bogart, Pederson & Associates, Inc.
Address: 13076 First Street, Becker, MN 55308
Phone # (763) 262-8822
Email Address: cgray@bogart-pederson.com

Property Location (Address): Lake Elmo, MN 55042; Lake Elmo, MN 55042; 9579 45th St N, Lake Elmo, MN 55042; Lake Elmo, MN 55042
Complete Legal Description: See Legal Description provided in Exhibit A of the Title Commitment attached hereto.

PID#: 10-029-21-12-0002; 10-029-21-13-0002; 10-029-21-42-0001; 10-029-21-31-0001

Detailed Reason for Request: Applicant submits this minor subdivision application to creating preferred lot sizes and locations for future estate planning purposes. Applicant and counsel have discussed the proposed minor subdivision at length with City planning staff and offers the attached Letter Regarding Continued Agricultural Use in order to satisfy City requirements related to lot size and the permitted number of accessory buildings on certain proposed lots.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: *Janet Berschens* Date: 3-17-25

Signature of fee owner: _____ Date: _____

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

ZONING MAP AMENDMENT APPLICATION

Applicant: Jean Berschens and Janet Berschens, Trustees (respectively)
Address: 9420 Jane Court N, Lake Elmo, MN 55042
Phone # 651-777-0562 (hard of hearing)
Email Address: janetmberschens@gmail.com

Fee Owner: John A. Berschens Trust dated January 22, 2010 & Janet M. Berschens Trust dated January 22, 2010
Address: 9420 Jane Court N, Lake Elmo, MN 55042
Phone # 651-777-0562 (hard of hearing)
Email Address: janetmberschens@gmail.com

Engineer: _____
Address: _____
Phone # _____
Email Address: _____

Property Location (Address): XXXX 45th Street, Lake Elmo, 55042
Complete Legal Description: See Exhibit attached hereto.

PID#: 10-029-21-13-0002

Detailed Reason for Request: Applicant is simultaneously submitting a minor subdivision application which requires that the subject parcel be zoned consistently with the adjacent parcel to the north. The subject parcel is currently zoned "Public Facilities." Applicant requests that the parcel be rezoned to "Rural Residential." The subject parcel is approximately 16.6 acres.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: *Janet Berschens* Date: 3-17-25

Signature of fee owner: _____ Date: _____

EXHIBIT TO ZONING MAP AMENDMENT APPLICATION

b. Date of application. **April 11, 2025**

d. Parcel ID # and Legal description.

PID# 10-029-21-13-0002

All that part of the west half of the Northeast Quarter, and all that part of Government Lot 3, lying easterly of the easterly line of the recorded plat of Dawcin Acres, as the same is surveyed and monumented, all located in Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows, to wit:

Beginning at the southwesterly corner of said West Half of the Northeast Quarter; thence North 88 degrees 50 minutes 37 seconds East, assumed bearing, along the southerly line thereof, 816.17 feet; thence easterly, northeasterly and northerly 783.76 feet along a tangential curve, concave to the northwest, having a radius of 498.22 feet and a central angle of 90 degrees 08 minutes 00 seconds; thence North 01 degree 17 minutes 23 seconds West, along tangent, 44.09 feet, more or less, to the northerly line of the South 543.47 feet of said West Half of the Northeast Quarter; thence South 88 degrees 50 minutes 37 seconds West, along said northerly line, and along the northerly line of the South 543.47 feet of said Government Lot 3, a distance of 1427.30 feet, more or less, to said easterly line of the recorded plat of Dawcin Acres, as the same is surveyed and monumented; thence South 01 degree 40 minutes 19 seconds East, along said easterly line, 543.49 feet, more or less, to the southerly line of said Government Lot 3; thence North 88 degrees 50 minutes 37 seconds East, along said southerly line 108.12 feet, more or less, to the point of beginning.

f. Conceptual site plan drawn to scale showing all affected parcels and a general concept for any proposed development of said parcels.

Please see the attached preliminary plat for Applicant's Minor Subdivision Application. No development of the subject parcel is anticipated.

g. General location of all buildings and their approximated dimensions and square footage. **N/A**

h. Approximate location of all curb cuts, driveways, access roads, parking areas, off-street loading areas, and sidewalks. **N/A**

i. Conceptual landscape plan indicating general planting areas for trees, shrubs, and lawns. **N/A**

j. Conceptual grading erosion control, and storm water management plan. **N/A**

k. Conceptual sewer and water utility plan for the development. **N/A**

l. Narrative indicating the types of uses or businesses that are contemplated for the development, number of employees, parking and traffic impacts, and other pertinent information about the proposed development. **N/A**

m. Mailing labels with names and addresses of property owners within 350 feet. The city requires that this list be from a certified abstractor or from Washington County.

See Schedule 1 attached hereto.

n. Applicable fee listed on the Cities current fee schedule. **2025 Fee Schedule**

\$1,250.00 Fee + \$2,500 Escrow

o. Such other information as the City may require to ensure compliance with other applicable ordinances. **City to confirm, if any.**

p. An electronic copy of all documents. **Included with application.**

Schedule 1

Parcel Search Application & Results

[attached]

January 30 , 2025

VIA EMAIL

City of Lake Elmo
Attn: Senior City Planner
3880 Laverne Ave N
Lake Elmo, MN 55042
Email: SJensen@lakeelmo.gov

RE: Continued Agricultural Use of Certain Real Property (Portions of Current PID #10-029.21.12.0002, #10-029.21.13.0002, #10-029.21.42.0001)

To Whom It May Concern:

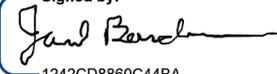
I write this correspondence as Trustee of the Janet M. Berschens Trust under Trust Agreement dated January 22, 2010, and am joined by Jean Berschens, as Trustee of the John A. Berschens Trust under Trust Agreement dated January 22, 2010 (collectively, the “Trusts”), each a fee title owner of a one-half (1/2) interest in that certain real property located in the City of Lake Elmo (the “City”) legally described in that certain Quit Claim Deed dated January 22, 2010, and recorded October 31, 2014 as Document No. 4005778 in the Office of the County Recorder for Washington County, Minnesota (collectively, the “Property”). The Property is commonly referred to by parcel identification numbers 10-029.21.12.0002 (the “North Parcel”), 10-029.21.13.0002 (the “Center Parcel”), and 10-029.21.42.0001 (the “South Parcel”).

As you are aware, the Trusts plan to submit an application for a minor subdivision of the Property, together with an adjacent parcel referred to by parcel identification number 10-029.21.31.0001 (collectively, the “Subdivision”), for estate planning purposes. The proposed layout for the Subdivision is attached hereto as Exhibit A. Based on preliminary conversations with the City regarding this layout, certain portions of the Property will require a use restriction in order to comply with City zoning requirements related to the maximum number of accessory buildings. As such, the two (2) lots outlined in blue in Exhibit A must be used consistently to be considered “a single lot” for purposes of compliance with these requirements.

As requested by the City, this letter constitutes confirmation on behalf of the Trusts that the two (2) lots outlined in blue in Exhibit A will continue to be used for agricultural purposes post-Subdivision, and that any conveyance of these lots will acknowledge an appropriate deed restriction for the same. I hereby acknowledge on behalf of the Trusts, and any successors or assigns thereof, including the undersigned intended beneficiary of these lots, that, in the event these lots are no longer used for agricultural purposes at some point in the future, the City may require the subdivided portion of the South Parcel to come into compliance with applicable zoning requirements related to the maximum number of accessory buildings for a ten (10) acre parcel.

Sincerely,

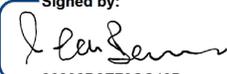
Janet M. Berschens Trust under Trust Agreement dated January 22, 2010,
and any amendments thereto

Signed by:

1242CD8860C44BA...

By: Janet Berschens
Its: Trustee

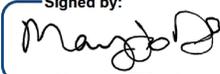
JOINED BY:

John A. Berschens Trust under Trust Agreement dated January 22, 2010,
and any amendments thereto

Signed by:

26202D2E76CC49B...

