

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 16-22**

**A RESOLUTION APPROVING A PRELIMINARY PLAT FOR A DEVELOPMENT KNOWN AS
VILLAGE AT COLOGNE NORTH**

WHEREAS, the City of Cologne is a Minnesota municipal corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

WHEREAS, M/I Homes of Minneapolis, LLC, a limited liability company (the "Developer") is the applicant for development and owner of certain real property located in the City of Cologne, State of Minnesota, legally described as follows:

Outlot B, THE VILLAGE MARKET, Carver County, Minnesota except the following described property:

That part of Outlot B, all in THE VILLAGE MARKET, Carver County, Minnesota, described as follows: Commencing at the most northerly corner of said Outlot B, said point also being the intersection of the southwesterly right-of-way line of U.S. Highway No. 212 with the southerly right-of-way line of Chicago Milwaukee St. Paul and Pacific Railroad, said intersection is further defined in document 441354 as found in the office of the Carver County Recorder, said document is a Land Surveyors Certificate of Correction which redefines the right-of-way location of said Chicago Milwaukee St. Paul and Pacific Railroad; thence South 61 degrees 24 minutes 14 seconds East (assumed bearing) along the southwesterly right-of-way line of U.S. Highway No. 212 as depicted on said plat 431.68 feet to the point of beginning of the land to be described; thence continuing along said right-of-way line South 61 degrees 24 minutes 14 seconds East 202.94 feet; thence continuing along said right-of-way line South 57 degrees 06 minutes 53 seconds East 65.49 feet; thence continuing along said right-of-way line 133.35 feet along a tangential curve concave to the northeast, having a radius of 3225.22 feet and a central angle of 02 degrees 22 minutes 08 seconds; thence South 30 degrees 31 minutes 02 seconds West 83.61 feet; thence North 87 degrees 25 minutes 21 seconds West 323.84 feet; thence North 12 degrees 06 minutes 10 seconds West 164.96 feet; thence North 28 degrees 35 minutes 46 seconds East 112.67 feet to the point of beginning.

(the "Subject Property") which contains 37.45 acres; and

WHEREAS, the Developer has requested approval of a preliminary plat to plat the Subject Property into various lots and outlots as shown on a preliminary plat and preliminary grading plans for a development entitled Village at Cologne North, the most recent revision of said preliminary plat and preliminary grading plans dated August 3, 2016, and attached hereto as **Exhibit A** and containing the following sheets:

- a. Preliminary Plat (Sheets 1 to 4) prepared by E.G. Rud & Sons, Inc.
- b. Preliminary Grading Plan (Sheets 1 to 4) and Site Specific Erosion and Sediment Control (Sheet 5), all prepared by E.G. Rud & Sons, Inc.

WHEREAS, the Planning Commission of the City did on August 15, 2016, conduct a public hearing in relation to the Developer's request for a preliminary plat; and

WHEREAS, the Planning Commission of the City did on August 15, 2016, recommend approval of the preliminary plat to the City Council; and

WHEREAS, the City Council has considered the proposed Preliminary Plat and it makes the following findings of fact:

1. The proposed Preliminary Plat is consistent with the City's Comprehensive Plan; and
2. There are numerous technical issues to be resolved prior to the completion of the Final Plat.
3. The development of the Subject Property is subject to a prior preliminary plat resolution for The Village at Cologne, Resolution 05-10, as amended (the "Prior Resolution").

NOW, THEREFORE, BE IT RESOLVED, the preliminary plat is approved subject to the following conditions:

