

April 8, 2019

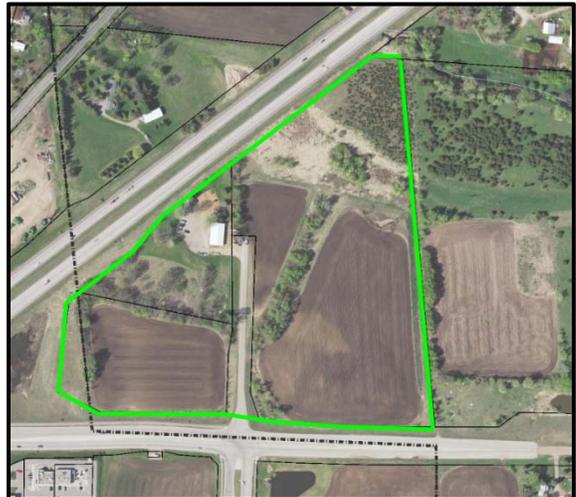
TO: Chairperson Carter
Planning Commission Members
Administrator Meyer

FROM: Cynthia Smith Strack, Community Development Director

SUBJECT: Resolution 19 – 008: A Resolution Recommending Conditional Approval of Preliminary and Final Plats for Jane Properties Subdivision.

Shaun Johnson, President of Jane Properties LLC requests public hearing and consideration of preliminary and final plats for Jane Properties Subdivision. The proposed plat includes the creation of three platted nonresidential lots and three outlots on property located north of CSAH 64/Main and Hickory Boulevard. The City Council previously authorized concurrent review of the preliminary and final plats. Please find preliminary and final plat of Jane Properties Subdivision attached.

Notice of public hearing for preliminary plat review has been posted, published, and mailed to adjacent property owners. As of the date of drafting of this memo no public comment for or against the plat has been received.



LAND USE REVIEW

Jane Properties Subdivision is a conventional plat subdividing approximately 32 acres of property recently annexed to the City from Belle Plaine Township.

Consistency with Comprehensive Plan

The proposed plat is technically required to be consistent with the 2030 Comprehensive Plan. As Commissioners are aware, the 2040 Comprehensive Plan has been submitted for formal decennial review by the Metropolitan Council. As such the plat has been reviewed under both the 2030 Comprehensive Plan and *Destination 2040*, the City's 2040 Comprehensive Plan.

The proposed plat appears to be largely consistent with housing, economic development, land use, public utility, and water management goals, objectives, and policies contained in the 2030 Comprehensive Plan and *Destination 2040* and associated system plans.

The plat as submitted does not include extension of the local street to the property boundary, however, the Property Owner has agreed to file a blanket right-of-way easement across proposed Outlot C providing for future extension of Prosper Street.

The subject site was recently annexed and is guided toward commercial (2030 plan) and commercial/industrial mixed use (*Destination 2040*). Zoning designation I-C Industrial Commercial is requested a under previous agenda item. I/C accommodates both highway commercial and light industrial uses. All uses within the I/C District are conditional providing increased opportunities for aesthetic control and future uses.

Public utilities are within or adjacent to the property with improvements and extension required. A preliminary utility plan is attached to this memo.

Financial Impact

Private financing of the development is proposed. Development fees apply as defined in the 2019 fee schedule. Development costs, applicable fees, financial guarantees, and other applicable information will be memorialized in a development agreement filed in conjunction with the final plat and recorded against all resulting parcels.

Resource Preservation

The subject parcel contains a significant wetland which has been delineated. In addition, a wetland quality analysis has been completed. A wetland buffer with an average width of 35' and a minimum width of 25 feet is required as is a structural setback of 75 feet. The required buffer and structural setback is illustrated on a tree and woodland preservation plan attached hereto.

The City's policy is to encourage wetland avoidance for all new development and prevent land disturbing activities negatively impacting wetlands. City code requires wetlands (to the extent possible) be retained in their natural state to serve as natural water ecosystems and wildlife habitat. The rules and regulations applicable to wetlands set forth by the Minnesota Wetland Conservation Act and Minnesota Clean Water Act apply.

Tree and woodland preservation standards also impact the subdivision. When subdividing land, developers may remove up to twenty-five (25) percent of the trees for rights-of-way and streets and an additional twenty-five (25) percent of the existing trees for grading. Any additional trees removed are required to be replaced on a 1:1 ratio.

The attached tree and woodland preservation plan illustrates trees to be removed and preserved in conjunction with subdivision improvement. The plan sheet indicates less than 18% of the woodland area will be impacted by subdivision grading and improvement.

Transportation

As a means of providing for extension of proposed Prosper Street to the eastern property line while retaining flexibility for the future development of Outlot C, the City Council has agreed to accept filing of a blanket right of way easement across Outlot C to be confined at 80 feet at a future time.

City Attorney Bob Vose has drafted the blanket easement which will be executed by the Developer and held in escrow by the City or a title company of the City's choosing until the final plat is recorded. The blanket easement will be recorded immediately thereafter.

The extension of Hickory Boulevard and Prosper Street have been designed by City Engineer Joe Duncan to ensure consistency with subdivision design standards.

The design includes adequate right of way width to accommodate a future round about or signal at the intersection of CSAH 64/Main Street and Hickory Boulevard. The plat also includes additional right of way at the southeast corner to provide for a future principal arterial connection between CSAH 64 & 66 (Scott County transportation plan component – CSAH 8). A right turn lane on westbound CSAH 64 is also incorporated in the design.

The Applicant proposes vacation of a portion of the existing right of way. The right of way will not be considered for vacation until the final plat is recorded and Prosper Street is constructed.

The plat has been submitted to Scott County and MnDOT for review and comment. Comments from MnDOT are attached.

Pedestrians/Bicyclists

A five-foot concrete sidewalks are proposed west of Hickory Street and north of Prosper Street; eight foot bituminous trail is proposed east of Hickory and south of Prosper. All facilities shall be contained in the boulevard. The proposed walk/trail is consistent with Park Board review on January 22nd. Trail will also be extended in the CSAH 64 boulevard.

Lots/Blocks

Lot orientation and block standards appear consistent with subdivision standards. Outlots are not eligible for building permits and must be platted prior to development.

Consistency with Zoning District Lot Performance Standards

Minimum performance standards pertaining to minimum district size, minimum district frontage, minimum lot size, minimum lot width, and minimum lot frontage appear to be achieved.

Open Space, Parkland Dedication

The Park Board when reviewing the concept plat reached consensus to recommend a fee in lieu of park land dedication be accepted with a discount for proposed sidewalk and trail installation.

Walk and trail estimated construction costs total approximately \$55,000 resulting in a fee in lieu of park land dedication total of \$45,000.

Utilities

Municipal drinking water and sanitary sewer infrastructure must be extended throughout the plat. The preliminary utility plan attached to this memo illustrates proposed utility improvements.

Environmental

The project is not large enough to necessitate formal environmental review under state thresholds.

Stormwater/Grading/Drainage

Stormwater management facilities are illustrated in the preliminary utility plan. The proposed pond on Outlot B will accommodate stormwater from streets and Lot 1, Block 2. Lot 1 & 2, Block 1 will accommodate stormwater onsite. SWPPP and erosion control plans will be required with final plans. An access easement to Outlot B across Outlot C will be filed. Outlot B will be deeded to the City after the City accepts improvements and initial cleaning.

Title Review

City Attorney Vose completed title/plat review as per the attached memo. Comments pertaining to the plat draft have been incorporated.

Subdivision Development Agreement

A developer's agreement has been drafted and will be reviewed by the City Council on April 15th. Execution of the development agreement, payment of associated fees, and filing of needed escrow and security is a proposed condition of plat approval.

REVIEW TEAM RECOMMENDATION

Approval subject to the following conditions:

1. Plat approval pertains specifically to "Jane Properties Subdivision" a conventional, non-residential subdivision consisting of three lots and three outlots.
2. The preliminary plat, final plat, tree and woodland preservation plan, and preliminary utility plans for Jane Properties Subdivision and all correspondence, reports, and, if applicable, conditions

and restrictions placed upon plat approval by the Belle Plaine Planning Commission shall be made a part of this Resolution.

3. The Applicant shall submit construction plans for approval, pay all necessary fees/costs, and enter into a development agreement at the time of final plat approval.
4. Incorporation of comments contained in a review memo (MnDOT Review #P19-015) dated April 3, 2019 from the Minnesota Department of Transportation signed by David Elvin.
5. Incorporation of comments contained in a review memo dated _____ from Scott County Transportation signed by Craig Jenson.
6. Execution of a warranty deed for Outlot B.
7. Execution of blanket right of way easement over Outlot C providing for the extension of Prosper Street to the eastern plat boundary.
8. Execution of a developer's agreement and filing of items required thereunder.
9. Installation of signage denoting the bluff preservation area. Signage shall be installed pursuant to a plan approved administratively by the City.
10. Incorporation of minor comments or changes as requested or required by staff or the City Attorney, the Scott County Surveyor's Office, and/or Scott County taxation.
11. The final plat (mylar) is to be recorded within one-hundred eighty (180) days of Council approval.
12. Issuance of title insurance in favor of the City in an amount equal to \$50,000.
13. Submittal of CAD files post-project completion.

ACTION

Resolution 19-008 is attached for consideration following discussion.

