

**COLOGNE CITY COUNCIL
RESOLUTION NO. 12-12**

**A RESOLUTION APPROVING A FINAL PLAT OF ONE INSTITUTIONAL LOT
ON _____ ACRES FOR HANS HAGEN HOMES AND
PARTNERSHIP FOR BETTER EDUCATION, LLC, AND APPROVING
A SITE PLAN FOR AN EXPANSION OF THE COLOGNE ACADEMY**

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

WHEREAS, Hans Hagen Homes, Inc., a Minnesota corporation (the "Developer"), is the fee owner of certain real property located in the City of Cologne, County of Carver, State of Minnesota, legally described as follows:

Outlot A, The Village at Cologne Tenth Addition; and

WHEREAS, Partnership for Better Education, LLC, a Minnesota limited liability company, is the fee owner of certain real property located in the City of Cologne, County of Carver, State of Minnesota, legally described as follows:

Lot 1, Block 1, The Village at Cologne Tenth Addition

(Outlot A and Lot 1, Block 1, The Village at Cologne Tenth Addition, are collectively the "Subject Property"); and

WHEREAS, the Planning Commission has considered the proposed final plat and it made the following findings of fact:

1. The proposed final plat is consistent with the City's current comprehensive plan as amended to facilitate the development of the Subject Property.
2. Approval of the final plat is appropriate.
3. Approval of the site plan is appropriate.

WHEREAS, the Planning Commission on February 7, 2005, approved the proposed preliminary plat of The Village at Cologne and rezoning; and

WHEREAS, the City Council, by Resolution No. 05-01, adopted on March 21, 2005, approved the proposed preliminary plat of The Village at Cologne and rezoning. Resolution No. 05-01 was amended at the request of the Developer on May 2, 2005, and amended by consent of the City and Developer by Agreement dated May 7, 2007, and approved by the City Council on May 7, 2007.

NOW, THEREFORE, the final plat for The Village at Cologne Twelfth Addition prepared by E.G. Rud & Sons, which is attached hereto as **Exhibit "A"** is approved subject to the following conditions:

1. The plat shall be labeled "The Village at Cologne Twelfth Addition."
2. All terms and conditions of Resolution No. 05-01 (as amended through May 7, 2007), including all exhibits thereto, are incorporated into this final plat resolution by reference as though set out in full.
3. Public/Institutional is the permitted use on the institutional lot (Lot 1, Block 1).
4. The school building shall be constructed on Lot 1, Block 1, in conformance with the applicable setback requirements of the City.
5. The school building addition on Lot 1, Block 1, will have the elevations depicted on the approved elevation for Cologne Academy prepared by Architectural Consortium, LLC (Project No. 11-1055-01) dated _____, 2012.
6. The lowest floor elevations, lowest opening elevations for each building pad on each separate lot must be shown on the grading plan.

The freeboard standards related to the school building shall be as follows:

- A. Low opening of the school building is a minimum of 2-feet above the 100-year, 24-hour storm flood elevation for the school building adjacent to ponds, wetlands, lakes or streams with a separate emergency overflow.

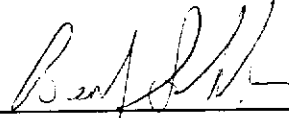
- B. Low opening of the school building is a minimum of 3-feet above the 100-year, 24-hour storm flood elevation for the school building adjacent to ponds, wetlands, lakes or streams without a separate emergency overflow.
- C. Low floor elevations of the school building is a minimum of 1-foot above the 100-year, 24-hour storm flood elevation for the school building adjacent to ponds, wetlands, lakes or streams.

In addition, the school building shall not be constructed within 25-feet horizontally of the calculated 100-year, 24-hour storm encroachment line.

- 7. 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 review and approval prior to the issuance of building permits.
- 8. All improvements to be constructed for The Village at Cologne Twelfth Addition shall be constructed in accordance with the plans approved by the City Engineer.
- 9. Utilities will be designed and constructed by the Developer subject to review, approval and inspection by the City Engineer. All construction components will be detailed in a Developer's Agreement to be approved with each and every final plat. Notwithstanding the prior sentence, a Developer's Agreement will not be required for The Village at Cologne Twelfth Addition.
- 10. 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 and Developer has complied with paragraph 20 herein. The Developer has submitted to the City Site Construction Plans for Cologne Academy Phase II prepared by Carlson Professional Services dated _____, consisting of a cover sheet, site and utility plan, construction staging and erosion control plan, grading and restoration plan and details, which are preliminarily approved contingent upon such modifications as the City Engineer may require.
- 11. The Developer shall locate all existing agricultural tile lines on the Subject Property and provide for their continued discharge through the storm water system that will be constructed by Developer.
- 12. The Developer shall supply detailed storm sewer calculations for ten year storm events to the City Engineer to review and approve.

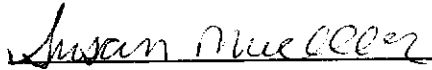
13. The Developer shall supply detailed construction plans for sanitary sewer, water main, street access points and storm sewer improvements for the City Engineer to review and approve. All utility improvements shall be constructed in accordance with the City's specifications and detail standards.
14. The Developer shall be responsible for obtaining and complying with all necessary permits from the Metropolitan Council, Minnesota Department of Health, DNR, Carver Watershed District, PCA, MnDOT, Carver County Public Works Department and any other governmental agencies.
15. 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.
16. Access shall be governed by the terms of the existing easement. Developer shall use its best efforts to keep construction traffic off of the Community Center site and access the Subject Property during construction from Village Parkway.
17. The Developer must reimburse 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.
18. The Developer shall comply with and/or satisfy all requirements set forth in the City Engineer's report dated September 26, 2012, and the City Planner's report of September 27, 2012.
19. The Developer shall satisfy parkland dedication requirements for the Subject Property as provided in Resolution No. 05-01 (as amended).
20. The Developer may not proceed with any construction until the Developer has entered into a Developer's Agreement, prepared and approved by the City Attorney, and posted the financial security required by Cologne City Code. Notwithstanding the prior sentence, a Developer's Agreement is not required for this plat.

Adopted and approved by the City Council of the City of Cologne on a 4 to 0 vote effective on the 1st day of October, 2012.



Bernie Shambour, Mayor

Attest:



Susan Mueller, Deputy City Clerk

[http://clients.intranet.mhslaw.com/6/28434/draft documents/final plat approving resolution twelfth 10.01.12.doc](http://clients.intranet.mhslaw.com/6/28434/draft%20documents/final%20plat%20approving%20resolution%20twelfth%2010.01.12.doc)

EXHIBIT A

Final Plat