1. Single-family villa style homes are the use on Lots 1 to 16, Block 4, and Lots 15 to 21, Block 3.
2. Single family homes are the use of Lots 1 to 10, Block 1; Lots 1 to 3, Block 2; Lots 1 to 14, Block 3; and Lots 1 to 22, Block 5.
3. Lot sizes and setbacks are as shown on the preliminary plat.
4. Village at Cologne North will be platted in substantial conformance with the proposed preliminary plat last updated on August 3, 2016.
5. Ownership and maintenance of Outlots A to F shall be addressed with the City Planner and Attorney prior to submission of the Final Plat application.
6. Drainage and utility easements shall be provided as required by the City Engineer.
7. Park dedication will be determined with the Final Plat application.
8. Temporary easements are required for any temporary cul-de-sacs. Prior to release of the financial security for construction of the project, financial security for the removal of the cul-de-sac and restoration of sod shall be provided to the City. Said security and agreements related thereto must be approved by the City Attorney.
9. A current title commitment and vesting deed to property must be provided with the application for Final Plat.
10. All comments contained within the memo letter from Bolton and Menk dated July 29, 2016, and Resource Strategies Corporation dated August 10, 2016, are incorporated herein by reference and must be addressed prior to approval of the Final Plat.
11. Developer shall be responsible for securing necessary easements and for constructing utility improvements as shown on the attached plans. The cost of constructing utility improvements shown on the plans to be approved by the City shall be borne solely by the Developer. However, to the extent that such utilities are oversized at the request of the City, the City shall reimburse the Developer for the cost of the extra diameter of the pipe. The location of such utility lines within the Subject Property shall be as designated and approved by the City Engineer.

12. The Subject Property shall be final platted in one phase. If Developer proposes to develop the Subject Property in phases, a phasing and staging plan must be submitted and approved as part of the Final Plat application and review process.
13. Prior to the release of the Final Plat for recording, a Developer's Agreement must be entered into which Agreement(s) will include, but not be limited to, the following:
 - a. PUD details and information.
 - b. Street and utility construction details, processes, plans and financial guaranties.
 - c. Park dedication requirements.
 - d. All required approvals from other governmental agencies.
 - e. Final grading and drainage plans.
 - f. Maintenance requirements during construction.
 - g. Landscaping plans.
 - h. Financial guaranties.
 - i. Other planning and engineering items, as appropriate.
 - j. Payment of all applicable dedication and fees.
 - k. Easements and outlot conveyances.
14. Compliance with the Prior Resolution.
15. Final Plat must not have Designer Lots and Village Lots in the same block.
16. The Developer must reimburse the City for all costs incurred by City and its consultants in relation to review of the proposed development plan of Developer and in relation to the installation of any improvements making up the development of the Subject Property.
17. The Developer shall supply detailed storm sewer calculations for ten (10) year storm events to the City Engineer to review and approve.

18. The Developer shall supply detailed construction plans for sanitary sewer, water main, street access points and storm sewer improvements for the City Engineer to review and approve. All utility improvements shall be constructed in accordance with the City's specifications and detail standards.
19. The Developer shall be responsible for obtaining and complying with all necessary permits from the Minnesota Department of Health, DNR, Carver County Watershed Management Organization, MPCA, MnDOT, and any other governmental agencies.
20. The Developer shall incorporate the standards and procedures of the Best Management Practices Handbook for site restoration and erosion control measures during the construction process.
21. The Developer may not commence construction of any improvements on the Subject Property until the City Engineer has approved both the detailed grading plan and the detailed construction plan and issued written confirmation to the City and the Developer of the approval of such plans.
22. The lowest floor elevations and garage floor elevations for each building pad on each separate lot must be shown on the grading plan. The lowest floor elevation shall be at least two (2) feet above the calculated high water level of the storm water detention ponds from a one hundred (100) year, twenty-four (24) hour storm event, or the emergency overflow elevation, whichever is higher. Residences and garages shall not be constructed within twenty-five (25) feet of the calculated high water level of any storm water detention pond on a one hundred (100) year, twenty-four (24) hour storm event.
23. The Developer must submit details on corrected building pads including compaction tests, limits of the pads and elevations of the excavations. The general soils report for the development must also be submitted to the City Engineer for the project records.
24. The Developer shall submit the plat in electronic format (either AutoCADD.DWG file or X.DXF format).
25. Street lights shall be installed by the Developer.
26. The Developer shall survey all storm water holding ponds as required by the City. The Developer shall be responsible for storm sewer cleaning and holding pond dredging, as required, by the City prior to completion of the development of the Subject Property.
27. The approval of the preliminary plat shall terminate if either a Final Plat has not been approved or a Developer's Agreement has not been entered into between the

City and Developer in the timeframe as required by the Subdivision Ordinance of the City.