ATTACHMENTS

The following items are attached:

- Preliminary and final plat documents
- Preliminary utility plan
- Tree and woodland plan
- Vose review memo
- MnDOT review memo
- Proposed easements
- Resolution 19-008

JANE PROPERTIES SUBDIVISION



LEGEND

●	MONUMENT FOUND	— EU —	ELECTRIC UNDERGROUND
◆	BENCH MARK	— G —	GAS LINE
◊	ANCHOR	— CU —	COMMUNICATION UNDERGROUND
⊠	CATCH BASIN	— FO —	FIBER OPTIC UNDERGROUND
⊕	HYDRANT	— OU —	UTILITY OVERHEAD
⊙	LIGHT POLE	— I —	WATER SYSTEM
⊗	SANITARY MANHOLE	— >> —	STORM SEWER
⊖	STORM MANHOLE	— > —	SANITARY SEWER
⊠	TRAFFIC SIGN	---	INTERMEDIATE CONTOURS
⊞	COMMUNICATION PEDESTAL	---	INDEX CONTOURS
⊗	UTILITY POLE	— X —	EXISTING FENCE LINE

Horizontal Datum: Scott County Coordinate System
NAD83, 2011 Adjustment

VERTICAL BENCHMARKS - NAVD88	
Elevation	Description
857.96	TOP NUT HYDRANT ON SOUTHWEST SIDE OF THE INTERSECTION OF HICKORY BLVD AND 225 TH STREET WEST

LEGAL DESCRIPTION

The Southwest Quarter of the Northwest Quarter (SW1/4 of the NW1/4) of Section 5, Township 113, Range 24, Scott County, Minnesota, lying South of State Highway No. 169, excepting therefrom the following described property:

Beginning at the point of intersection of the West line of Section Five (5), Township One Hundred Thirteen (113) North, Range Twenty-four (24) West and the Southerly right-of-way line of U.S. Highway No. 169, said point being 616.5 feet North of the West Quarter corner of said Section Five (5); thence North 58°35' East along the Southerly line of said highway a distance of 747.8 feet; thence South 5°29' West a distance of 638.9 feet; thence North 70°30' West a distance of 612.00 feet to the West line of said Section 5; thence North along the West line of said Section 5 a distance of 41.9 feet to the place of beginning, Scott County, Minnesota.

AND
That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 113, Range 24, Scott County, Minnesota, lying southeasterly of the Southeasterly right of way line of State Trunk Highway No. 169, excepting therefrom the following described property:

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 113 North, Range 24 West, shown as Parcel 315 on the Minnesota Department of Transportation Right of Way Plat Numbered 70-27 as the same is on file and of record in the office of the County Recorder in and for Scott County, Minnesota.

AND
That part of Section 5, Township 113, Range 24, Scott County, Minnesota, described as follows:

Beginning at the point of intersection of the West line of Section Five (5), Township One Hundred Thirteen (113) North, Range Twenty-four (24) West and the Southerly right-of-way line of U.S. Highway No. 169, said point being 616.5 feet North of the West Quarter corner of said Section Five (5); thence North 58°35' East along the Southerly line of said highway a distance of 747.8 feet; thence South 5°29' West a distance of 638.9 feet; thence North 70°30' West a distance of 612.00 feet to the West line of said Section 5; thence North along the West line of said Section 5 a distance of 41.9 feet to the place of beginning, Scott County, Minnesota.

EXCEPT that part thereof shown as Parcel 216 on Minnesota Department of Transportation Right of Way Plat No. 70-26.

UTILITY & SITE DATA

All Zoning, Setback, and Flood Zone information was obtained from the City of Belle Plaine. For detailed zoning information and specific interpretation of code requirements, contact the City of Belle Plaine Zoning Office at (952)-873-5553.

PROPOSED ZONING: subject property - I/C, Industrial/Commercial District

SETBACKS:
Front 35'
Side 20'
Interior Lot: 20'
55' abutting Residential District
Corner Lot: 30'
Rear 25'
55' abutting Residential District

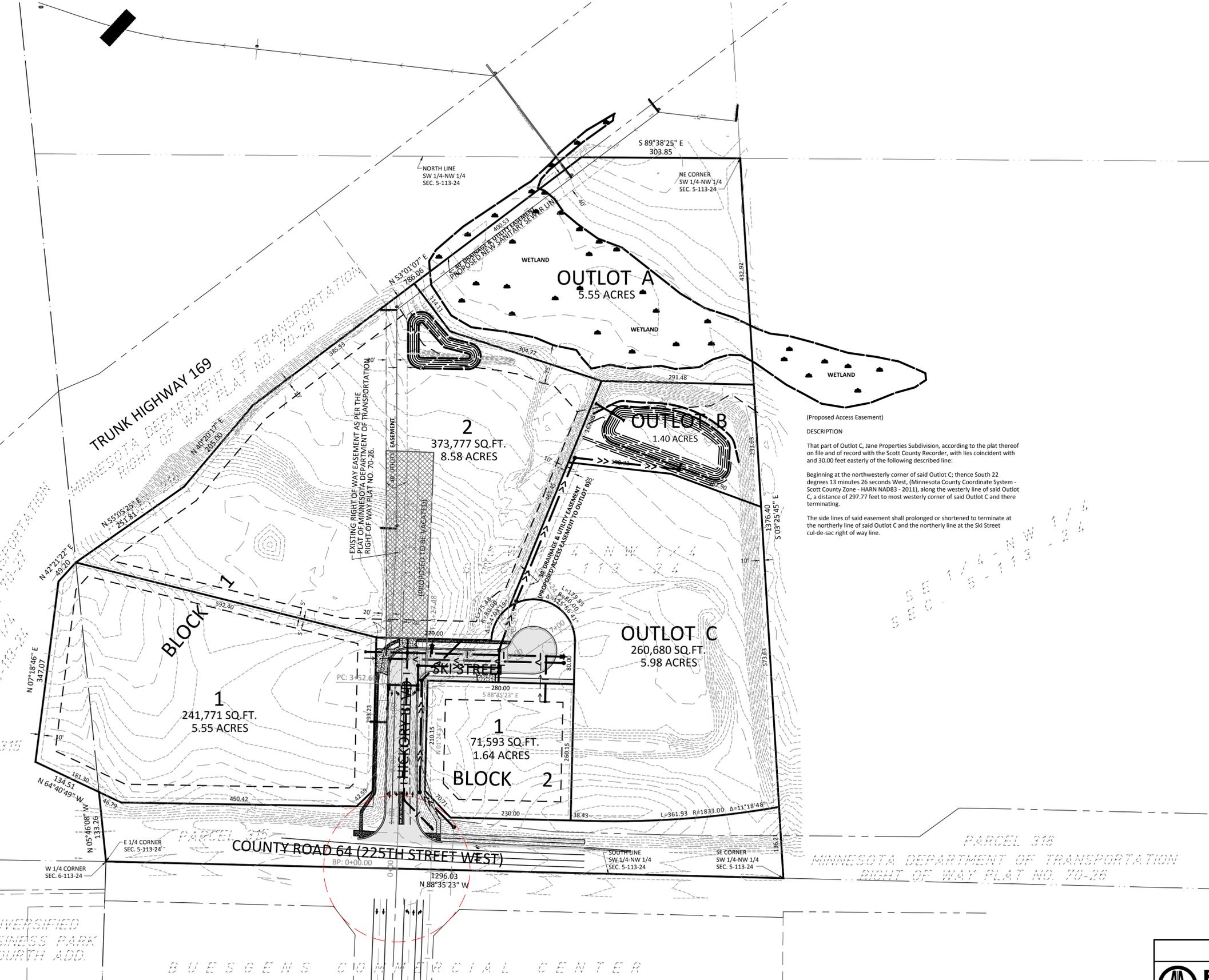
HEIGHT RESTRICTION: 35'

LOT AREA: 20,000 SQ.FT.

AREA RESTRICTION: No more than 85% impervious surface.

FLOOD ZONE: Subject property lies in Zone X of the Flood Insurance Rate Map, Panel No. 2704290001B & 2704280060C, dated December 18, 1986 and is NOT in a Special Flood Hazard Area. Zone X is defined as AREAS OUTSIDE 500-YEAR FLOOD PLAIN. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

UTILITIES: Underground utility lines and structures are shown in an approximate way only, according to information provided by others. A request that utilities be located for this survey was made through Gopher State One Call (Ticket No. 182983119 & 182983120). The underground utility lines and structures shown on this map represent the information provided to Bolton & Menk, Inc. as a result of that request in 2018. The surveyor does not guarantee that the information provided was either complete or accurate. The surveyor does not guarantee that there are no other underground utility lines and structures, active or abandoned, on or adjacent to the subject property.