By: Jean Berschens
Its: Trustee

ACKNOWLEDGED BY:

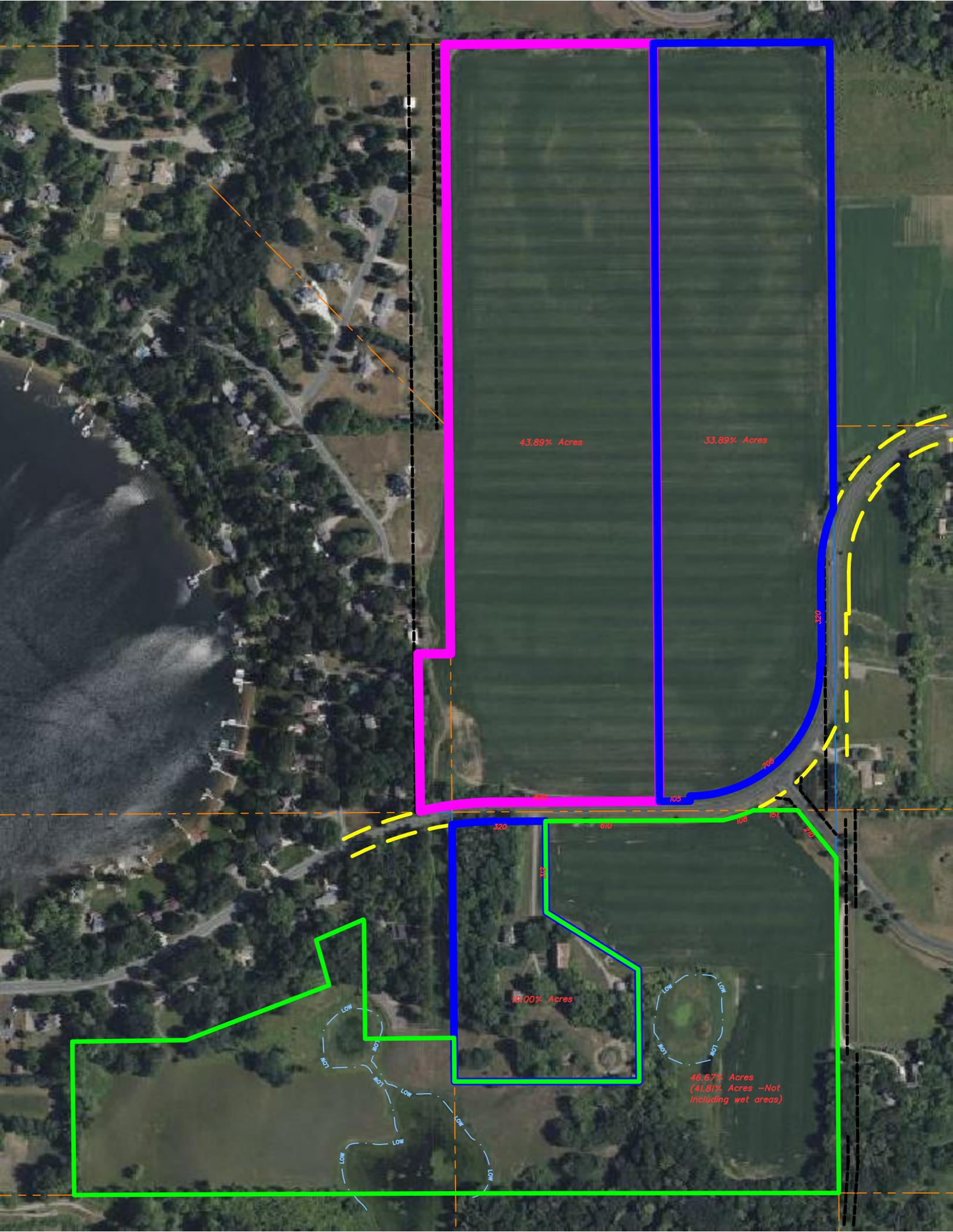
Signed by:

4964AA34CE974A6...

Mary Jo Davis

EXHIBIT A

Proposed Lot Layout – Berschens Minor Subdivision

[attached]



43.89% Acres

33.89% Acres

10.00% Acres

46.67% Acres
(41.81% Acres -Not
including wet areas)

LOW

320

312

610

108

151

210

320

312

610

108

151

210

705

105

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Preliminary Plat of BERSCHENS SHORES 3RD ADDITION

CITY OF LAKE ELMO
WASHINGTON COUNTY, MN

Proposed Plat Description (Land Title Inc. - Commitment No. 700161 Revision 1):

Parcel A:
The West one-half of the Northeast Quarter (W 1/2 of NE 1/4) of Section Ten (10), Township Twenty-nine (29), Range Twenty-one (21), Washington County, Minnesota, excepting therefrom the following described parcel:

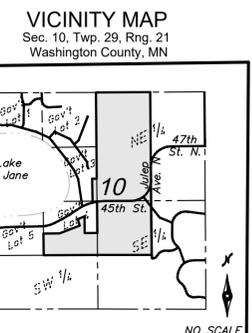
All that part of the west half of the Northeast Quarter, and all that part of Government Lot 3, lying easterly of the easterly line of the recorded plat of DAWCIN ACRES, as the same is surveyed and monumented, all located in Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows, to wit:
Beginning at the southwestern corner of said West Half of the Northeast Quarter; thence North 88 degrees 50 minutes 37 seconds East, assumed bearing, along the southerly line thereof, 816.17 feet; thence easterly, northeasterly and northerly 783.76 feet along a tangential curve, concave to the northwest, having a radius of 498.22 feet and a central angle of 90 degrees 08 minutes 00 seconds; thence North 01 degree 17 minutes 23 seconds West, along tangent, 44.09 feet, more or less, to the northerly line of the South 543.47 feet of said West Half of the Northeast Quarter; thence South 88 degrees 50 minutes 37 seconds West, along said northerly line, and along the northerly line of the South 543.47 feet of said Government Lot 3, a distance of 1427.30 feet, more or less, to said easterly line of the recorded plat of DAWCIN ACRES, as the same is surveyed and monumented; thence South 01 degree 40 minutes 19 seconds East, along said easterly line, 543.49 feet, more or less, to the southerly line of said Government Lot 3; thence North 88 degrees 50 minutes 37 seconds East, along said southerly line 108.12 feet, more or less, to the point of beginning.

Parcel B:
All that part of the west half of the Northeast Quarter, and all that part of Government Lot 3, lying easterly of the easterly line of the recorded plat of DAWCIN ACRES, as the same is surveyed and monumented, all located in Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows, to wit:
Beginning at the southwestern corner of said West Half of the Northeast Quarter; thence North 88 degrees 50 minutes 37 seconds East, assumed bearing, along the southerly line thereof, 816.17 feet; thence easterly, northeasterly and northerly 783.76 feet along a tangential curve, concave to the northwest, having a radius of 498.22 feet and a central angle of 90 degrees 08 minutes 00 seconds; thence North 01 degree 17 minutes 23 seconds West, along tangent, 44.09 feet, more or less, to the northerly line of the South 543.47 feet of said West Half of the Northeast Quarter; thence South 88 degrees 50 minutes 37 seconds West, along said northerly line, and along the northerly line of the South 543.47 feet of said Government Lot 3, a distance of 1427.30 feet, more or less, to said easterly line of the recorded plat of DAWCIN ACRES, as the same is surveyed and monumented; thence South 01 degree 40 minutes 19 seconds East, along said easterly line, 543.49 feet, more or less, to the southerly line of said Government Lot 3; thence North 88 degrees 50 minutes 37 seconds East, along said southerly line 108.12 feet, more or less, to the point of beginning.

Parcel C:
The Northwest Quarter of the Southwest Quarter (NW 1/4 of SE 1/4) of Section Ten (10), Township Twenty-nine (29), Range Twenty-one (21), Washington County, Minnesota.