28. Homeowner's association documents shall be provided and approved by the City Attorney prior to Final Plat approval.
29. Additional conditions as determined necessary by the City Planner, City Engineer, and City Attorney as review of the project progresses and is completed.
30. An application for an amendment to the existing zoning as proposed in draft ordinance 150-W requires a public hearing and planning commission approval before consideration by the City Council with the Final Plat for the Subject Property.
31. City staff, upon determination that: (i) the plans provided are acceptable; (ii) all permits including, but not limited to, the CCWMO permit have been issued; and (iii) appropriate financial security to assure its completion, may issue a permit for grading (but not utility construction) prior to Final Plat approval.

Adopted by the City Council of the City of Cologne on this 15th day of August, 2016.


Scott Williams, Mayor

ATTEST:


Susan Mueller, City Clerk

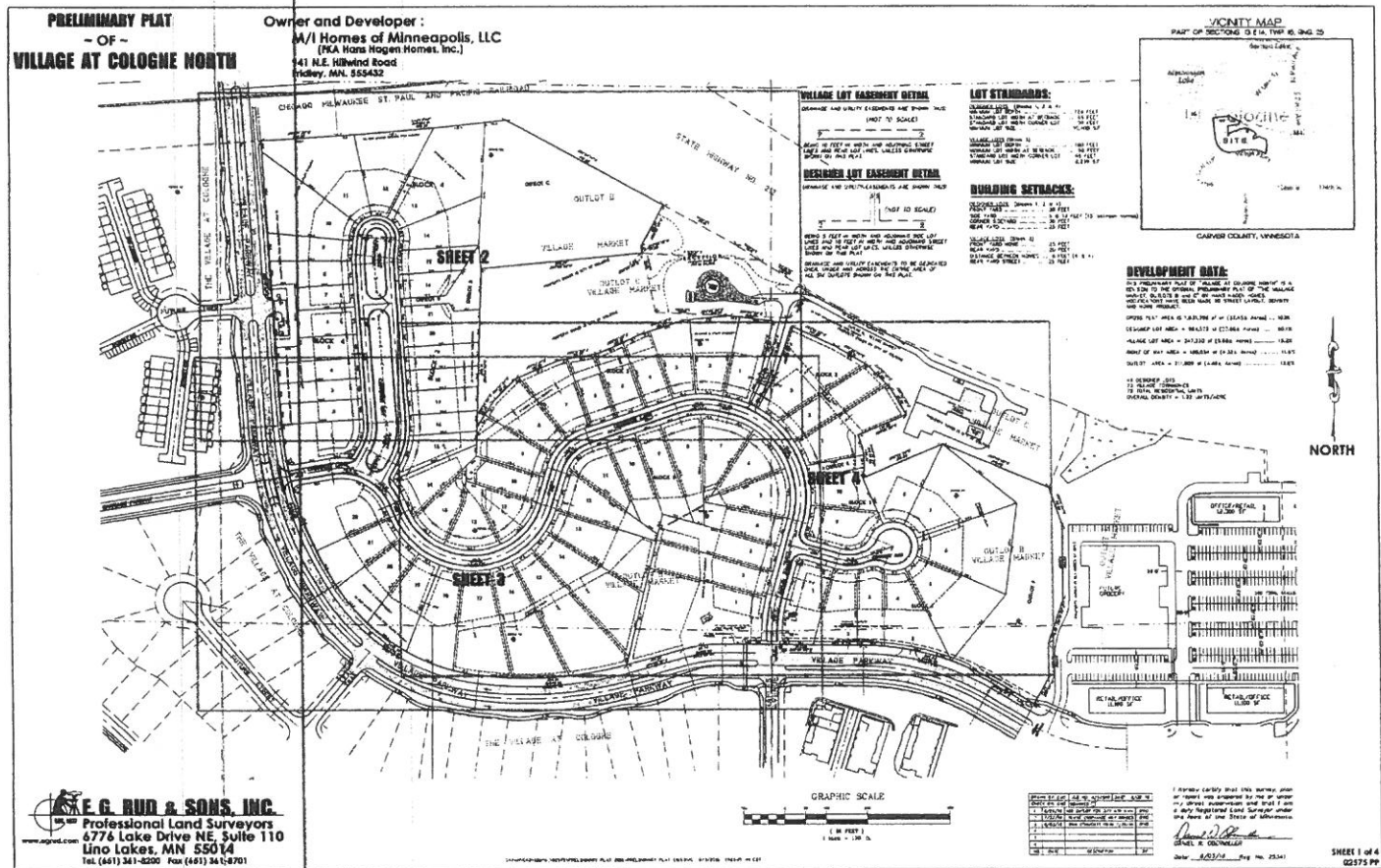
Williams Aye
McInnis Absent
Szaroletta Aye

