

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 16-26**

**A RESOLUTION APPROVING A FINAL PLAT FOR A DEVELOPMENT KNOWN AS
THE 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/St. Paul, 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 received approval, by Resolution No. 16-22 adopted on August 15, 2016, 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 The Village at Cologne North; and

WHEREAS, the Developer has submitted a proposed final plat for the Subject Property attached hereto as **Exhibit A** and has requested approval of the final plat; and

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

1. The proposed final plat is consistent with the City's Comprehensive Plan.
2. Technical issues highlighted in Resolution No. 16-22 have been resolved.
3. The development of the Subject Property is subject to a prior preliminary plat resolution for The Village at Cologne, Resolution No. 05-10, as amended (the "Prior Resolution") and Resolution No. 16-22.

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

1. Single family villa style homes are the use on Lots 1 to 6, Block 1; and Lots 1 to 7, Block 2.
2. Single family homes are the use on Lot 1, Block 3; Lots 1 to 3, Block 4; Lots 1 to 10, Block 5; and Lots 1 to 7, Block 6. Outlot C and Outlot F are reserved for future residential use consistent with the Prior Resolution and Resolution No. 16-22.
3. Lot sizes and setbacks are as shown on the preliminary plat.
4. Outlots A, D, E, G, H and I shall be conveyed to the City by Warranty Deed free and clear of liens and encumbrances including free and clear from any homeowners' association or master association documents. Outlot E and Outlot I are drainage ponds. Developer shall provide reasonable access to City for all drainage ponds on

the Subject Property. Outlot B will be owned and maintained by the villa homes homeowners' association.

5. Prior to filing the final plat, Developer must provide a current title commitment to the City Attorney and County Surveyor for review and approval.
6. Park dedication requirements for the Subject Property are satisfied.
7. Temporary easements are required for any temporary cul-de-sacs. Prior to release of the financial security for construction of the project, financial security of \$4,000.00 per cul de sac for the removal of each cul-de-sac and restoration of sod shall be provided to the City. Said security related thereto must be approved by the City Attorney.
8. All comments contained within Bolton & Menk's memo dated July 29, 2016, and letters dated August 31, 2016, September 1, 2016, and September 8, 2016, and Resource Strategies Corporation's memos dated August 10, 2016, and August 30, 2016, together with all subsequent memos, letters, and requirements of the City Engineer and City Planner, are incorporated herein by reference and must be addressed prior to approval of the final plat.
9. Developer shall be responsible for securing necessary easements and for constructing streets and utility improvements as shown on the following:
 - a. Plat:
 - i. Titled "The Village at Cologne North"
 - ii. Prepared by E.G. Rud & Sons, Inc.
 - iii. Undated
 - iv. Sheets 1 of 2 and 2 of 2
 - b. Grading Plan:
 - i. Titled "Final Grading Plan of The Village at Cologne North"
 - ii. Prepared by E.G. Rud & Sons, Inc.
 - iii. Dated 8/25/16
 - iv. Latest Revision 8/25/16
 - v. Sheets 1 of 5 through 5 of 5
 - c. Street and Utility Plans:
 - i. Titled "M-I Homes The Village at Cologne North"
 - ii. Prepared by Stantec
 - iii. Dated 8/22/16
 - iv. No revision dates
 - v. Sheets G0.00 – C8.09 totaling 28 sheets

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.