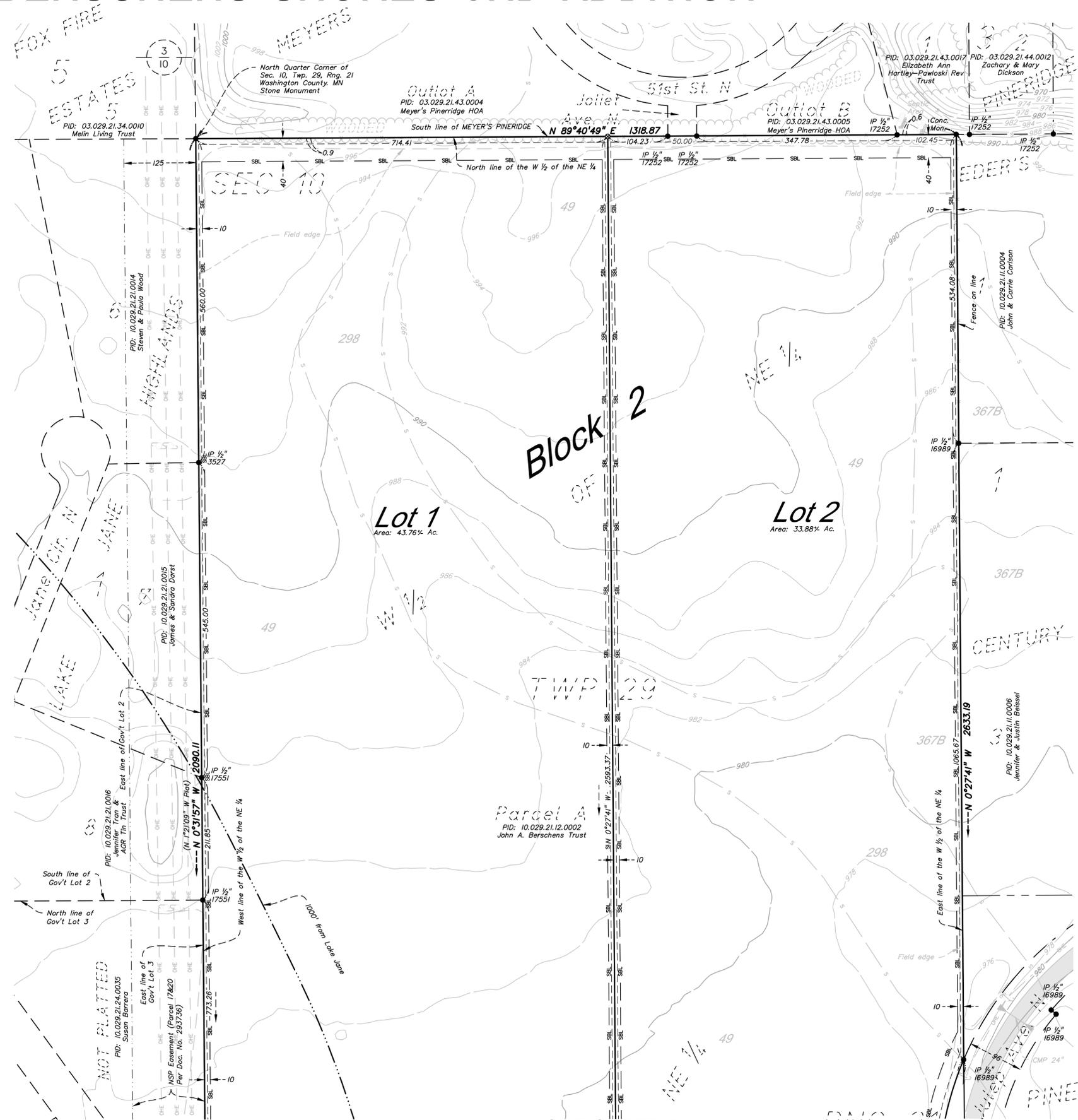
Parcel D:
All that part of Government Lot Four (4), Section Ten (10), Township Twenty-nine (29), Range Twenty-one (21), Washington County, Minnesota, excepting therefrom the following:

- The part thereof platted as BERSCHENS SHORES;
- The part thereof platted as BERSCHENS SHORES 2ND ADDITION;
- The part thereof platted as DAWCIN ACRES;
- All that part of the Vacated Township Road as the same is dedicated on the Southeasterly line of the Plat of BERSCHENS SHORES;
- The part thereof lying northerly of 45th Street North (i.e.a Lake Jane Trail) as presently travelled and westerly of Jane Road North as presently travelled.
- That part of Government Lot 4, Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:
Commencing at the Northeast corner of said Government Lot 4; thence South 01°21'07" East, bearing oriented to the Washington County Coordinate System, South Zone, along the East line of said Government Lot 4 a distance 10.15 feet to the center line of Lake Jane Trail as presently travelled and the point of beginning; thence Southwesterly along said center line and a curve, concave to the South, having a radius of 1,145.92 feet and a central angle of 18°45'59" a distance of 375.33 feet, the chord of said curve bears South 71°49'50" West; thence South 12°55'50" East 262.41 feet; thence South 01°21'07" East 399.16 feet; thence North 88°38'53" East 305.00 feet to the East line of said Government Lot 4; thence North 01°21'07" West along said East line 764.33 feet to the point of beginning; and
- All that part of Government Lot 4, Section 10, Township 29 North, Range 21 West, Washington County, Minnesota described as follows:
Commencing at the Northeast corner of said Government Lot 4; thence South 01°21'07" East, bearing oriented to the Washington County Coordinate System, South Zone, along the East line of said Government Lot 4 a distance of 10.15 feet to the center line of Lake Jane Trail, as presently travelled; thence Southwesterly along said center line and a curve, concave to the south, having a radius of 1,145.92 feet and a central angle of 18°45'59" a distance of 375.33 feet to the point of beginning, the chord of said curves bears South 71°49'50" West; thence continue southwesterly along said center line and said curve, concave to the southeast, having a radius of 1,145.92 feet and a central angle of 01°42'22" a distance of 27.57 feet; thence South 61°04'09" West along tangent and along said center line 168.40 feet to the northeast corner of BERSCHENS SHORES 2ND ADDITION, according to the recorded plat thereof; thence South 16°44'50" East along the east line of said BERSCHENS SHORES 2ND ADDITION 234.30 feet; thence North 65°35'10" East 176.40 feet; thence North 12°55'50" West 252.36 feet to the point of beginning.



LEGEND:

	Denotes mailbox
	Denotes septic cleanout
	Denotes manhole
	Denotes water valve
	Denotes sign
	Denotes power pole
	Denotes guy wire
	Denotes telephone pedestal
	Denotes wall
	Denotes hydrant
	Denotes flared end section
	Denotes culvert
	Denotes Bruce Folz, LS
	Denotes Barrett Stack, LS
	Denotes David Torgersen, LS
	Denotes Donald Carley, LS
	Denotes David Dupay, LS
	Denotes Timothy Freeman, LS
	Denotes bituminous surface
	Denotes concrete surface
	Denotes gravel surface
	Denotes fence
	Denotes overhead electric
	Denotes easement
	Denotes existing adjoiners
	Denotes low land
	Denotes field edge
	Denotes mow line
	Denotes retaining wall



Bearings are based on the Washington County coordinate system (NAD83 86adj). For the purpose of this plat, the North-South Quarter line is assumed to bear North 0 degrees 31 minutes 57 seconds West

- Denotes found iron monument
- Denotes 1/2 inch by 14 inch iron monument with a plastic plug stamped R.L.S. 47466 to be set within one year of platting date
- Denotes set 1/2 inch by 14 inch iron monument with a plastic plug stamped R.L.S. 47466
- Denotes found cast iron monument

REFERENCE BENCHMARK:
MNDOT Geodetic Monument "JESSICA"
Elevation = 917.15 feet (NAVD 88)

PROJECT BENCHMARK:
Top nut hydrant in S. quadrant of the intersection of 45th St. N. and 45th St. N. (Between Rd. and Bit. trail)
Elevation = 981.99 feet (NAVD 88)

OWNER/DEVELOPER:
John A. Berschens Trust & Janet M. Berschens Trust
9420 Jane Ct. N.
Lake Elmo, MN 55042
(651) 777-0562 (Janet)
(651) 303-9461 (Sue)

SURVEYORS & ENGINEERS:
Bogart, Pederson & Associates, Inc.
13076 First Street
Becker, MN 55308-9322
763-262-8822

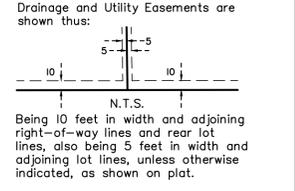
TOTAL AREA: 138.74% Acres

EXISTING ZONING: Rural Residential (RR) & Public Facilities (PF)

PROPOSED ZONING: Rural Residential (RR) W/ Shoreland Overlay

MINIMUMS:
10 Acres
300' Width

DENOTES BUILDING SETBACKS:
30' Front
25' Front (Corner)
10' Side
40' Rear
150' From OHW (Natural Environment)



DATE: 1/6/25
FIELD DATE: September 9th, 2024
BK/PG: 88.10/pg. 47
DRAWN BY: CK
CHECKED BY: CAW/CEG
DWG FILE: 24-0355 Prelim
FILE NO: 24-0355.00

REVISIONS:

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: *Craig A. Wensmann*
Craig A. Wensmann
Date: 1/29/25 Lic. No. 47466

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
MAPPING
13076 FIRST STREET, BECKER, MN 55308-9322
TEL: 763-262-8822 FAX: 763-262-8844

PRELIMINARY PLAT
for
John A. Berschens Trust & Janet M. Berschens Trust
BERSCHENS SHORES
3RD ADDITION
City of Lake Elmo
Washington County, MN

SEE SHEET 2

BOGART, PEDERSON & ASSOCIATES, INC.