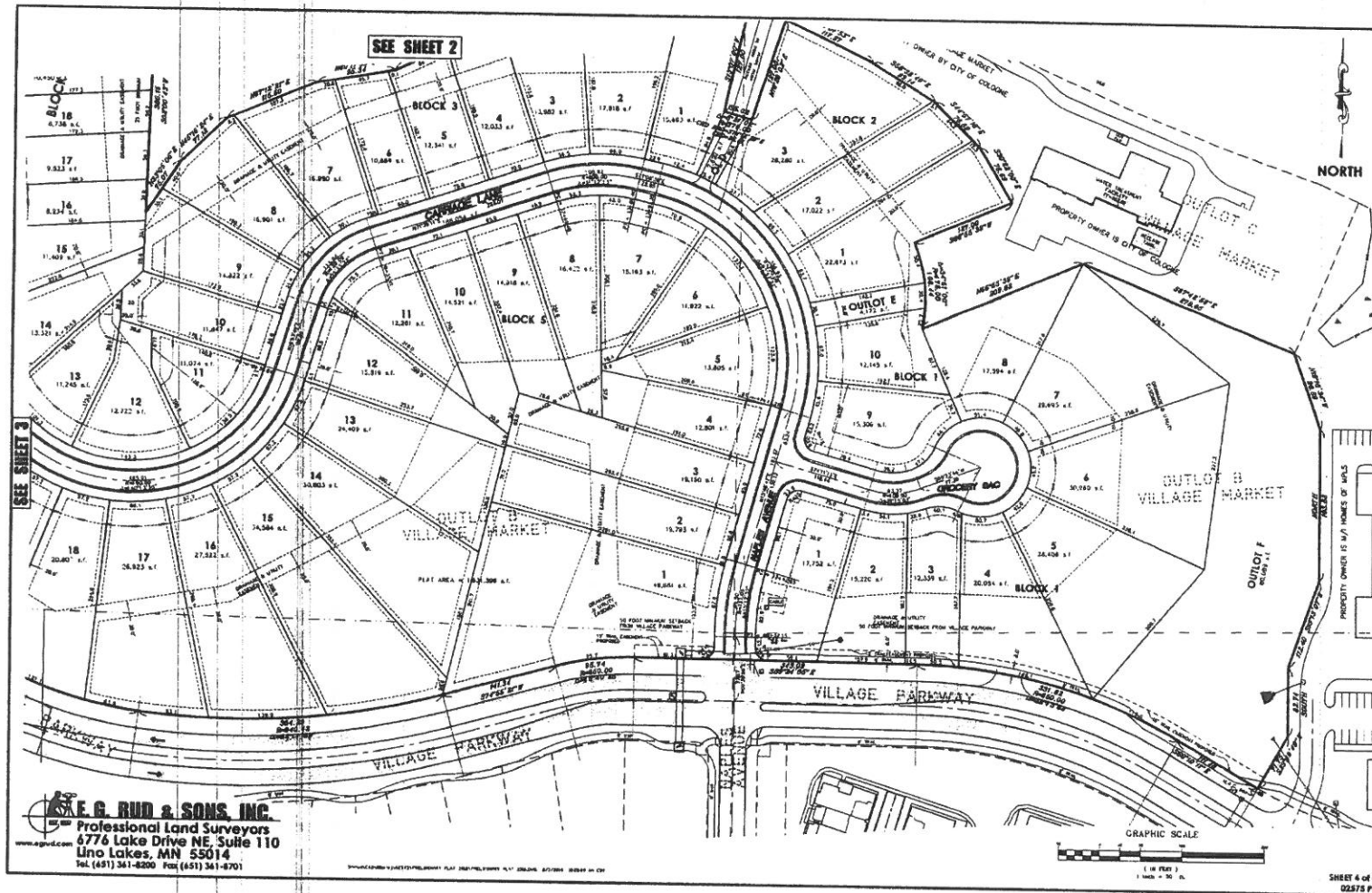
Evenski Aye
Meyer Aye

<https://mmslaw.sharepoint.com/sites/clients/6/80614/draftdocs/pre1platres08.15.16.doc>