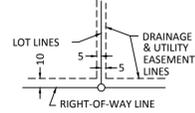


<p>BOLTON & MENK 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171</p>	<p>PRELIMINARY PLAT BELLE PLAINE, MINNESOTA</p>	<p>PART OF THE SW 1/4 - NW1/4, SECTION 5 & 6, TOWNSHIP 113 NORTH RANGE 24 WEST</p>
	<p>FOR: JW ASPHALT</p>	<p>FOR: JW ASPHALT</p>

JANE PROPERTIES SUBDIVISION



DRAINAGE & UTILITY EASEMENTS ARE SHOWN THUS:

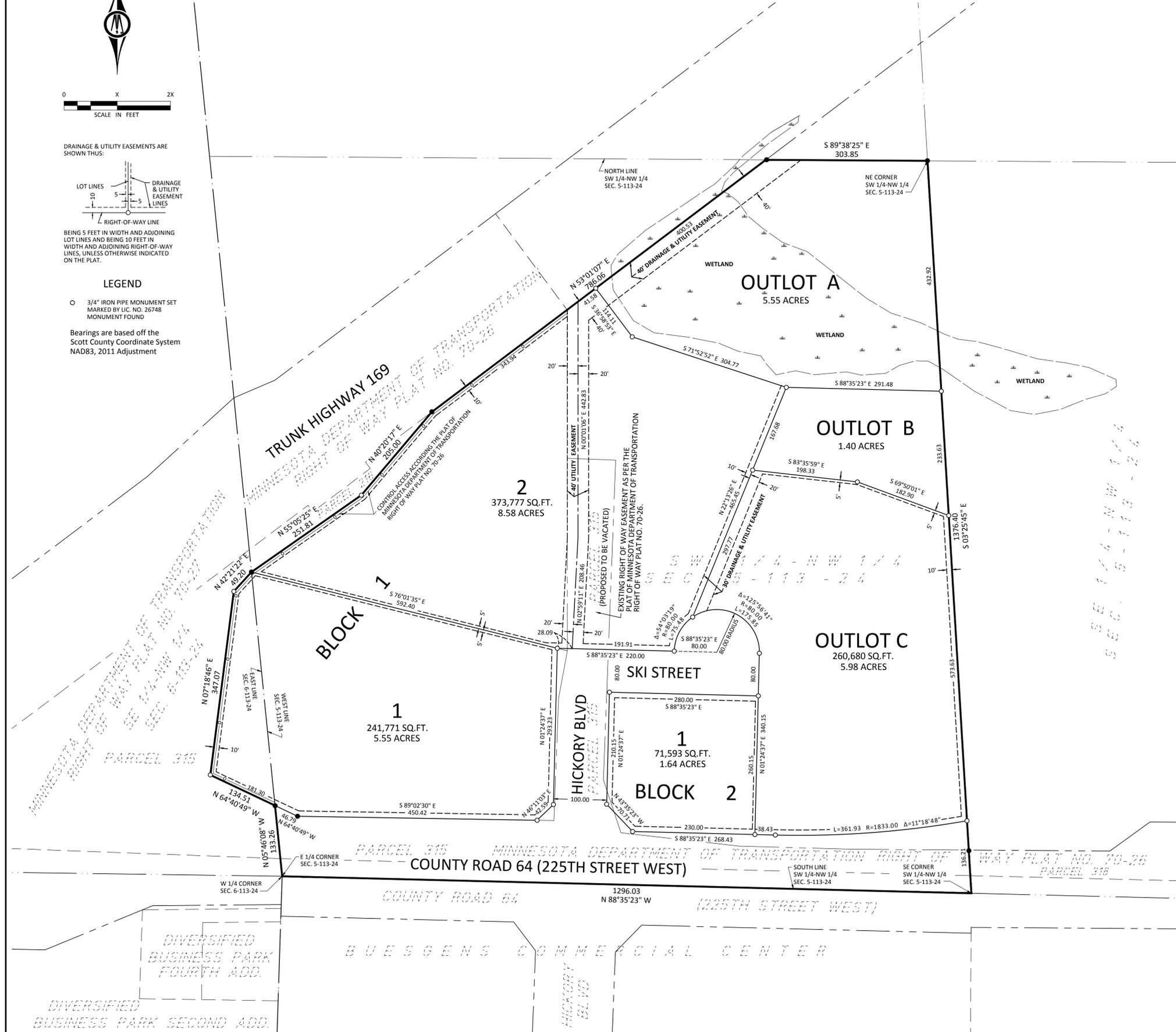


BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES AND BEING 10 FEET IN WIDTH AND ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THE PLAT.

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 26748 MONUMENT FOUND

Bearings are based off the Scott County Coordinate System NAD83, 2011 Adjustment



INSTRUMENT OF DEDICATION
KNOW ALL PERSONS BY THESE PRESENTS: that the Jane Properties LLC, a Minnesota limited liability company, owner and proprietor of the following described property situated in the County of Scott, State of Minnesota, to wit:

The Southwest Quarter of the Northwest Quarter (SW1/4 of the NW1/4) of Section 5, Township 113, Range 24, Scott County, Minnesota, lying South of State Highway No. 169, excepting therefrom the following described property:

Beginning at the point of intersection of the West line of Section Five (5), Township One Hundred Thirteen (113) North, Range Twenty-four (24) West and the Southerly right-of-way line of U.S. Highway No. 169, said point being 616.5 feet North of the West Quarter corner of said Section Five (5); thence North 58°35' East along the Southerly line of said highway a distance of 747.8 feet; thence South 5°29' West a distance of 638.9 feet; thence North 70°30' West a distance of 612.00 feet to the West line of said Section 5; thence North along the West line of said Section 5 a distance of 41.9 feet to the place of beginning, Scott County, Minnesota.

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AND
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EXCEPT that part thereof shown as Parcel 216 on Minnesota Department of Transportation Right of Way Plat No. 70-26.

Has caused the same to be surveyed and platted as JANE PROPERTIES SUBDIVISION and does hereby dedicate to the public for public use forever the Public Ways and also dedicate the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Jane Properties LLC, a Minnesota limited liability company, has caused these presents to be signed by its

proper officers this ____ day of _____, 20____.

Shane Johnson, President

NOTARY'S CERTIFICATE
State of Minnesota
County of

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Shane Johnson, President on behalf of Jane Properties LLC, a Minnesota limited liability company.

Notary Public, _____ County, Minnesota, My Commission Expires _____.

SURVEYOR'S CERTIFICATE

I, Michael M. Eichers, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet land, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 2019

Michael M. Eichers, Land Surveyor
Minnesota License No. 46564

NOTARY'S CERTIFICATE
State of Minnesota
County of Blue Earth

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Michael M. Eichers, Land Surveyor, Minnesota License No. 46564.

Laura E. Busch, Blue Earth County, Minnesota
My Commission Expires 1-31-2020.

APPROVALS

Be it known that on the ____ day of _____, 20____, the Planning Commission of the City of Belle Plaine, Minnesota, did duly review this plat.

Ashby Carter, Planning Commission Chair

APPROVALS

Be it known that on the ____ day of _____, 20____, the City Council of the City of Belle Plaine, Minnesota, did duly approve this plat of JANE PROPERTIES SUBDIVISION, and that, as per Minnesota Statutes Section 505.03, Subd. 2, this plat has been submitted to, and written comments and recommendations have been received from the County Engineer or the Commissioner of Transportation.

Christopher G. Meyer, Mayor

Dawn Meyer, City Administrator

SCOTT COUNTY SURVEYOR

Pursuant to Minnesota Statutes, Section 389.09, Subd. 1, as amended, this plat has been reviewed and approved

this ____ day of _____, 20____.

James L. Hentges, Scott County Surveyor

COUNTY AUDITOR AND TREASURER

I hereby certify that the current and delinquent taxes on the lands described within are paid and the transfer is

entered this ____ day of _____, 20____.

Scott County Auditor

Scott County Treasurer

Deputy

COUNTY RECORDER

I hereby certify that this plat was filed in this office this ____ day of _____,

____ o'clock ____m. as Document No. _____.

Scott County Recorder

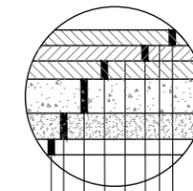
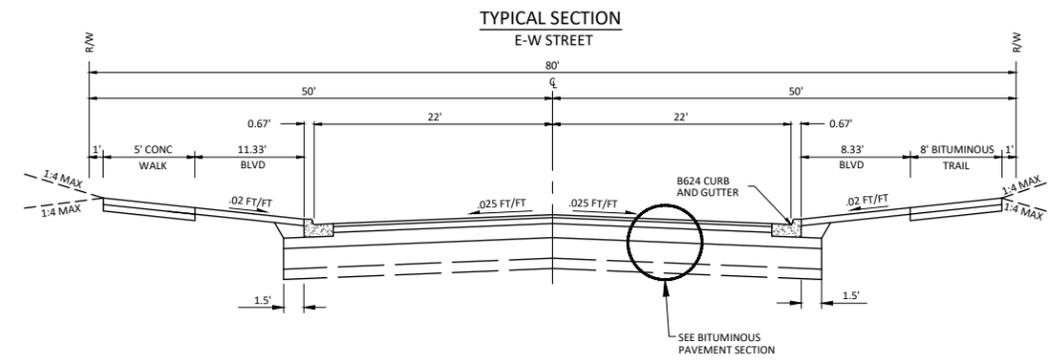
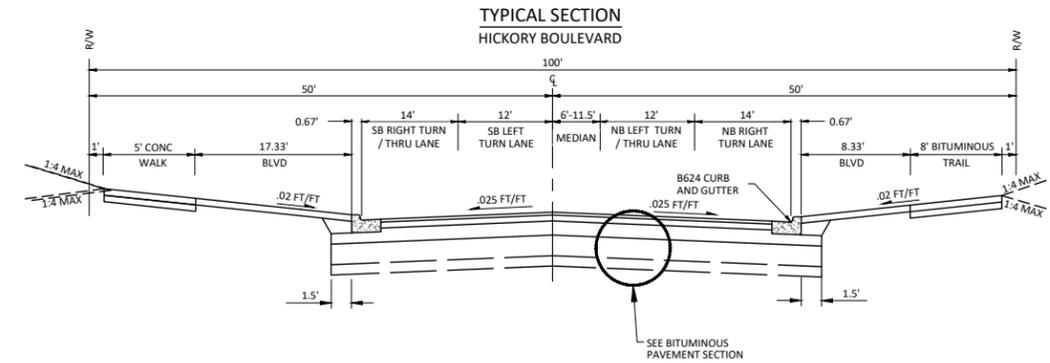
**FINAL PLAT
PENDING FINAL REVIEW
(09-13-2019)**

THIS PLAT WAS PREPARED BY BOLTON & MENK, INC.