Preliminary Plat of BERSCHENS SHORES 3RD ADDITION

CITY OF LAKE ELMO
WASHINGTON COUNTY, MN

SOILS CHART

Map symbol & soil name	Hydrologic group	Water table depth (in)
298: Richwood silt loam, 0 to 2 percent slopes	B	>80
367B: Crystal Lake silt loam, 1 to 6 percent slopes	C	24
49: Antigo silt loam, 0 to 2 percent slopes	B	>80
456: Barronett silt loam, 0 to 2 percent slopes	C/D	0
454D: Mahtomedi loamy sand, 12 to 25 percent slopes	A	>80
454F: Mahtomedi loamy sand, 25 to 40 percent slopes	A	>80
454B: Mahtomedi loamy sand, 0 to 6 percent slopes	A	>80
452: Comstock silt loam, 0 to 3 percent slopes	B/D	10
W: Water	N/A	N/A
49C: Antigo silt loam, 6 to 15 percent slopes	B	>80
120: Brill silt loam, 0 to 2 percent	C	30
449: Crystal Lake silt loam, 0 to 3 percent slopes	C	24
155C: Chetel sandy loam, 6 to 12 percent slopes	A	>80

• Data from USDA Web Soil Survey

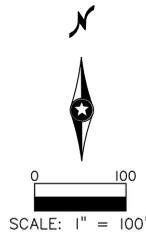
Survey Notes:

- Portions of woods edge and field edge were digitized from Autodesk Civil 3D 2020 online aerial imagery and are for reference purposes only.
- A utility locate was not part of the scope of this plat.
- No easement documents provided for the trail/path located SW 1/4 of 45th St N. where it crosses the NE 1/4 corner of the NW 1/4 of the SE 1/4 on Lot 2, Block 1.
- There is a part of the description for Parcel D located in the northeast corner of Gov't Lot 4 that may have questionable title. This area is part of Gov't Lot 4 and not included in any part of the exceptions as listed for Parcel D. This area contains 2,068% S.F. (0.05% Acres).
- There may be an error in the description of Line B for Doc. No.'s 3490404 and 3523596 as listed in Item 1B of Schedule B Part II of the Title Commitment.
- An official wetland delineation was not requested or performed.
- No soil borings have been completed for suitable septic areas, due to no plans of building homes on lots at this time.
- Subject property is part of the shoreland district and part of a Zone A floodplain district as mapped by FEMA on Firm Panel 27163C0245E, eff. February 3, 2010.
- Berschen's Pond DNR ID: 82010500 is a land locked basin and the Valley Branch Watershed District has calculated the 100 year Base Flood Elevation (BFE) to be 923.2 feet (NAVD 88).
- Contours were created using MNDNR MN/Topo Lidar (NAVD 88) and RTK GPS methods.

SCHEDULE OF DRY BUILDABLE AREAS FOR LOTS

Block	Lot	Total Lot Area (Ac)	Buildable Area (Ac)*
1	1	10.01	8.75
1	2	46.28	30.45
2	1	43.76	41.35
2	2	33.88	31.45

*Note: For the purpose of this plat, dry buildable area is defined by Land with a slope less than 25 percent, and outside of any required setbacks, and above any roadway, drainage, or drainage easement.

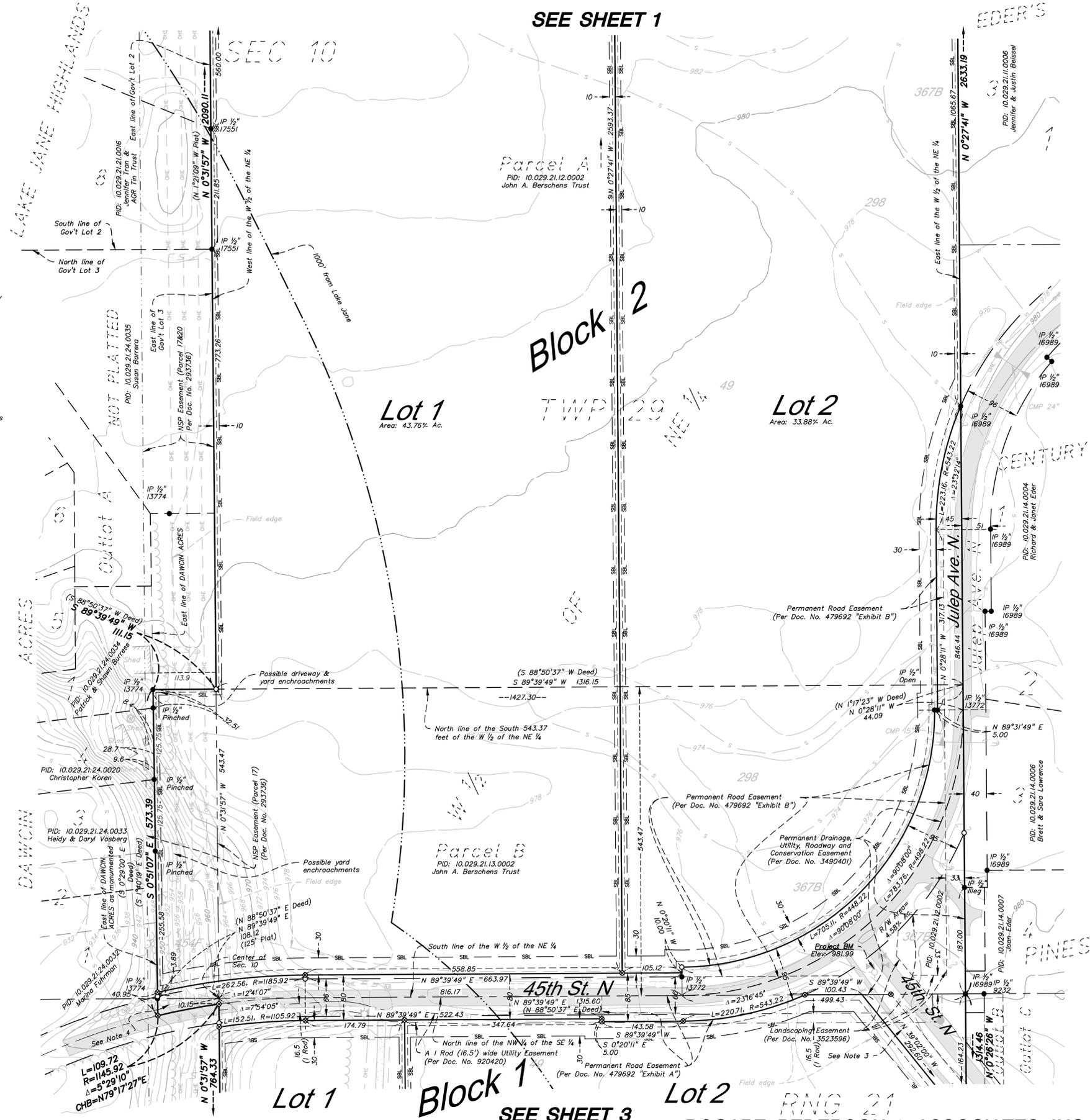
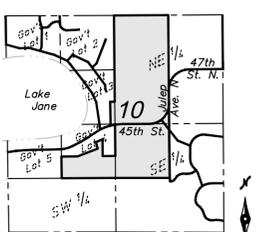