EXHIBIT A

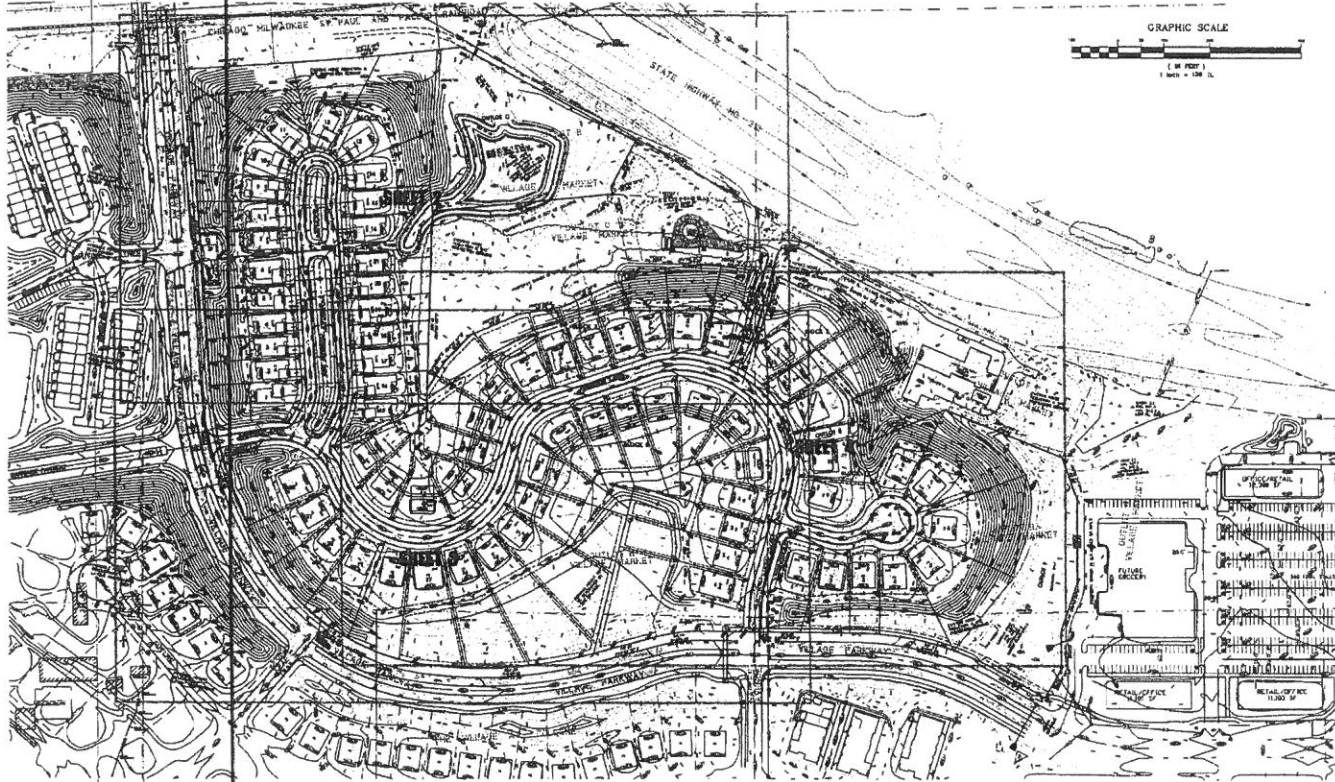
PRELIMINARY PLAT AND PRELIMINARY GRADING PLANS





PRELIMINARY GRADING PLAN
- OF -
VILLAGE AT COLOGNE NORTH

Owner and Developer :
M/I Homes of Minneapolis, LLC
 (FKA Hans Hagen Homes, Inc.)
 941 N.E. Hillwind Road
 Fridley, MN. 555432