AREA PROPOSED TO BE VACATED

LOT 2 BLOCK 1

OUTLOT B



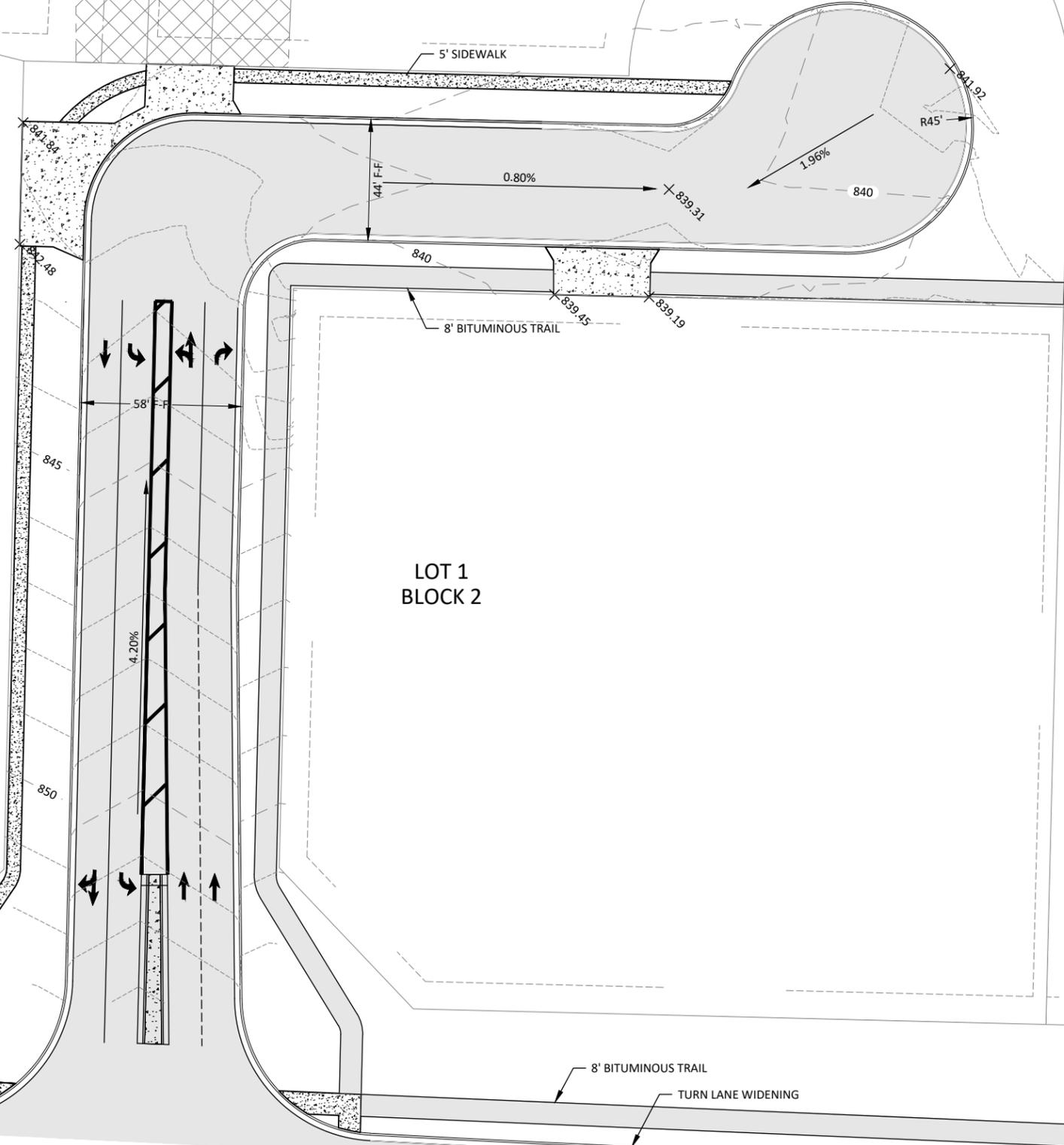
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- BITUMINOUS TACK COAT (INCIDENTAL)
- 2" BITUMINOUS NON-WEAR COURSE (MVNW35035C) (2350)
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- 2" BITUMINOUS NON-WEAR COARSE (MVNW35035C) (2350)
- 11" AGGREGATE BASE CL. 5 (2211)
- 14" SELECT GRANULAR MATERIAL (2105) (AS DIRECTED BY THE ENGINEER)
- 6" SUBGRADE PREPARATION (2112) (INCIDENTAL)

BITUMINOUS PAVEMENT SECTION

LOT 1 BLOCK 1

HICKORY BLVD

LOT 1 BLOCK 2



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

D. JOSEPH DUNCAN

LIC. NO. 26100 DATE 3/6/2019



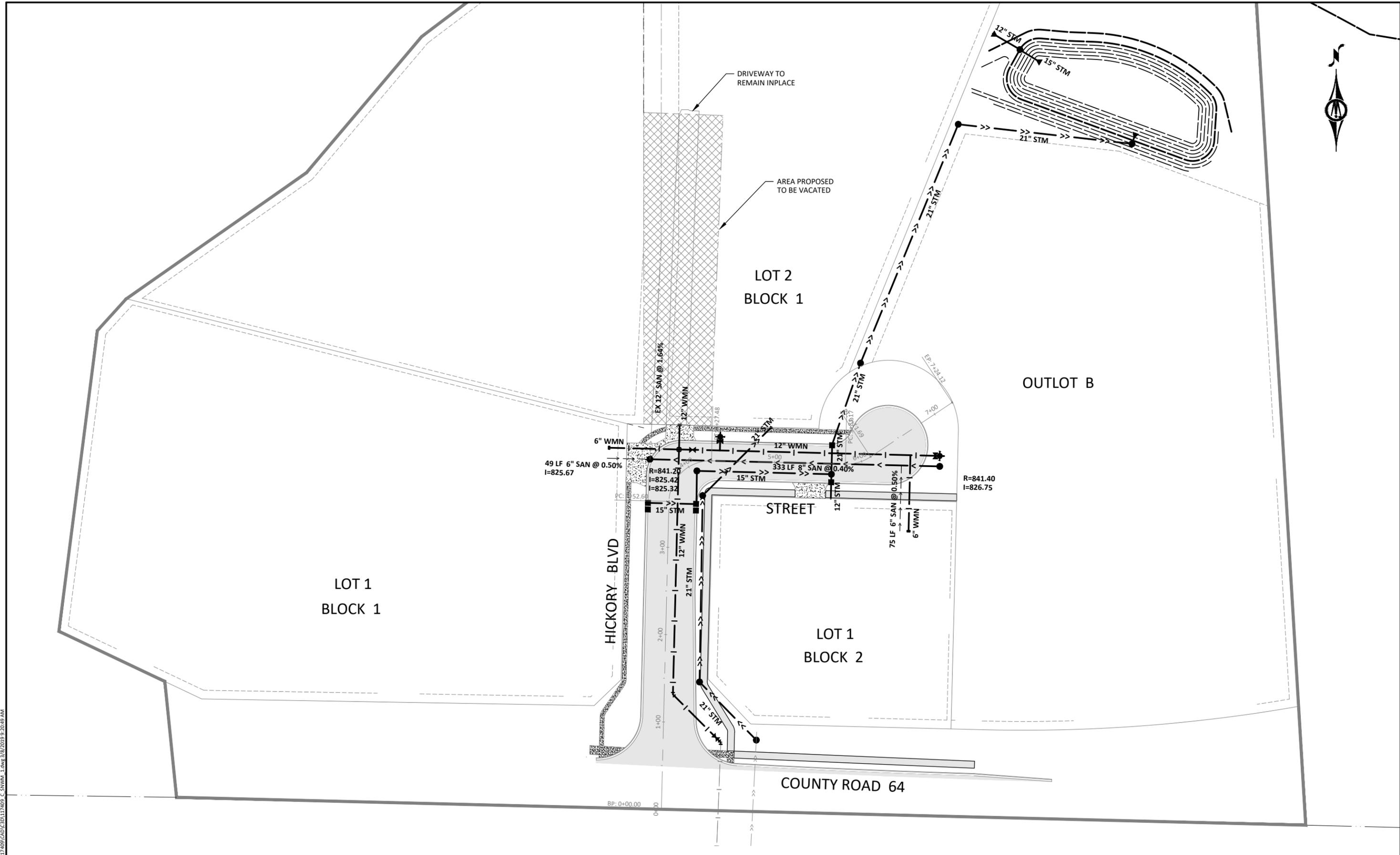
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MANKATO, MINNESOTA 56001
Phone: (507) 625-4171
Email: Mankato@bolton-menk.com
www.bolton-menk.com

DESIGNED	NO.	ISSUED FOR	DATE
DJD			
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CLIENT PROJ. NO.	M15-118196		

BELLE PLAINE, MINNESOTA
JANE PROPERTIES SUBDIVISION
PRELIMINARY PLAT
STREET PLAN

SHEET 1 OF 2

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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