LEGEND:

- Denotes mailbox
- Denotes septic cleanout
- Denotes manhole
- Denotes water valve
- Denotes sign
- Denotes power pole
- Denotes guy wire
- Denotes telephone pedestal
- Denotes well
- Denotes hydrant
- Denotes flared end section
- Denotes culvert
- LS 9232 Denotes Bruce Folz, LS
- LS 13774 Denotes Barrett Stack, LS
- LS 17551 Denotes David Torgersen, LS
- LS 3527 Denotes Donald Carley, LS
- LS 17252 Denotes David Dupuy, LS
- LS 16989 Denotes Timothy Freeman, LS
- Denotes bituminous surface
- Denotes concrete surface
- Denotes gravel surface
- Denotes fence
- Denotes overhead electric
- Denotes easement
- Denotes existing adjoiners
- Denotes low land
- Denotes field edge
- Denotes mow line
- Denotes retaining wall

VICINITY MAP

Sec. 10, Twp. 29, Rng. 21
Washington County, MN



Bearings are based on the Washington County coordinate system (NAD83 86adj). For the purpose of this plat, the North-South Quarter line is assumed to bear North 0 degrees 31 minutes 57 seconds West.

- Denotes found iron monument
- Denotes 1/2 inch by 14 inch iron monument with a plastic plug stamped R.L.S. 47466 to be set within one year of platting date
- Denotes set 1/2 inch by 14 inch iron monument with a plastic plug stamped R.L.S. 47466
- Denotes found cast iron monument

REFERENCE BENCHMARK:
MNDOT Geodetic Monument "JESSICA"
Elevation = 917.15 feet (NAVD 88)

PROJECT BENCHMARK:
Top nut hydrant in S. quadrant of the intersection of 45th St. N. and 45th St. N. (Between Rd. and Bit. trail)
Elevation = 981.99 feet (NAVD 88)

OWNER/DEVELOPER:
John A. Berschens Trust &
Janet M. Berschens Trust
9420 Jane Ct. N.
Lake Elmo, MN 55042
(651) 777-0562 (Janet)
(651) 303-9461 (Sue)

SURVEYORS & ENGINEERS:
Bogart, Pederson & Associates, Inc.
13076 First Street
Becker, MN 55308-9322
763-262-8822

TOTAL AREA: 138.74% Acres

EXISTING ZONING: Rural Residential (RR) & Public Facilities (PF)

PROPOSED ZONING: Rural Residential (RR) W/ Shoreland Overlay

MINIMUMS:
10 Acres
300' Width

DENOTES BUILDING SETBACKS:
30' Front
25' Front (Corner)
10' Side
40' Rear
150' From OHW (Natural Environment)

Drainage and Utility Easements are shown thus:

N.T.S.
Being 10 feet in width and adjoining right-of-way lines and rear lot lines, also being 5 feet in width and adjoining lot lines, unless otherwise indicated, as shown on plat.

DATE: 1/6/25
FIELD DATE: September 9th, 2024
BK/PG: 88.10/pg. 47
DRAWN BY: CK
CHECKED BY: CAW/CEG
DWG FILE: 24-0355 Prelim
FILE NO: 24-0355.00

REVISIONS:
1 4/29/25 Revise per City Comments

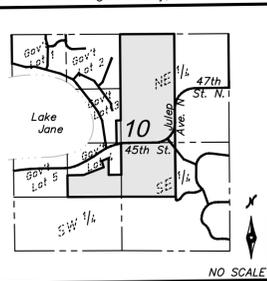
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: Craig A. Wensmann
Date: 1/29/25 Lic. No. 47466

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
MAPPING
13076 FIRST STREET, BECKER, MN 55308-9322
TEL: 763-262-8822 FAX: 763-262-8844

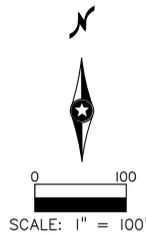
PRELIMINARY PLAT
for
John A. Berschens Trust &
Janet M. Berschens Trust
BERSCHENS SHORES
3RD ADDITION
City of Lake Elmo
Washington County, MN

VICINITY MAP
Sec. 10, Twp. 29, Rng. 21
Washington County, MN



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Preliminary Plat of BERSCHENS SHORES 3RD ADDITION

CITY OF LAKE ELMO
WASHINGTON COUNTY, MN

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- Denotes found iron monument
- ⊙ Denotes 1/2 inch by 1/4 inch iron monument with a plastic plug stamped R.L.S. 47466, to be set within one year of platting date
- Denotes set 1/2 inch by 1/4 inch iron monument with a plastic plug stamped R.L.S. 47466
- ⊙ Denotes found cast iron monument

REFERENCE BENCHMARK:
MNDOT Geodetic Monument "JESSICA"
Elevation = 917.15 feet (NAVD 88)

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Top nut hydrant in S. quadrant of the intersection of 45th St. N. and 45th St. N. (Between Rd. and Bit. trail)
Elevation = 981.99 feet (NAVD 88)

OWNER/DEVELOPER:
John A. Berschens Trust &
Janet M. Berschens Trust
9420 Jane Ct. N.
Lake Elmo, MN 55042
(651) 777-0562 (Janet)
(651) 303-9461 (Sue)

SURVEYORS & ENGINEERS:
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13076 First Street
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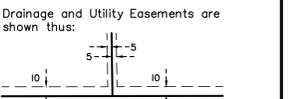
TOTAL AREA: 138.74± Acres

EXISTING ZONING: Rural Residential (RR) & Public Facilities (PF)

PROPOSED ZONING: Rural Residential (RR) / Shoreland Overlay

MINIMUMS:
10 Acres
300' Width

DENOTES BUILDING SETBACKS:
30' Front
25' Front (Corner)
10' Side
40' Rear
150' From OHW (Natural Environment)



N.T.S.
Being 10 feet in width and adjoining right-of-way lines and rear lot lines, also being 5 feet in width and adjoining lot lines, unless otherwise indicated, as shown on plat.