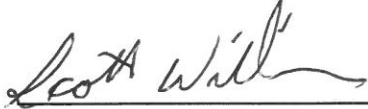
10. The Subject Property shall be final platted in at least two phases. Outlot C and Outlot F are reserved for future residential development consistent with the Prior Resolution and Resolution No. 16-22. Developer has proposed to phase and stage Outlot C and Outlot F for future final plat(s). Other than site grading and underground utility construction authorized by the City Engineer, no development activities including, but not limited to, construction of utilities may occur on Outlot C and Outlot F until final plat(s) are submitted, reviewed, and approved by the City and City Engineer, and a Developer's Agreement is executed related to such final plats. Watermain looping and additional storm sewer may be required as Outlot C and Outlot F are platted or prior to platting as required by the City Engineer.
11. Prior to the release of the final plat for recording, a Developer's Agreement must be entered into which Developer's Agreement(s) will include, but not be limited to, the following:
 - a. Street and utility construction details, processes, plans.
 - b. All required approvals from other governmental agencies.
 - c. Final grading and drainage plans.
 - d. Maintenance requirements during construction.
 - e. Landscaping plans.
 - f. Financial guaranties.
 - g. Other planning and engineering items, as appropriate.
 - h. Payment of all applicable dedication and fees.
 - i. Easements and outlot conveyances.
12. Compliance with the Prior Resolution and Resolution No. 16-22.
13. Slab on grade villa homes are the permitted use on Lots 1 to 6, Block 1; and Lots 1 to 7, Block 2.

14. Single family homes consistent with the zoning for the Subject Property are the permitted use on Lot 1, Block 3; Lots 1 to 3, Block 4; Lots 1 to 10, Block 5; and Lots 1 to 7, Block 6.
15. 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.
16. The Developer shall supply detailed storm sewer calculations for ten (10) year storm events and all hydrologic and hydraulic calculations to the City Engineer to review and approval.
17. The Developer shall supply detailed construction plans for sanitary sewer, watermain, 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.
18. 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.
19. 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.
20. 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. Any grading must be in conformance with the grading permit previously issued by the City.
21. 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.

22. Ponding calculations for rear yard pond areas shall be submitted for review, and to ensure that proposed lowest opening house elevations are a minimum of 1 foot above 100 year HWL or EOFs provided, whichever is higher.
23. House lowest floor elevations adjacent to Pond 14 and Pond 24 shall be a minimum of 2 feet above the 100 year HWL or EOF whichever is higher, in accordance with the Preliminary Plat Approving Resolution. In land locked pond areas with no adjacent or reliable EOF, such as the Pond 14 area, the lowest openings shall be a minimum of 1 foot above the back to back 100 year HWL elevation.
24. 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.
25. The Developer shall submit the plat in electronic format (either AutoCADD.DWG file, X.DXF format, or such other format as is required by the City Engineer).
26. Street lights shall be installed by the Developer.
27. 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.
28. The Developer shall construct trails in accordance with the requirements of the City Planner in the median of Carriage Way and along the north side of Village Parkway from Naples Avenue to commercial property to the east.
29. Park improvements and dedication requirements have been satisfied.
30. The approval of the preliminary plat as to Outlot C and Outlot F 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.
31. Homeowners' association documents shall be provided and approved by the City Attorney prior to release of the final plat for recording.
32. Additional conditions as determined necessary by the City Planner, City Engineer, and City Attorney as review of the project progresses and is completed.
33. The homeowners' association established by Developer shall maintain all center medians in Carriage Way; the City shall not maintain such medians.

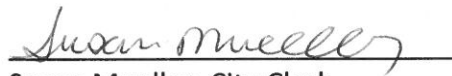
34. The City has previously issued a grading permit for the Subject Property to the Developer, and Developer must conform to the terms and conditions of the Grading Agreement and Permit.
35. The following fee is payable by Developer before the final plat will be released for recording:
 - a. \$735.00 transportation fee for each of the single family and villa lots. The fee will be payable for Outlot C and Outlot F when they are subdivided in the future.

Adopted by the City Council of the City of Cologne on this 19th day of September, 2016.