D. Joseph Duncan
 D. JOSEPH DUNCAN
 LIC. NO. 26100 DATE 3/6/2019



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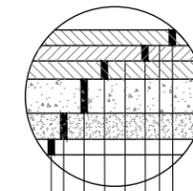
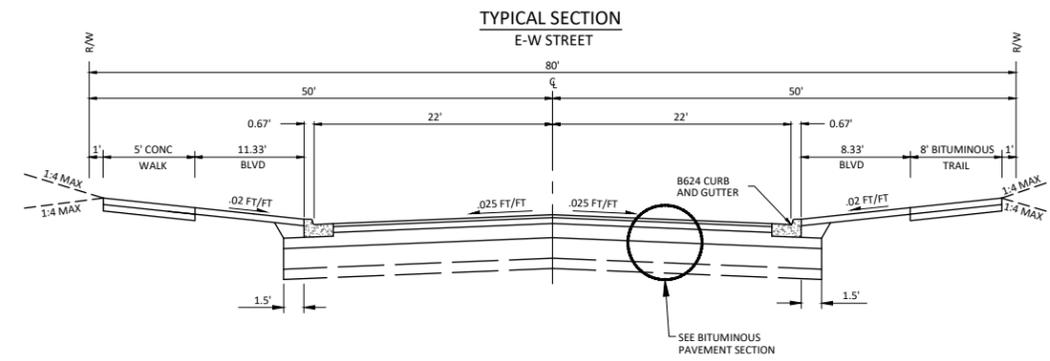
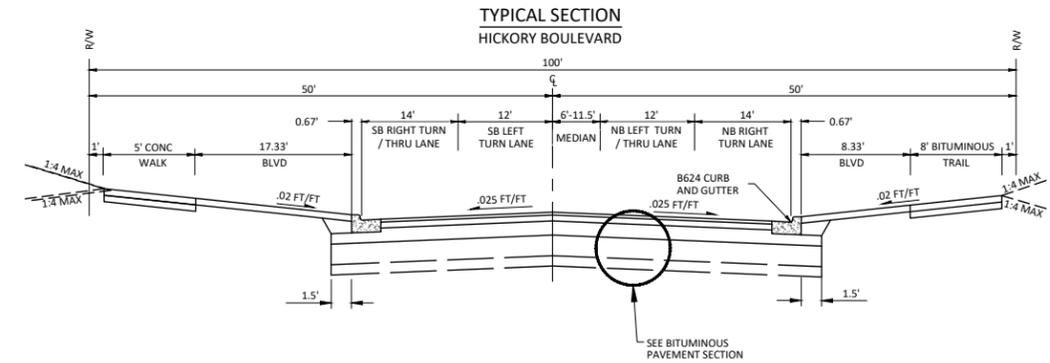
BELLE PLAINE, MINNESOTA
 JANE PROPERTIES SUBDIVISION
 PRELIMINARY PLAT
 UTILITY PLAN

SHEET 2
 OF 2

AREA PROPOSED TO BE VACATED

LOT 2 BLOCK 1

OUTLOT B



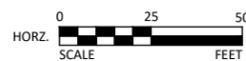
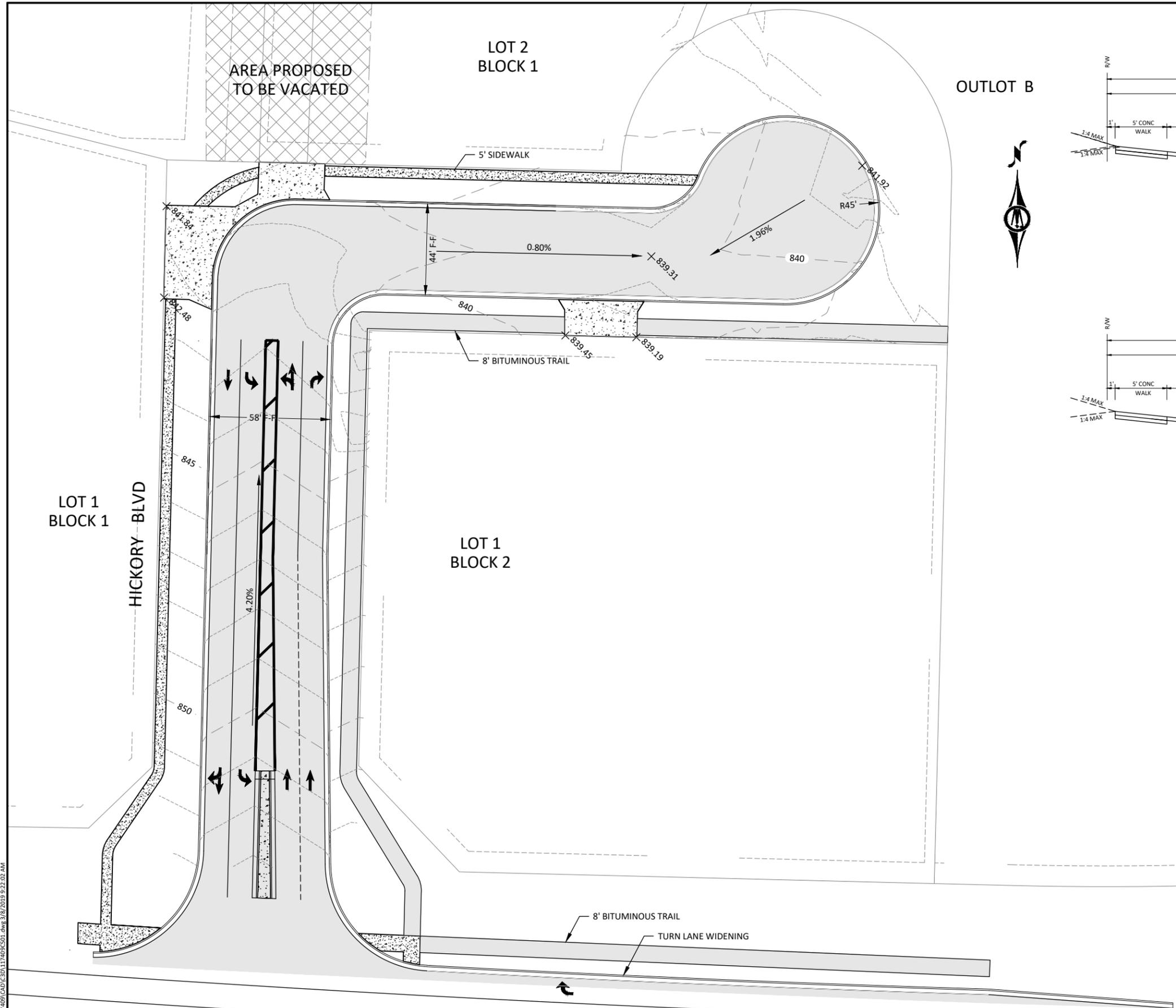
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HICKORY BLVD