DATE: 1/6/25
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BK/Pg: 88.10/pg. 47
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REVISIONS:
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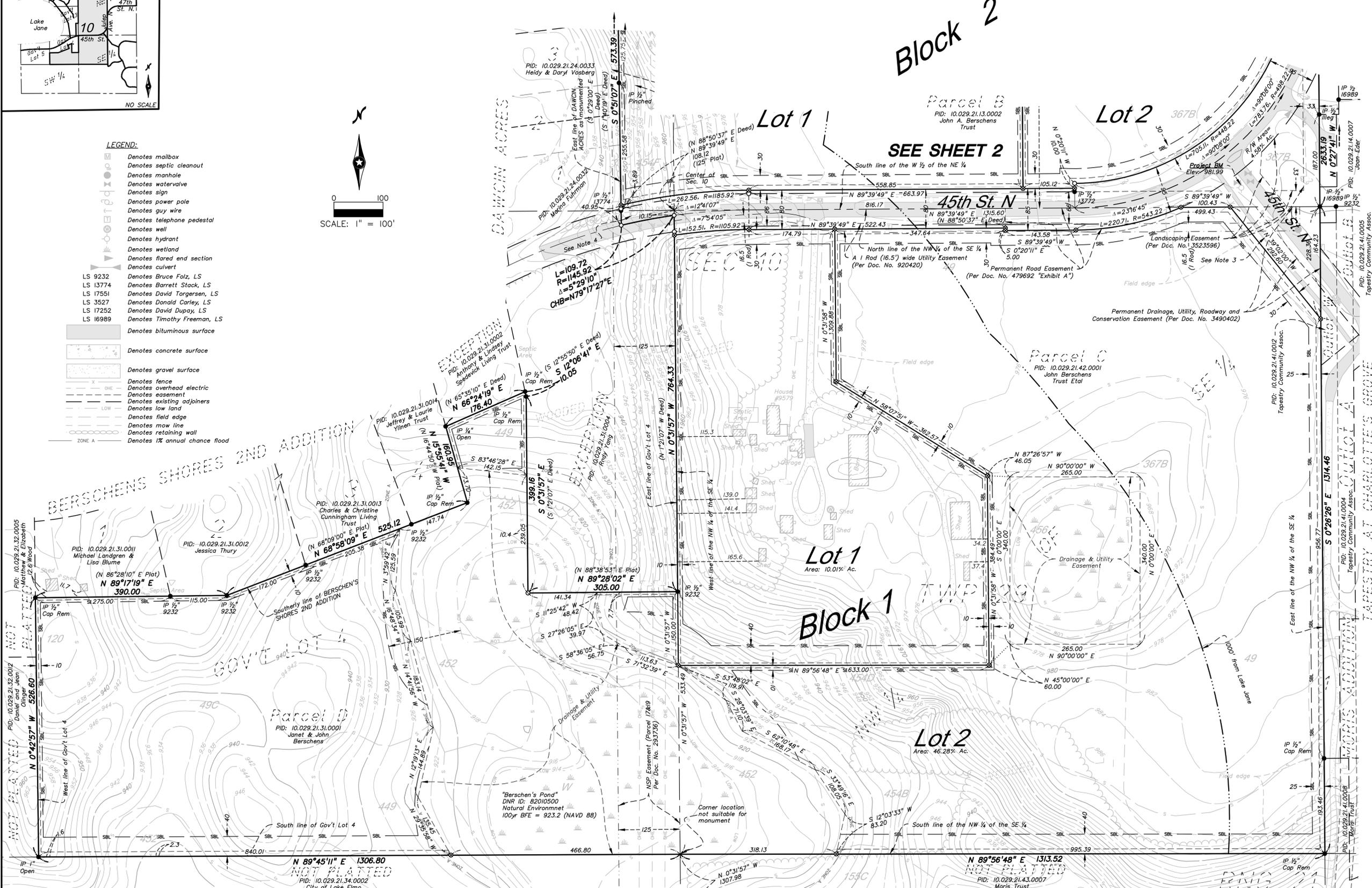
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: *Craig A. Wensmann*
Craig A. Wensmann
Date: 1/29/25 Lic. No. 47466

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
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TEL: 763-262-8822 FAX: 763-262-8844

PRELIMINARY PLAT
for
John A. Berschens Trust &
Janet M. Berschens Trust
BERSCHENS SHORES
3RD ADDITION
City of Lake Elmo
Washington County, MN

BOGART, PEDERSON & ASSOCIATES, INC.



South Quarter Corner of
Sec. 10, Twp. 29, Rng. 21
Washington County, MN
Cast Iron Monument

From: [Marty Powers](#)
To: [Sophia Jensen](#); [Adam Swanepoel](#)
Cc: [Ashley Monterusso](#)
Subject: RE: City of Lake Elmo Land Use Review - April 2nd Batch
Date: Monday, April 21, 2025 3:14:48 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

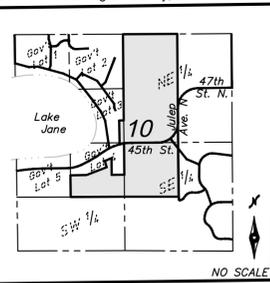
Hello Sophia,

The City's standard trail corridor is 30 feet centered over a trail. With a standard eight-foot asphalt trail that leaves 11 feet on each side of the trail for the city to complete maintenance and reconstruction. Public Works is asking for the property line to be moved eleven feet on the west side of the trail to accommodate future needs. If there is a reason this cannot be accommodated, please let us know.

Respectfully

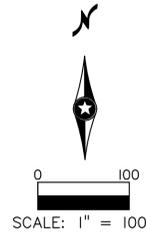
	<p>Marty Powers Public Works Director 3880 Laverne Ave N Lake Elmo, MN 55042 mpowers@lakeelmo.gov P: (651) 747-3941 www.lakeelmo.gov</p>
--	--

VICINITY MAP
Sec. 10, Twp. 29, Rng. 21
Washington County, MN



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- Denotes 1% annual chance flood



Preliminary Plat of BERSCHENS SHORES 3RD ADDITION

CITY OF LAKE ELMO
WASHINGTON COUNTY, MN

PW Email Exhibit

Block 2

Parcel B
PID: 10.029.21.13.0002
John A. Berschens Trust

Lot 2

Lot 1

SEE SHEET 2

45th St. N

Parcel C
PID: 10.029.21.42.0001
John Berschens Trust Etal

Block 1

Lot 1
Area: 10.01% Ac.

Lot 2
Area: 46.51% Ac.

Parcel D
PID: 10.029.21.31.0001
Janet & John Berschens

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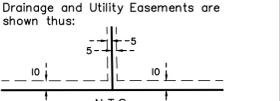
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DATE: 1/6/25
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DRAWN BY: CK
CHECKED BY: CAW/CEG
DWG FILE: 24-0355 Prelim
FILE NO: 24-0355.00

REVISIONS:

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: *Craig A. Wensmann*
Date: 1/29/25 Lic. No. 47466

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PRELIMINARY PLAT
for
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BERSCHENS SHORES
3RD ADDITION
City of Lake Elmo
Washington County, MN

BOGART, PEDERSON & ASSOCIATES, INC.

From: [John P. Hanson](#)
To: [Sophia Jensen](#)
Subject: RE: City of Lake Elmo Land Use Review - April 2nd Batch
Date: Tuesday, April 22, 2025 2:34:28 PM
Attachments: [image001.png](#)

Caution: This email originated outside our organization; please use caution.

Hi Sophia,

All subdivisions, plats, developments, and lot-line modifications require a Valley Branch Watershed District. As such, the proposed Berschens Shores 3rd Addition requires a VBWD permit. Please inform the project proponents of the requirement.

Thanks!

John

John P. Hanson, PE
Valley Branch Watershed District Engineer
Barr Engineering Co.
4300 MarketPointe Drive
Bloomington, MN 55435
952.832.2622
JHanson@barr.com | www.barr.com | www.vbwd.org

LAKE ELMO FIRE DEPARTMENT – OFFICE OF THE FIRE MARSHAL

Fire Prevention, Code Enforcement, and Public Education



April 23, 2025

Sophia Jensen, Planner
City of Lake Elmo

Re: MINOR SUBDIVISION AND ZONING MAP AMEMDMENT – BERSCHENS SHORES 3RD ADDITION

Prepared by: Anthony Svoboda, Fire Marshal

Approved by: Dustin Kalis, Fire Chief

Applicable Codes:

- 2020 Minnesota State Fire Code
- 2020 Minnesota State Building Code
- Lake Elmo Fire Department Fire Code Policies
- NFPA 13, 2016 edition
- NFPA 13D, 2016 edition

Fire Department Comments:

- 1) All roads and drive lanes shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses.
- 2) Project construction phasing shall always accommodate emergency access to the entire construction zone, generally meaning two separate means of entrance/exit as defined in the code. Phasing plan to be approved by the fire department prior to construction.
- 3) Fire hydrants and watermains shall be provided in approved locations following review by Engineering and Public Works.
- 4) Building address numbers shall be plainly visible from the street fronting the property and shall be contrasting color from the background. The size and placement of address numbers shall be approved by the fire and planning departments.
- 5) All gates, whether manual or electric, shall be accompanied by either a KNOX lock or KNOX gate control switch for rapid access.

Questions, clarifications, or the request to provide code documents can be made using the contact information listed below.

Respectfully,

Anthony Svoboda



Anthony Svoboda | Assistant Chief

Lake Elmo Fire Department
Fire Station #1 - 3510 Laverne Ave N. | Lake Elmo, MN | 55042
651-747-3907 office | www.lakeelmo.org



Real People. Real Solutions.

