

**COLOGNE CITY COUNCIL  
RESOLUTION NO. 19-01**

**A RESOLUTION APPROVING A PRELIMINARY PLAT AND A FINAL  
PLAT OF 16 RESIDENTIAL VILLA LOTS ON 3.18 ACRES FOR M/I HOMES OF  
MINNEAPOLIS, LLC THE VILLAGE AT COLOGNE SEVENTEENTH ADDITION**

**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**, M/I Homes of Minneapolis, LLC a Minnesota limited liability 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:

Outlots C, D, E, and F, THE VILLAGE AT COLOGNE SECOND ADDITION, Carver County, Minnesota.

That part of Outlot A, THE VILLAGE AT COLOGNE SECOND ADDITION, Carver County, Minnesota, lying southerly of a line described as commencing at the southwest corner of said Outlot A; thence North 00 degrees 35 minutes 55 seconds East, assumed bearing, along the most westerly line of said Outlot A a distance of 267.49 feet to the point of beginning of the line to be described; thence South 89 degrees 24 minutes 05 seconds East a distance of 130.00 feet; thence South 80 degrees 46 minutes 03 seconds East a distance of 384.03 feet to the most easterly line of said Outlot A and said line there terminating

(the "Subject Property"); and

**WHEREAS**, the Planning Commission on December 3, 2018, considered the proposed preliminary and 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; and

**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 Second Amended Resolution dated May 7, 2007; and amended by consent of the City and Developer by Third Amended Resolution dated October 1, 2007.

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

1. The plat shall be labeled "The Village at Cologne Seventeenth Addition."
2. All terms and conditions of Resolution No. 05-01 (as amended), including all exhibits thereto, are incorporated into this Resolution by reference as though set out in full.
3. Single family residential Carriage homes is the permitted use on the sixteen single family lots (Lots 1-16, Block 1) The "Villa Lots".
4. City Attorney must approve all ingress/egress access, maintenance agreements, easements and other documents relating to the private drive which provides access to the Villa Lots.
5. All Carriage homes shall be constructed in conformance with the applicable setback requirements of the City.
6. The Carriage homes on the sixteen Villa Lots will have exterior elevations which are consistent with what was in the PUD approved plan and the standards of City Ordinance No. 105-K and which are consistent with the exterior elevations attached hereto as **Exhibit B**.
7. The lowest floor elevations, lowest opening elevations and garage floor elevations for each house pad on each separate Villa Lot must be shown on the grading plan.

The freeboard standards related to the carriage homes shall be as follows:

- A. Low opening of each carriage home is a minimum of 2-feet above the 100-year, 24-hour storm flood elevation for each house adjacent to ponds, wetlands, lakes or streams with a separate emergency overflow.
- B. Low opening of each carriage home is a minimum of 3-feet above the 100-year, 24-hour storm flood elevation for each house adjacent to ponds, wetlands, lakes or streams without a separate emergency overflow.
- C. Low floor elevations of carriage home is a minimum of 1-foot above the 100-year, 24-hour storm flood elevation for each house adjacent to ponds, wetlands, lakes or streams.

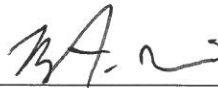
In addition, residences and garages shall not be constructed within 25-feet horizontally of the calculated 100-year, 24-hour storm encroachment line.

8. 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 prior to the issuance of building permits.
9. All improvements to be constructed for The Village at Cologne Seventeenth Addition shall be constructed in accordance with the plans approved by the City Engineer.
10. Utilities have been previously designed and constructed by the Developer but will be revised by Developer to remove certain existing sanitary sewer lines and to install new sanitary sewer, storm sewer and water lines as shown in the phase for the village at Cologne 17<sup>th</sup> Addition prepared by Stantec dated October 5, 2018.
11. The access street for The Village at Cologne Seventeenth Addition commencing at Naples Avenue to the west and extending to the existing east/west private street on the north end of the subject property, shall be a private street constructed by the Developer, but maintained, repaired and plowed by the homeowner's association created for The Village at Cologne Seventeenth Addition. **[CORRECT OR BY EASEMENT/AGREEMENT]**
12. The underground sanitary sewer, water and storm sewer lines constructed in the private street outlined in the prior paragraph lie within a platted drainage and utility easement; and upon completion and acceptance by the City, the City will assume ownership for the sanitary sewer and water utility lines (excluding stub lines to individual homes). If the private street is excavated by the City in order to maintain water and sanitary sewer lines, it shall be the responsibility of the homeowners' association created for The Village at Cologne Seventeenth Addition or the owners of the Villa Lots to repair, at its expense, the damage to the street caused by such excavation. The homeowners' association or the owners of the Villa Lots shall be solely responsible, at its expense, to repair and maintain the storm sewer improvements on the Subject Property.
13. The Developer may construct nine different of its models on the lots in The Village at Cologne Seventeenth Addition (see **Exhibit B**):
  - A. Elmwood
  - B. Linden
  - C. Cedarwood
  - D. Cedarwood II
  - E. Everett
  - F. Willow
  - G. Reece
  - H. Hannah
  - I. Bradley

14. The Developer shall pay all fees imposed by Resolution No. 05-01 (as amended) at the time of the release of the plat on The Village at Cologne Seventeenth Addition for filing. All SAC/WAC charges and all other applicable fees required in Ordinance No. 161-J shall be payable concurrent with the application for any building permit. This approval is subject to and conditioned upon the following:
  - A. The City vacation of underlying drainage and utility easements for which the Developer has filed a petition.
  - B. City Attorney review and approval of the title commitment.
  - C. City Attorney review and approval of homeowners association documents.
  - D. City Attorney review and approval of consents and amendments to existing homeowners association documents.
15. 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 23 herein.
16. 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.
17. The Developer shall supply detailed storm sewer, hydraulic and hydrologic calculations, as requested, to the City Engineer to review and approve.
18. The Developer, if not already provided, 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 Metropolitan Council, Minnesota Department of Health, DNR, Carver Watershed District, PCA, MnDOT, Carver County Public Works Department 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 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.
22. The Developer shall comply with and/or satisfy all requirements set forth in the City Engineer's report dated October 18, 2018 and the City Planner's report of October 30, 2018.

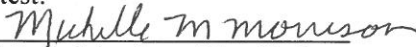
23. The Developer has satisfied parkland dedication requirements for the Subject Property as provided in Resolution No. 05-01 (as amended).
24. The Developer may not proceed with any construction until the Developer has entered into a Developer's Agreement prepared and approved by the City Attorney, and posted the financial security required by Cologne City Code.
25. The approval is conditional upon the City Engineer receiving and approving a complete construction plan as required by the City Engineer including, but not limited to, sanitary sewer, watermain, storm sewer, street, site grading, and erosion control for the Subject Property.

Adopted and approved by the City Council of the City of Cologne on a 5 to 0 vote effective on the 7th day of January, 2019.



\_\_\_\_\_  
Matt Lein, Mayor

Attest:

  
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Michelle Morrison, City Clerk