LOT 1 BLOCK 2



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D. JOSEPH DUNCAN III

LIC. NO. 26100 DATE 3/6/2019

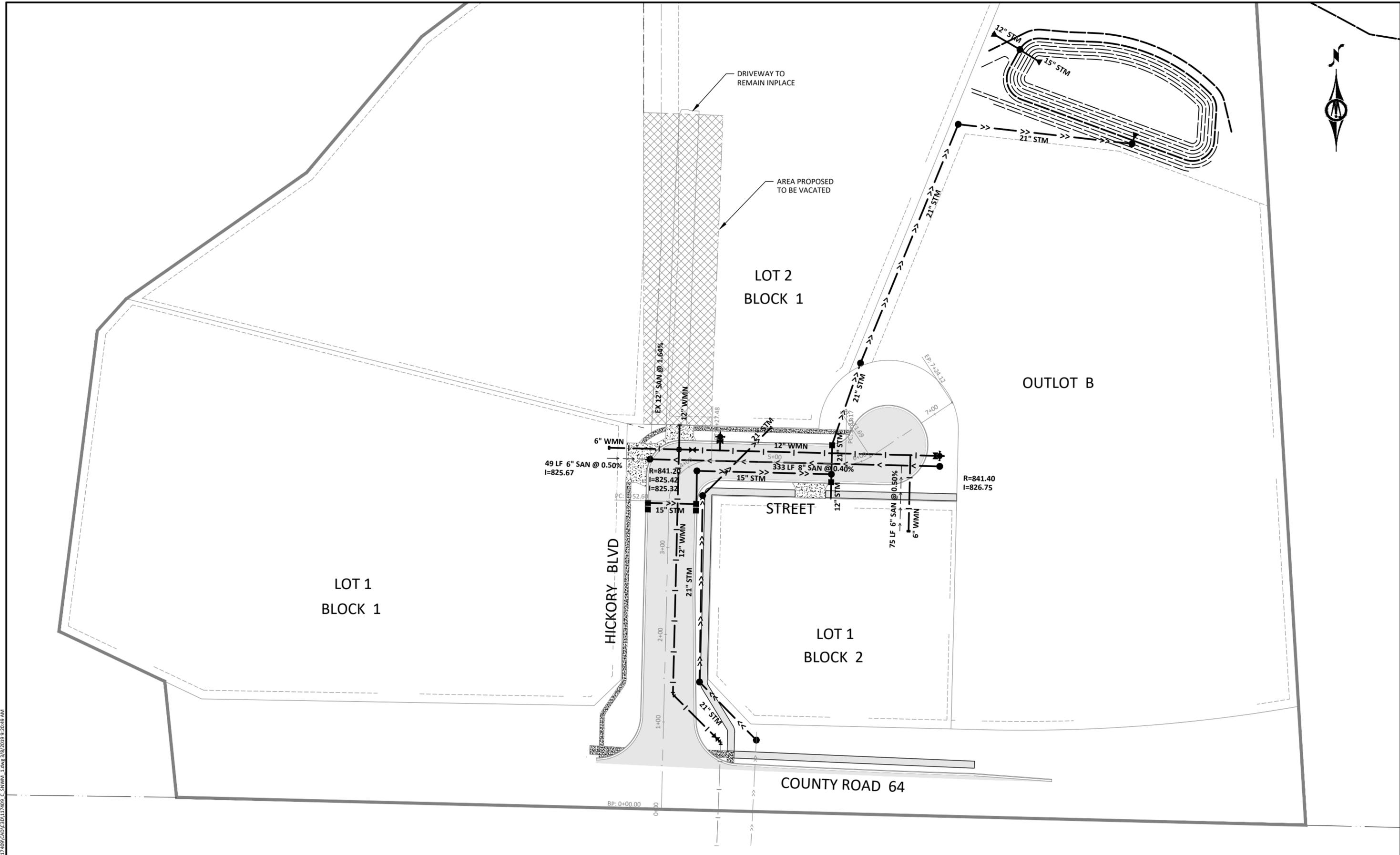


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CLIENT PROJ. NO.	M15-118196		

BELLE PLAINE, MINNESOTA
JANE PROPERTIES SUBDIVISION
PRELIMINARY PLAT
STREET PLAN

SHEET 1 OF 2



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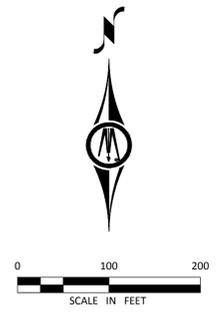
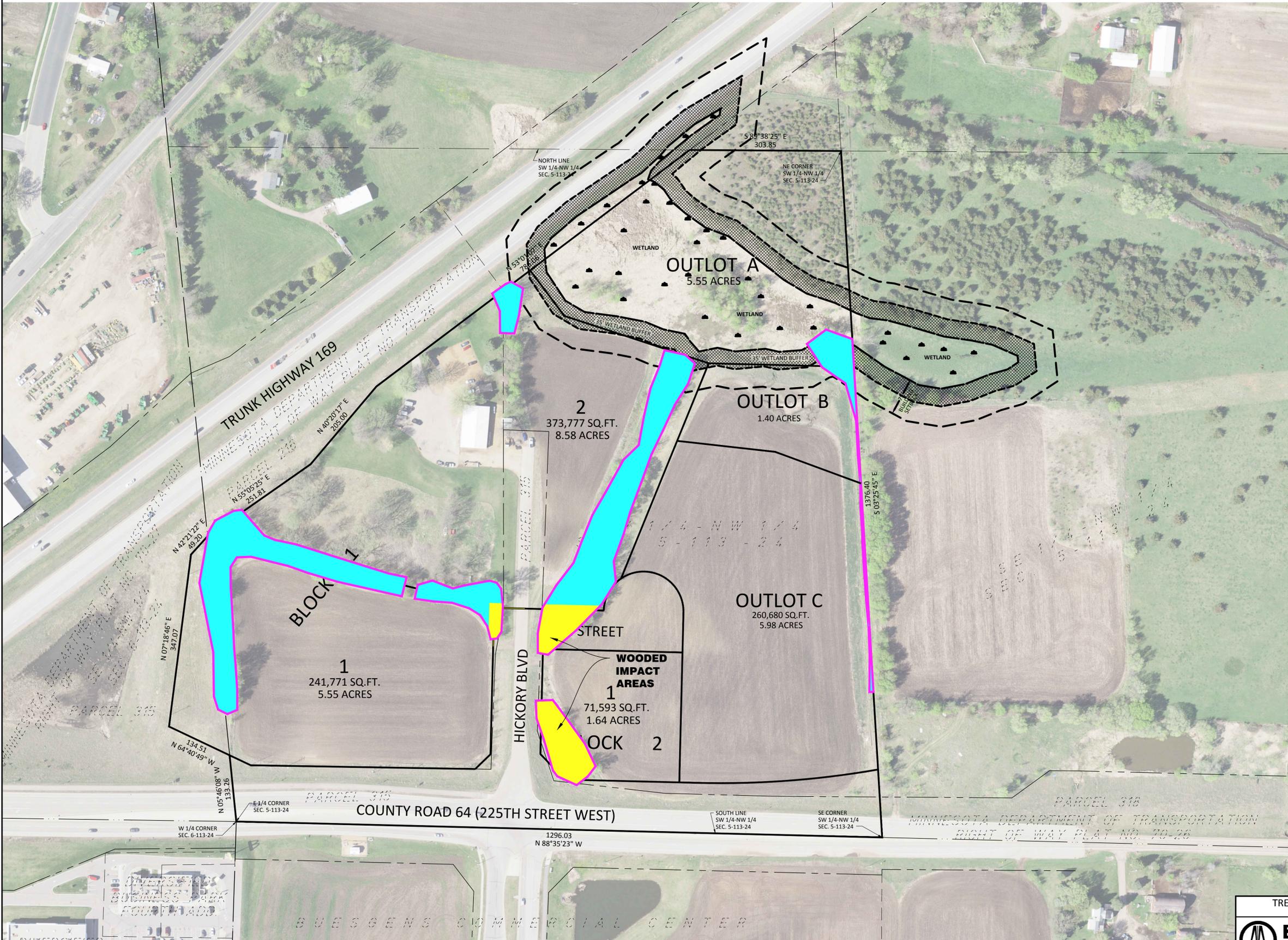
1960 PREMIER DRIVE
 MANKATO, MINNESOTA 56001
 Phone: (507) 625-4171
 Email: Mankato@bolton-menk.com
 www.bolton-menk.com

DESIGNED	NO.	ISSUED FOR	DATE
DJD			
DRAWN	DS		
CHECKED	DJD		
CLIENT PROJ. NO.	M15-118196		

BELLE PLAINE, MINNESOTA
 JANE PROPERTIES SUBDIVISION
 PRELIMINARY PLAT
 UTILITY PLAN

SHEET 2
 OF 2

JANE PROPERTIES SUBDIVISION



Horizontal Datum: Scott County Coordinate System
NAD83, 2011 Adjustment

VERTICAL BENCHMARKS - NAVD88	
Elevation	Description
857.96	TOP NUT HYDRANT ON SOUTHWEST SIDE OF THE INTERSECTION OF HICKORY BLVD AND 225 TH STREET WEST

WOODED IMPACT DATA:	
TOTAL WOODED AREA	2.61 AC
WOODED AREA IMPACTED	0.46 AC
PERCENTAGE OF TOTAL	17.8 %
TOTAL WOODED AREA (11.47 AC)	
WOODED AREA TO REMAIN (2.15 AC)	
WOODED IMPACT AREAS (0.46 AC)	

BOLTON & MENK 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	TREE & WOODLAND PRESERVATION PLAN BELLE PLAINE, MINNESOTA
	PART OF THE SW 1/4 - NW 1/4, SECTION 5 & 6, TOWNSHIP 113 NORTH RANGE 24 WEST FOR: JW ASPHALT

April 3, 2019

Cynthia Smith Strack, Community Development Director
City of Belle Plaine
218 Meridian Street North
Belle Plaine, MN 56011

SUBJECT: Jane Properties preliminary and final plats
MnDOT Review #P19-015
NE quad of US 169 and CSAH 64 (225th St W)
City of Belle Plaine, Scott County

Dear Ms. Smith Strack:

Thank you for providing the preliminary and final plats and plans for the above-referenced development received 3/13/19. MnDOT has reviewed these in compliance with Minnesota Statute 505.03, subdivision 2, Plat approval; road review. Before further development, please address the following:

Drainage

A drainage permit will be required for this site. Please provide computations and plans so that MnDOT may verify that the proposed development maintains or reduces drainage rates to the state right-of-way. Please include both existing and proposed site conditions. Please submit the following documents with the drainage permit application:

1. Proposed grading plans, proposed drainage plans, and all hydraulic calculations. Please show that the proposed drainage rate to MnDOT right-of-way is the same as or less than existing conditions.
2. Existing and proposed drainage area maps with flow arrows and labels that correspond with the submitted calculations.
3. Hydro CAD model and corresponding .PDF output for the 2-, 10-, and 100-year Atlas 14 storm events.

Drainage permit applications are available and may be submitted online at:

<https://dotapp7.dot.state.mn.us/OLPA>. The MnDOT drainage permits checklist is attached for your convenience. For drainage-related questions, please contact Hailu Shekur at Hailu.Shekur@state.mn.us or 651-234-7521.

Permits

In addition to the drainage permit mentioned above, any work within or impacts to the US 169 right-of-way will require a permit. Permit forms and instructions are available and may be submitted online at:

<https://dotapp7.dot.state.mn.us/OLPA>.

Please direct any questions regarding this requirement to Buck Craig of the Metro District's Permits Section at 651-234-7911 or Buck.Craig@state.mn.us.

Review Submittal Options

MnDOT's goal is to review proposed development plans and documents within 30 days of receipt. Electronic file submittals are typically processed more rapidly. There are four submittal options:

1. Email documents and plans in .pdf format to metrodevreviews.dot@state.mn.us. Attachments may not exceed 20 megabytes per email. If multiple emails are necessary, number each message.
2. Upload .pdf file(s) to MnDOT's external shared internet workspace site at: <https://mft.dot.state.mn.us>. Contact MnDOT Planning development review staff at metrodevreviews.dot@state.mn.us for access instructions and send an email listing the file name(s) after the documents have been uploaded.
3. Mail, courier, or hand deliver documents and plans in .pdf format on a CD-ROM compact disc to:
MnDOT – Metro District Planning Section
Development Reviews Coordinator
1500 West County Road B-2
Roseville, MN 55113
4. Submit printed documents via U.S. Mail, courier, or hand delivery to the address above. Include one set of full size plans.

You are welcome to contact me with questions at 651-234-7795.