MEMORANDUM

Date: April 23, 2025

To: Sophia Jensen, Senior City Planner
Jason Stopa, Community Development Director
Marty Powers, Public Works Director
Nate Stanley, City Engineer
Chad Isakson, Assistant City Engineer

From: Jack Griffin, Sr. Project Manager

Re: Berschens Shores 3rd Addition

An engineering review has been completed for the Berschen Shores 3 Addition Minor Subdivision received on April 16, 2025. This review consisted of the following documentation:

- Preliminary Plat of Berschens Shores 3rd Addition dated April 10, 2025.
-

1. The Plat shows right-of-way dedication along 45th Street, measuring a minimum 80-feet in width, as required.
2. The Plat shows 10-ft drainage and utility easements adjacent to all public right-of-way lines as required.
3. Doc. No. 3490402 represents a permanent drainage, utility, roadway and conservation easement. This easement must be vacated to specifically remove the conservation easement over all portions of the public right-of-way. The drainage, utility and roadway easement should also be vacated and replaced by the dedication of public right-of-way as part of the Final Plat.
4. Consideration should be given to require the dedication of additional right-of-way along the 45th Street entrance to the Tapestry neighborhood. The current roadway is located within a substandard 50-foot-wide roadway easement. The minimum City right-of-way for residential streets is 60 feet. In addition, the adjacent trail should be located within the new public right-of-way.



Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis MN 55402-1299

(612) 337-9300 telephone
(612) 337-9310 fax
<http://www.kennedy-graven.com>
Affirmative Action, Equal Opportunity Employer

SAMANTHA C. ZUEHLKE
Attorney at Law
Direct Dial: (612) 337-9205
Email: szuehlke@kennedy-graven.com

April 29, 2025

VIA E-MAIL ONLY

Ms. Sophia Jensen
Senior Planner
City of Lake Elmo
3880 Laverne Ave. N.
Lake Elmo, MN 55042

**RE: Preliminary Plat Opinion for Minor Subdivision – Berschens Shores 3rd Addition
Our File No. LA515-156**

Dear Sophia:

I have reviewed a title commitment from Land Title, Inc., as issuing agent for First American Title Insurance Company, with an effective date of July 25, 2024 (the “**Commitment**”). I have also reviewed a preliminary plat dated January 29, 2025, prepared by Bogart Pederson & Associates, Inc., which is titled **BERSCHENS SHORED 3RD ADDITION** (the “**Preliminary Plat**”). This minor subdivision letter is in response to an application to the City of Lake Elmo dated March 19, 2025.

The Commitment purports to cover the following legal description:

Parcel A:

The West one-half of the Northeast Quarter (W ½ of NE ¼) of Section Ten (10), Township Twenty-nine (29), Range Twenty-one (21), Washington County, Minnesota, excepting therefrom the following described parcel:

All that part of the west half of the Northeast Quarter, and all that part of Government Lot 3, lying easterly of the easterly line of the recorded plat of Dawcin Acres, as the same is surveyed and monumented, all located in Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows, to wit: Beginning at the southwesterly corner of said West Half of the Northeast Quarter; thence North 88 degrees 50 minutes 37 seconds East, assumed bearing, along the southerly line thereof, 816.17 feet; thence easterly, northeasterly and northerly 783.76 feet along a tangential curve, concave to the northwest, having a radius of 498.22 feet and a central angle of 90 degrees 08 minutes 00 seconds; thence North 01 degree 17 minutes 23 seconds West, along tangent, 44.09 feet, more or less, to the northerly line of the South 543.47 feet of said West

Ms. Sophia Jensen

April 29, 2025

Page 2

Half of the Northeast Quarter; thence South 88 degrees 50 minutes 37 seconds West, along said northerly line, and along the northerly line of the South 543.47 feet of said Government Lot 3, a distance of 1427.30 feet, more or less, to said easterly line of the recorded plat of Dawcin Acres, as the same is surveyed and monumented; thence South 01 degree 40 minutes 19 seconds East, along said easterly line, 543.49 feet, more or less, to the southerly line of said Government Lot 3; thence North 88 degrees 50 minutes 37 seconds East, along said southerly line 108.12 feet, more or less, to the point of beginning.

Parcel B:

All that part of the west half of the Northeast Quarter, and all that part of Government Lot 3, lying easterly of the easterly line of the recorded plat of Dawcin Acres, as the same is surveyed and monumented, all located in Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows, to wit: Beginning at the southwesterly corner of said West Half of the Northeast Quarter; thence North 88 degrees 50 minutes 37 seconds East, assumed bearing, along the southerly line thereof, 816.17 feet; thence easterly, northeasterly and northerly 783.76 feet along a tangential curve, concave to the northwest, having a radius of 498.22 feet and a central angle of 90 degrees 08 minutes 00 seconds; thence North 01 degree 17 minutes 23 seconds West, along tangent, 44.09 feet, more or less, to the northerly line of the South 543.47 feet of said West Half of the Northeast Quarter; thence South 88 degrees 50 minutes 37 seconds West, along said northerly line, and along the northerly line of the South 543.47 feet of said Government Lot 3, a distance of 1427.30 feet, more or less, to said easterly line of the recorded plat of Dawcin Acres, as the same is surveyed and monumented; thence South 01 degree 40 minutes 19 seconds East, along said easterly line, 543.49 feet, more or less, to the southerly line of said Government Lot 3; thence North 88 degrees 50 minutes 37 seconds East, along said southerly line 108.12 feet, more or less, to the point of beginning.

Parcel C:

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Ten (10), Township Twenty-nine (29), Range Twenty-one (21), Washington County, Minnesota.

Parcel D:

All that part of Government Lot Four (4), Section Ten (10), Township Twenty-nine (29), Range Twenty-one (21), Washington County, Minnesota, excepting therefrom the following: 1) The part thereof platted as Berschens Shores; 2) The part thereof platted as Berschens Shores 2nd Addition; 3) The part thereof platted as Dawcin Acres; 4) All that part of the Vacated Township Road as the same is dedicated on the Southeasterly line of the Plat of Berschens Shores; 5) The part thereof lying northerly of 45th Street North (f/k/a Lake Jane Trail) as presently travelled and westerly of Jane Road North as presently travelled. 6) That part of Government Lot 4, Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows: Commencing at the Northeast corner of said Government Lot 4; thence South 01°21'07" East, bearing oriented to the Washington County Coordinate System, South Zone, along the East line of said Government Lot 4 a distance 10.15 feet to the center line of Lake Jane Trail as presently travelled and the point of beginning; thence Southwesterly along said center line and a curve, concave to the South, having

a radius of 1,145.92 feet and a central angle of $18^{\circ}45'59''$ a distance of 375.33 feet, the chord of said curve bears South $71^{\circ}49'50''$ West; thence South $12^{\circ}55'50''$ East 262.41 feet; thence South $01^{\circ}21'07''$ East 399.16 feet; thence North $88^{\circ}38'53''$ East 305.00 feet to the East line of said Government Lot 4; thence North $01^{\circ}21'07''$ West along said East line 764.33 feet to the point of beginning; and

7) All that part of Government Lot 4, Section 10, Township 29 North, Range 21 West, Washington County, Minnesota described as follows: Commencing at the Northeast corner of said Government Lot 4; thence South $01^{\circ}21'07''$ East, bearing oriented to the Washington County Coordinate System, South Zone, along the East line of said Government Lot 4 a distance of 10.15 feet to the center line of Lake Jane Trail, as presently traveled; thence Southwesterly along said center line and a curve, concave to the south, having a radius of 1145.92 feet and a central angle of $18^{\circ}45'59''$ a distance of 375.33 feet to the point of beginning, the chord of said curves bears South $71^{\circ}49'50''$ West; thence continue southwesterly along said center line and said curve, concave to the southeast, having a radius of 1145.92 feet and a central angle of $01^{\circ}42'22''$ a distance of 27.57 feet; thence South $61^{\circ}04'09''$ West along tangent and along said center line 168.40 feet to the northeast corner of Berschens Shores 2nd Addition, according to the recorded plat thereof; thence South $16^{\circ}44'50''$ East along the east line of said Berschens Shores 2nd Addition 234.30 feet; thence North $65^{\circ}35'10''$ East 176.40 feet; thence North $12^{\circ}55'50''$ West 252.36 feet to the point of beginning.

Abstract Property

(the "**Property**").