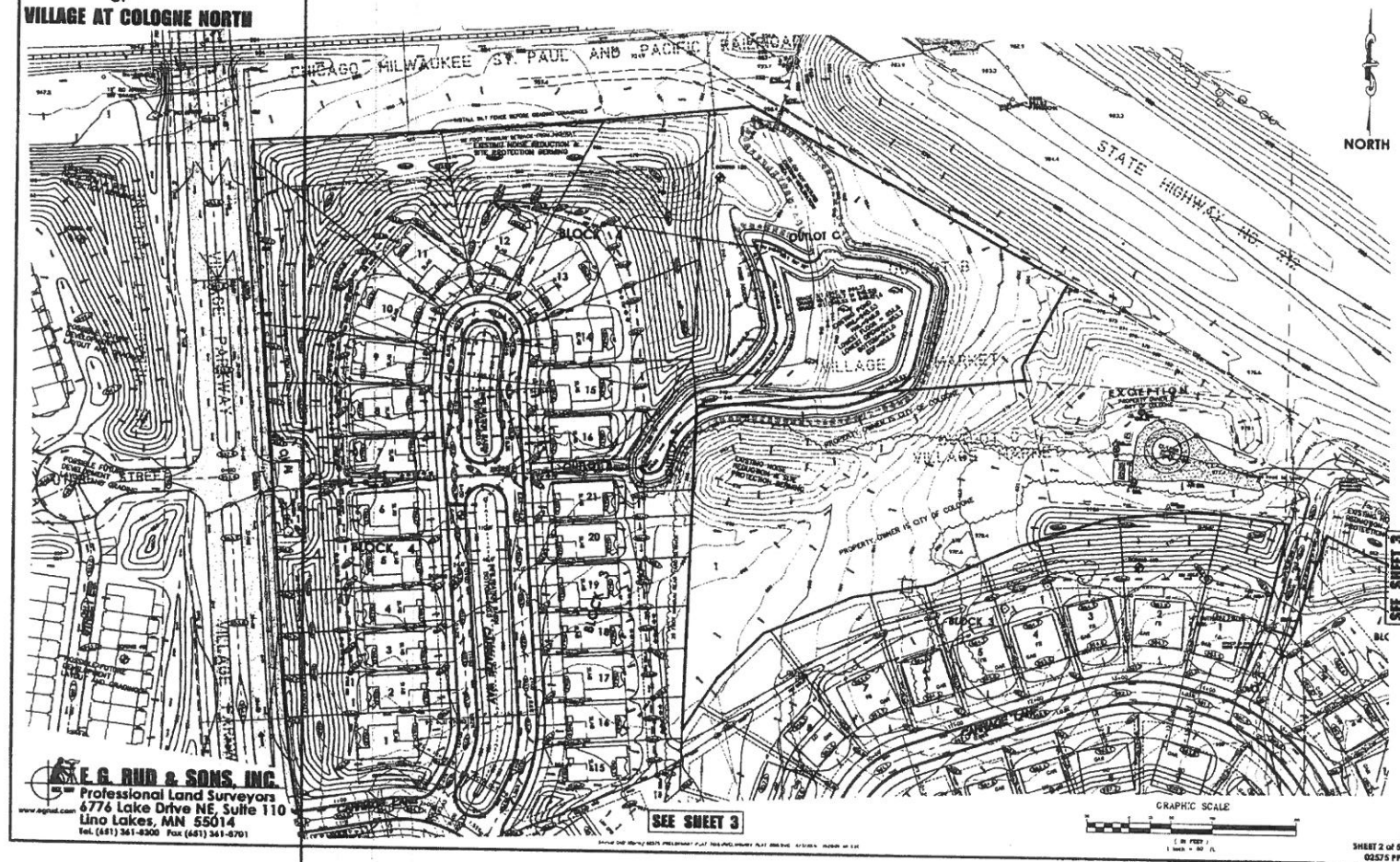


 **E.G. RVD & SONS, INC.**
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 341-8200 Fax (651) 341-8701
www.egrvd.com

SHEET 1 of 5
02575 PP

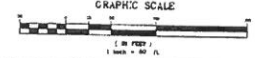
**PRELIMINARY GRADING PLAN
- OF -
VILLAGE AT COLOGNE NORTH**

-for- M/I Homes of Minneapolis, LLC



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SEE SHEET 3



SHEET 2 OF 5
02575 PP

PRELIMINARY GRADING PLAN
- OF -
VILLAGE AT COLOGNE NORTH

~for~ M/I Homes of Minneapolis, LLC

SEE SHEET 2

SEE SHEET 4

 **E. G. RUD & SONS, INC.**
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GRAPHIC SCALE

1 inch = 25.4 mm

SHEET 3 of 6
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