Sincerely,

David Elvin, AICP
Principal Planner

Copied by email:

Diane Langenbach, Area Engineer
Benjamin Klismith, Right of Way
Buck Craig, Permits
Bruce Wetherbee, Surveys
Hailu Shekur, Water Resources

Jeff Rones, Design
Almin Ramic, Traffic Engineering
Natalie Ries, Noise
Cameron Muhic, Multimodal
Russell Owen, Metropolitan Council
James Hentges, Scott County Surveyor



Offices in
 Minneapolis
 Saint Paul
 St. Cloud

470 U.S. Bank Plaza
 200 South Sixth Street
 Minneapolis, MN 55402
 (612) 337-9300 telephone
 (612) 337-9310 fax
 www.kennedy-graven.com
 Affirmative Action, Equal Opportunity Employer

ROBERT J. V. VOSE
 Attorney at Law
 Direct Dial (612) 337-9275
 Email: rvose@kennedy-graven.com

March 15, 2019

VIA EMAIL ONLY

Ms. Cynthia Smith-Strack
 Community Development Director
 City of Belle Plaine
 218 North Meridian Street
 P.O. Box 129
 Belle Plaine, MN 56011

**RE: *Plat Opinion for JANE PROPERTIES SUBDIVISION
 Our File No. BE200-196***

Dear Cynthia:

I have reviewed two title commitments issued by Land Title, Inc., as agent for First American Title Insurance Company, Commitment Nos. 584937 and 584938, each with an effective date of February 7, 2019 (the "Commitments"). The Commitments purport to cover the real property described as follows (the "Property"), which is to be platted as JANE PROPERTIES SUBDIVISION:

(Parcel 1)

The Southwest Quarter of the Northwest Quarter (SW1/4 of the NW1/4) of Section 5, Township 113, Range 24, Scott County, Minnesota, lying South of State Highway No. 169, excepting therefrom the following described property:

Beginning at the point of intersection of the West line of Section Five (5), Township One Hundred Thirteen (113) North, Range Twenty-four (24) West and the Southerly right-of-way line of U.S. Highway No. 169, said point being 616.5 feet North of the West Quarter corner of said Section Five (5); thence North 58°35' East along the Southerly line of said highway a distance of 747.8 feet; thence South 5°29' West a distance of 638.9 feet; thence North 70°30' West a distance of 612.00 feet to the West line of said Section 5; thence North along the West line of said Section 5 a distance of 41.9 feet to the place of beginning, Scott County, Minnesota.

AND

(Parcel 2)

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 113, Range 24, Scott County, Minnesota, lying southeasterly of the Southeasterly right of way line of State Trunk Highway No. 169, excepting therefrom the following described property:

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 113 North, Range 24 West, shown as Parcel 315 on Minnesota Department of Transportation Right of Way Plat Numbered 70-27 as the same is on file and of record in the office of the County Recorder in and for Scott County, Minnesota.

AND

(Parcel 3)

That part of Section 5, Township 113, Range 24, Scott County, Minnesota, described as follows:

Beginning at the point of intersection of the West line of Section Five (5), Township One Hundred Thirteen (113) North, Range Twenty-four (24) West and the Southerly right-of-way line of U.S. Highway No. 169, said point being 616.5 feet North of the West Quarter corner of said Section Five (5); thence North 58°35' East along the Southerly line of said highway a distance of 747.8 feet; thence South 5°29' West a distance of 638.9 feet; thence North 70°30' West a distance of 612.00 feet to the West line of said Section 5; thence North along the West line of said Section 5 a distance of 41.9 feet to the place of beginning, Scott County, Minnesota,

EXCEPT that part thereof shown as Parcel 216 on Minnesota Department of Transportation Right of Way Plat No. 70-26.

(Abstract Property)

In addition, I have reviewed the proposed plat of JANE PROPERTIES SUBDIVISION dated 3-13-19 (the "Plat") prepared by Michael M. Eichers for Bolton & Menk, Inc. We understand this to be the most current version of the Plat.

I have the following comments:

1. According to the Commitments, the fee owners of the Property are as follows:

Parcels 1 and 2 – J&W Asphalt Construction, Inc., a Minnesota corporation (subject to a contract for deed in favor of Jane Properties, LLC, a Minnesota limited liability company), and

Parcel 3 – Jane Properties LLC, a Minnesota limited liability company.

And, the Commitment (for Parcels 1 and 2) shows a mortgage in favor of First American Bank, National Association. (A1059802, at item E on Schedule B-I)

Based on the Plat, it appears that J&W Asphalt Construction, Inc. will convey its interest to Jane Properties, LLC, a Minnesota limited liability company; and that only Jane Properties, LLC, will sign the Plat.

Separately, I will deliver a draft instruction letter for you to send to the closer with the Plat, requiring the closer to confirm that the signature of Jane Properties, LLC, alone is sufficient before recording the Plat.

2. All real estate taxes payable in the year the Plat is recorded (including delinquent taxes) 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).

3. For your information, the Commitments refer to the following items:

a. Terms and Conditions of Conditional Use Permit, dated January 23, 1979, and recorded March 13, 1979, as Document No. A168445.

The City should determine whether the proposed development requires this permit to be amended.

b. Easement in favor of Northern States Power Company, dated June 29, 1966, and recorded June 29, 1966, as Document No. A111480.

It appears that this item does not affect the Plat.

c. Easement in favor of Northern States Power Company, dated July 6, 1966, and recorded July 8, 1966, as Document No. A111586.

It appears that this item does not affect the Plat.

d. Easement in favor of the City of Belle Plaine, dated November 2, 2017, and recorded December 5, 2017, as Document No. A1038217.

This public utility easement should be marked on the Plat.

4. Notes on the Plat:

■ The boundary lines of Parcel 3, including the Southerly right-of-way line of U.S. Highway No. 169, are not clearly marked on the Plat. The Plat should be revised to “show all survey and mathematical information and data necessary to locate and retrace all boundary lines

and monuments.” (from the 2009 Manual of Guidelines for Platting in Minnesota, Section 18, Dimensions)

- The Plat does not show any access control for the part of U.S. Highway No. 169 adjoining Outlot A. The Plat should be revised as necessary.
- There are notes on the Plat (in Lot 2, Block 1) regarding the proposed vacation of an existing right of way easement established by MnDOT Right-of-Way Plat No. 70-26. It is unclear how such right of way could be “vacated.” Regardless, because the Commitments do not mention any such easement, those notes could be deleted from the Plat.
- I recommend replacement of the dedication language with the following from the 2009 Manual: “. . . and does hereby dedicate to the public for public use the public way(s) and / or the drainage and utility easement(s) as created by this plat.”

5. Additional Notes:

- Because the Plat abuts U.S. Highway 169, the City must submit the Plat to the Commissioner of Transportation for comments and recommendations, as certified on the Plat, pursuant to Minnesota Statutes Section 505.03, Subdivision 2.
- Because the Property abuts County Road 64 (225th Street West), the City must submit the Plat to the County Engineer for review and comment, as certified on the Plat, pursuant to Minnesota Statutes Section 505.03, Subdivision 2.

I recommend that the City require the property owner to deliver a policy of title insurance in favor of the City of Belle Plaine, providing at least \$50,000 of coverage, insuring the City’s interests as they appear in the 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.

Sincerely,

KENNEDY & GRAVEN, CHARTERED



Robert J. V. Vose

RJV:jms

cc: M. Eichers (Michael.Eichers@bolton-menk.com)

From the City of Belle Plaine

_____, 2019

To: _____
(Closer handling recording)

RE: *Plat of Jane Properties Subdivision*

Dear _____:

The plat of Jane Properties Subdivision is delivered to you for closing and recording after you have confirmed each of the following items:

1. The recording of any documents required to establish fee title to all of the land being platted in Jane Properties, LLC, a Minnesota limited liability company, either:
 - free of any mortgages or liens, or
 - with consent by First American Bank, National Association, mortgagee.
2. The execution of the Plat by Jane Properties, LLC, with all of the formalities of a deed.
3. That a policy of title insurance has been issued in favor of the City of Belle Plaine, providing at least \$50,000 of coverage, insuring the City's interests as they appear in the Plat.

Please acknowledge receipt of this letter and acceptance of the condition before you record the Plat by signing below and emailing a copy to Robert Vose at rvose@kennedy-graven.com.

Sincerely,

Cynthia Smith-Strack
Community Development Director
City of Belle Plaine

I acknowledge receipt of the plat of Jane Properties Subdivision, and I accept the conditions above.

Date: _____

By: _____
Closer handling recording

EASEMENT AGREEMENT

This Easement Agreement (“Agreement”) is made this ____ day of _____, 2019 (“Effective Date”), by and between Jane Properties, LLC, a Minnesota limited liability company (“Grantor”), and the City of Belle Plaine, a Minnesota municipal corporation (“City”).

Recitals

A. Grantor is the fee owner of property in Scott County, Minnesota, described as follows (the “Property”):

Outlot C, Jane Properties Subdivision.
(abstract property)

B. To comply with a condition for approval of the plat of Jane Properties Subdivision, Grantor has agreed to grant a non-exclusive, perpetual easement to the City on the following terms and conditions.

Terms of Easement

1. Grant of Easement. For good and valuable consideration, Grantor grants and conveys to the City a non-exclusive, perpetual easement for roadway, drainage, and utility purposes over, under, and across the Property (the “Easement”). After the Effective Date, the Easement will be confined to a strip of land 80.00 feet wide over, under, and across the Property (the “Easement Area”).
2. Scope of Easement. The Easement includes the right of the City, its contractors, agents, and employees to enter the Easement Area at all reasonable times for the purpose of grading, locating, constructing, reconstructing, operating, maintaining, inspecting, altering and repairing a public road and appurtenant facilities or improvements that are not inconsistent with a public roadway, including drainage and utilities. This Easement also includes the right of the City to cut, trim, or remove from the Easement Area any trees, shrubs, or other vegetation that, in the City’s judgment, unreasonably interferes with the Easement or facilities of the City, its successors and assigns. The improvements in the Easement Area shall be maintained by the City to such standards as determined by the City.
3. Easement to be defined. On the date of this Agreement, the City has not determined the final location of the Easement Area. At the earlier of the time of platting of the Property or the imminent extension of Hickory Boulevard through the Property and commencement of associated construction activities on the Property, the City will notify Grantor and subsequently record a partial release of easement, in a form reasonably acceptable to Grantor, identifying the Easement Area and releasing the remainder of the Property from this Agreement.