Based on my review of the Commitment and the Preliminary Plat, I have the following comments regarding the minor subdivision application:

1. **Ownership Interests.** According to the Commitment, the owners of the Property are: John A. Berschens or successor, as Trustee of the John A. Berschens Trust under Trust Agreement dated January 22, 2010 (an undivided 1/2 interest), and Janet M. Berschens or successor, as Trustee of the Janet M. Berschens Trust under Trust Agreement dated January 22, 2010 (an undivided 1/2 interest).
 - a. The Final Plat must be executed with all the formalities of a deed of title. *We have not yet received from the Applicants a Certificate of Trust for either the Janet M. Berschens Trust under Trust Agreement dated January 22, 2010, or the John A. Berschens Trust under Trust Agreement dated January 22, 2010. The Application is made by Jean Berschens and Janet Berschens, as trustees. Certain Certificate of Trust and Affidavit of Trustee documents filed in 2014 in Washington County Property Records indicate that Janet M. Berschens is the authorized trustee of the Janet M. Berschens Trust and that Jean Berschens is the authorized trustee of the John A. Berschens Trust. We require any updated Certificate of Trusts for each above-named trust, if available, in order to determine if the Applicants are authorized to act under the respective trusts, and who must sign to complete the minor subdivision and sign a Final Plat on behalf of each trust. Jean Berschens, as Trustee for the fee owner John A. Berschens Trust under Trust Agreement*

dated January 22, 2010 has not signed the zoning amendment application, the affirmation of sufficient interest, or the Application for Subdivision.

- b. The Commitment indicates that there is no mortgage on the Property. *I require verification that no mortgages will be recorded against the Property prior to the recording of the Final Plat.*

2. **Application for Subdivision.**

The Application for Subdivision was submitted for Council action on March 19, 2025, and identifies the intent to split and combine certain parcels within the City of Lake Elmo for the purposes of estate planning.

The Preliminary Plat purports to combine the currently horizontally-divided Parcels A and B, and then plat them into two vertical lots, Lot 1 and 2, of Block 2. The proposed Lot 1, Block 2, would be approximately 43 acres. The proposed Lot 2, Block 2, would be approximately 33 acres. Following the split and platting, only the resulting Lot 2, Block 2, will have access to 51st St. N. along the Northern perimeter of the Lot if no access easements are granted or declared by the applicants.

The Preliminary Plat purports to combine Parcels C and D, and then plat them as Lots 1 and 2, of Block 1. The proposed Lot 1, Block 1, would be approximately 10 acres. The proposed Lot 2, Block 1, would be approximately 46 acres.

- a. *The Application for Subdivision correlates with the Preliminary Plat.*
- b. *Jean Berschens has not signed the zoning amendment application, the affirmation of sufficient interest, or the Application for Subdivision, on behalf of the fee owner John A. Berschens Trust under Trust Agreement dated January 22, 2010.*

The Application for Subdivision includes a Zoning Map Amendment Application, which requests to rezone Parcel B from “Public Facilities” to “Rural Residential”. According to the City zoning map, Parcel B is zoned Public Facilities and the remainder of the Property is zoned Rural Residential. Public Facilities are addressed in Open Space Planned Unit Developments of the City Code (Article XVII). City Code states Rural Residents Districts are:

[E]stablished for lands that have existing small-scale agricultural activity, as well as single-family residential dwellings. Future residential development may occur at a density of one dwelling unit per ten acres, or through the open-space preservation development process. These sites are expected to be served by on-site wastewater treatment facilities. Some limited agriculture-related businesses, such as wayside stands, are appropriate as interim uses for this district.

Per the Application for Subdivision, Parcel B would be combined with the Parcel A, which is zoned Rural Residential.

- c. *The applicants must provide updated title work to the City Attorney for review and opinion.*
 - d. *The applicants must provide a final plat to the City Attorney for review and opinion.*
3. **Taxes and Special Assessments.** All real estate taxes payable in the year the Plat is recorded (including delinquent taxes and any deferred Green Acres taxes) must be paid prior to recording the Plat. All special assessments must be paid prior to recording the Plat. Any special assessments against any part of the Property can be reapportioned among the new lots as provided in Minnesota Statutes Section 429.071(3).
- a. PID: 10.029.21.42.0001 (Parcel C) (Agricultural/Homestead)
Real Estate taxes payable in 2025 in the total amount of \$4,552.00 are unpaid.
There are no delinquent taxes of record.
 - b. PID: 10.029.21.31.0001 (Parcel D) (Agricultural/Homestead)
Real Estate taxes payable in 2025 in the total amount of \$200.00 are unpaid.
There are no delinquent taxes of record.
 - c. PID: 10.029.21.13.0002 (Parcel B) (Agricultural/Homestead)
Real Estate taxes payable in 2025 in the total amount of \$554.00 are unpaid.
There are no delinquent taxes of record.
 - d. PID: 10.029.21.12.0002 (Parcel A) (Agricultural/Homestead)
Real Estate taxes payable in 2025 in the total amount of \$2,290.00 are unpaid.
There are no delinquent taxes of record.

Each parcel appears to be enrolled in Green Acres and is subject to deferred assessments.

4. **Title Commitment Exceptions.** Based on the information in the Commitment, the Property is subject to the following exceptions:
- a. Rights of Northern States Power Company for electric transmission system purposes as contained in Final Decree filed November 1, 1971 as Document Number 293736. The easement is depicted on the Preliminary Plat and appears to run along the East perimeter of Parcel D and traverse wetlands depicted on the Preliminary Plat. *The private easement is not required to be depicted on the Final Plat. When a Final Plat is provided, the City should review and determine if the easement interferes with any public utilities dedicated on the Final Plat. I require review of the Final Plat.*

- b. Easement for utility purposes in favor of Northwestern Bell Telephone Company filed September 25, 1973 as Document Number 315811; as affected by Partial Release of Easement filed January 28, 1977 as Document Number 354273; as affected by Definition of Easement filed February 4, 1997 as Document Number 920420. The easement is depicted on the Preliminary Plat and appears to run along 45th St. N., along Parcel C of the Property. *The private easement is not required to be depicted on the Final Plat. When a Final Plat is provided, the City should review and determine if the easement interferes with any public utilities dedicated on the Final Plat. I require review of the Final Plat.*
- c. Road easement in favor of the City of Lake Elmo, a Minnesota municipal corporation, filed February 21, 1985 as Document Number 479692. The public easement is depicted on pages 2 and 3 of the Preliminary Plat along 45th St. N. and Julep Ave. N. *The public easement will need to be depicted on the Final Plat. I require review of the Final Plat.*
- d. Grant of Permanent Drainage, Utility, Roadway and Conservation Easement in favor of the City of Lake Elmo, a Minnesota municipal corporation, filed January 4, 2005 as Document Number 3490401. The public easement is depicted on page 2 of the Preliminary Plat along 45th St. N. *The public easement will need to be depicted on the Final Plat, unless otherwise vacated by the City. I require review of the Final Plat.*
- e. Grant of Permanent Drainage, Utility, Roadway and Conservation Easement in favor of the City of Lake Elmo, a Minnesota municipal corporation, filed January 4, 2005 as Document Number 3490402. The public easement is depicted on page 3 of the Preliminary Plat along 45th St. N. *The public easement will need to be depicted on the Final Plat, unless otherwise vacated by the City. I require review of the Final Plat.*
- f. Grant of Permanent Landscaping Easement in favor of the Charlotte's Grove Community Association, a Minnesota non-profit corporation, filed January 4, 2005 as Document Number 3490404; as affected by Corrective Grant of Permanent Landscaping Easement correcting grantee to Tapestry Community Association, a Minnesota non-profit corporation, filed July 1, 2005 as Document Number 3523596. The easement is depicted along the North perimeter of Parcel C of the Property. The private easement, which includes the rights on ingress and egress, is not required to be depicted on the Final Plat. *When a Final Plat is provided, the City should review and determine if the easement interferes with any public utilities dedicated on the Final Plat. I require review of the Final Plat.*

This letter does not purport to set forth every matter relevant to a determination of whether title to the Property is marketable, and no one should rely upon it for that purpose. The sole purpose of this letter is to identify required signatories to the plat and related issues of interest to the City in connection with platting, as evidenced by the Commitment. This opinion is conditioned upon the issuance of a title policy in the amount of \$100,000 in favor of the City of Lake Elmo, insuring the City's interests as they appear on the plat.

Ms. Sophia Jensen

April 29, 2025

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Please contact me if you have any questions regarding this information.

Very truly yours,

KENNEDY & GRAVEN, CHARTERED

Samantha C. Zuehlke

SCZ