Scott Williams, Mayor

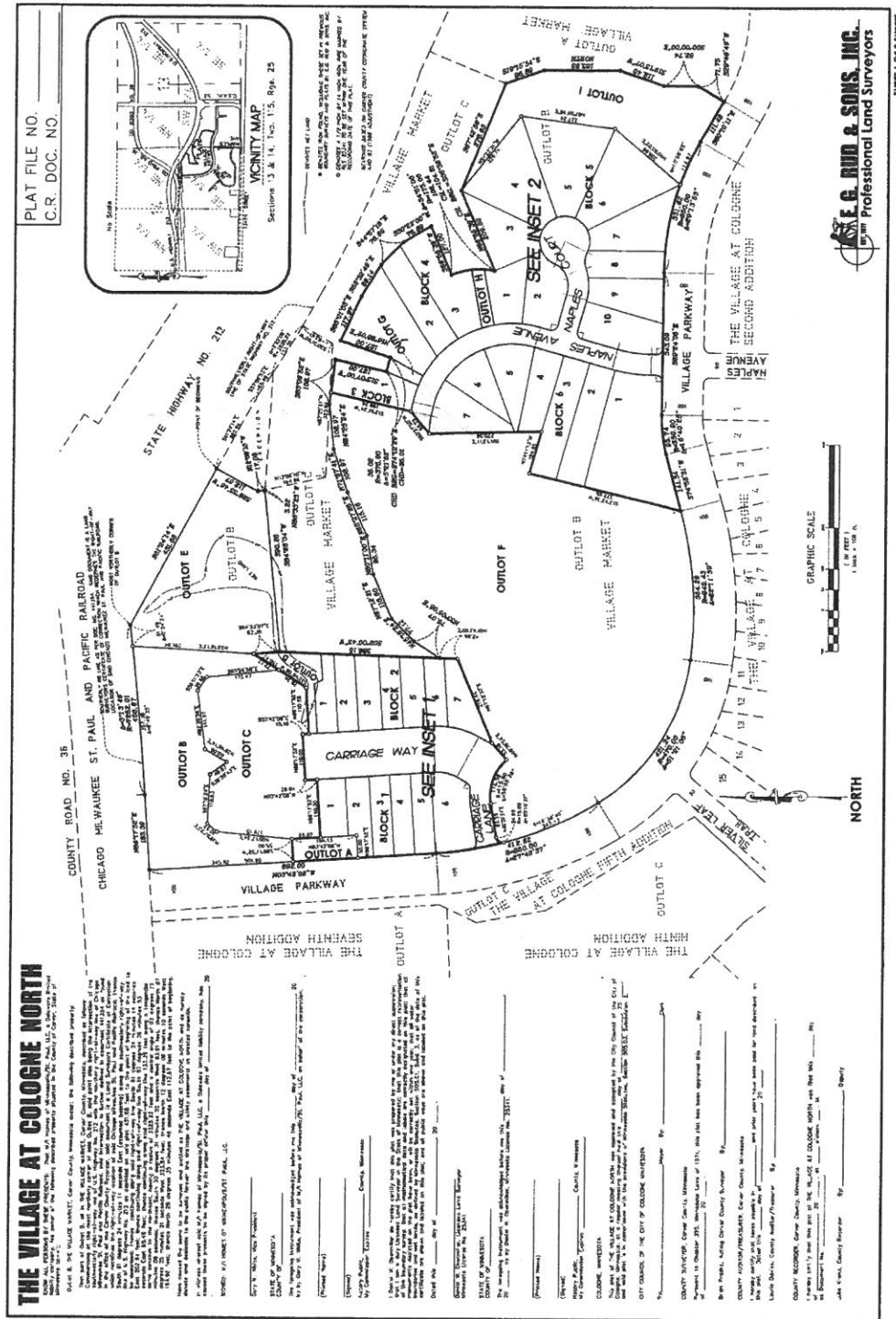
ATTEST:



Susan Mueller, City Clerk

<https://mhslaw.sharepoint.com/sites/clients/6/40614/draftdocs/final plat res 09.20.16.docx>

FINAL PLAT



PLAT FILE NO.	
C.R. DOC. NO.	



SHEET 2 OF 2 SHEETS