4. Warranty of Title. The Grantor warrants that Grantor owns the Property in fee simple and has the right and authority to convey this Easement to the City.

5. Environmental Matters. The City shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the Easement Area or the Property before the Effective Date.

6. Indemnity. Grantor and the City agree to defend, indemnify and hold each other harmless against all actions, claims, damages or demands that may be brought or made against the other party or against the other's interest in the Easement Area by reason of anything done by the other party hereto (as the case may be) or their respective agents, contractors in the exercise of the rights and privileges granted herein.

7. Counterparts. This Agreement may be executed in any number of counterparts and each such counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute but one agreement.

8. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on the Grantor, its successors and assigns.

STATE DEED TAX DUE HEREON: NONE

[Signature Pages Follow]

**SIGNATURE PAGE
TO
EASEMENT AGREEMENT**

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the Effective Date.

Grantor:

Jane Properties, LLC

By _____

Name: Shaun Johnson

Its: President

State of Minnesota, County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by Shaun Johnson, the President of Jane Properties, LLC, on behalf of the company.

NOTARY STAMP OR SEAL

Notary Public

**SIGNATURE PAGE
TO
EASEMENT AGREEMENT**

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the Effective Date.

Grantee:
City of Belle Plaine

By _____
Christopher G. Meyer, Mayor

By _____
Dawn Meyer, City Administrator

State of Minnesota, County of Scott

This instrument was acknowledged before me on _____, 2019, by Christopher G. Meyer as Mayor, and by Dawn Meyer as City Administrator, of the City of Belle Plaine, on behalf of the City.

Notary Stamp or Seal

Notary Public

THIS INSTRUMENT DRAFTED:
Kennedy & Graven, Chartered
470 US Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402

DECLARATION OF ACCESS EASEMENT

This Declaration of Access Easement (“Declaration”) is made this ____ day of _____, 2019 (“Effective Date”), by Jane Properties, LLC, a Minnesota limited liability company (“Grantor”), in favor of the City of Belle Plaine, a Minnesota municipal corporation (“City”).

Recitals

A. Grantor is the fee owner of property in Scott County, Minnesota, described as follows (the “Property”):

Outlot C, Jane Properties Subdivision.
(abstract property)

B. To comply with a condition for approval of the plat of Jane Properties Subdivision, and to afford the City access to certain storm water drainage retention facilities, Grantor hereby grants an access easement to the City on the following terms.

Terms of Easement

1. Grant of Easement. For good and valuable consideration, Grantor grants and conveys to the City a non-exclusive, perpetual easement for vehicular and pedestrian access purposes over, under, and across that portion of the Property as described in Exhibit A, attached hereto (the “Easement”).

2. Scope of Easement. The Easement granted herein includes the right of the City, its contractors, agents, and employees, to enter the Property at all reasonable times for the purpose of gaining pedestrian and vehicular access to Outlot B, Jane Properties Subdivision. No provision of this instrument shall be construed or deemed a dedication of any rights to the general public or for any public use. The Easement includes the right of the City, its contractors, agents, and employees to enter the Property at all reasonable times for the purpose of grading, locating, constructing, reconstructing, maintaining, altering and repairing an access drive and appurtenant facilities or improvements that are not inconsistent with an access drive, and the right to cut, trim, or remove from the Easement area any trees, shrubs, or other vegetation that, in the City’s judgment, unreasonably interferes with the Easement or facilities of the City, its successors and assigns.

3. Warranty of Title. The Grantor warrants that Grantor owns the Property in fee simple and has the right and authority to convey this Easement to the City.
4. Environmental Matters. The City shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the Easement Area or the Property before the Effective Date.
5. Indemnity. Grantor and the City agree to defend, indemnify and hold each other harmless against all actions, claims, damages or demands that may be brought or made against the other party or against the other's interest in the Easement Area by reason of anything done by the other party hereto (as the case may be) or their respective agents, contractors in the exercise of the rights and privileges granted herein.
6. Counterparts. This Agreement may be executed in any number of counterparts and each such counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute but one agreement.
7. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on the Grantor, its successors and assigns.

STATE DEED TAX DUE HEREON: NONE

IN WITNESS WHEREOF, the Grantor has executed this Declaration of Access Easement.

Grantor: Jane Properties, LLC

By _____

Name: Shaun Johnson

Its: President

State of Minnesota, County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by Shaun Johnson, the President of Jane Properties, LLC, on behalf of the company.

NOTARY STAMP OR SEAL

Notary Public

THIS INSTRUMENT DRAFTED:
Kennedy & Graven, Chartered
470 US Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402

EXHIBIT A

LEGAL DESCRIPTION:

That part of Outlot C, Jane Properties Subdivision, according to the plat thereof on file and of record with the Scott County Recorder, which lies coincident with and 30.00 feet easterly of the following described line:

Beginning at the northwesterly corner of said Outlot C; thence South 22 degrees 13 minutes 26 seconds West, (Minnesota County Coordinate System - Scott County Zone - HARN NAD83 - 2011), along the westerly line of said Outlot C, a distance of 297.77 feet to most westerly corner of said Outlot C and there terminating.

The side lines of said easement shall prolonged or shortened to terminate at the northerly line of said Outlot C and the northerly line at the Ski Street cul-de-sac right of way line.

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ 19-008**

**RESOLUTION RECOMMENDING CONDITIONAL APPROVAL OF PRELIMINARY AND FINAL PLATS
FOR JANE PROPERTIES SUBDIVISION**

PID: 209060220, 209050030, and 209050020

Legal: Attached as Exhibit A

WHEREAS, Jane Properties, LLC, the Fee Owner of the aforementioned property consisting of approximately 32 acres, requests preliminary and final plat approval for a non-residential subdivision of said property; and,

WHEREAS, the subject property is proposed to be zoned I-C Industrial Commercial District; and,

WHEREAS, the Applicant represents, and the City accepts as a good faith representation:

1. The preliminary plat and final plat for *Jane Properties Subdivision*, attached as Exhibits B and C, illustrates three non-residential lots of record and three outlots.
2. Jane Properties Subdivision will include public street and utility extension and be a fully improved development.
3. Improvements will be privately financed. The City Engineer's office is designing improvements as per City policy.
4. Access to the development will be from CSAH 64/Main Street at Hickory Boulevard.
5. Fee in lieu of parkland dedication is proposed.
6. Outlot A contains a wetland to which a 35 foot buffer and 75 foot structural setback apply.
7. Jane Properties Subdivision contains trees and woodland to be preserved as illustrated in a tree and woodland preservation plan.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on the preliminary plat of Jane Properties Subdivision on April 8, 2019, following posted, mailed, and published notice; and,

WHEREAS, the Planning and Zoning Commission has reviewed the plat as it relates to the City's Comprehensive Plan and Code standards and finds:

1. The subject property is planned for commercial development under the 2030 Comprehensive Plan and commercial and industrial development under the 2040 Comprehensive Plan.
2. The subject property recommended for zoning as I/C Industrial Commercial District which accommodates both highway commercial type uses and light industrial uses. Lot performance standards appear consistent with requirements of the I/C Industrial Commercial District.
3. Fee in lieu of parkland dedication with a discount for sidewalk/trail facilities is proposed and has been reviewed by the Park Board and recommended for approval.
4. Improvements are to be privately financed by the fee owner of the property. Payment of trunk, administrative, and miscellaneous development fees apply.
5. Lot arrangement/orientation and block length appear to meet Subdivision Code.
6. Ingress/egress to the subdivision will be via extension of Hickory Boulevard which will transition to Prosper Street the eventual extension of which shall be accommodated by a blanket easement filed over Outlot C. Proposed right of way and street design appears to meet Subdivision Code requirements.
7. The proposed utility improvements appear to meet design requirements included in the Subdivision Code.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE THAT: It hereby recommends the City Council approve preliminary and final plat of Jane Properties Subdivision, subject to the following conditions:

1. Plat approval pertains specifically to "Jane Properties Subdivision" a conventional, non-residential subdivision consisting of three lots and three outlots.
2. The preliminary plat, final plat, tree and woodland preservation plan, and preliminary utility plans for Jane Properties Subdivision and all correspondence, reports, and, if applicable, conditions and restrictions placed upon plat approval by the Belle Plaine Planning Commission shall be made a part of this Resolution.
3. The Applicant shall submit construction plans for approval, pay all necessary fees/costs, and enter into a development agreement at the time of final plat approval.
4. Incorporation of comments contained in a review memo (MnDOT Review #P19-015) dated April 3, 2019 from the Minnesota Department of Transportation signed by David Elvin.
5. Incorporation of comments contained in a review memo dated _____ from Scott County Transportation signed by Craig Jenson.
6. Execution of a warranty deed for Outlot B.
7. Execution of blanket right of way easement over Outlot C providing for the extension of Prosper Street to the eastern plat boundary.
8. Outlots are not eligible for building permits. Outlots must be platted prior to development.
9. Execution of a developer's agreement and filing of items required thereunder.
10. Installation of signage denoting the bluff preservation area. Signage shall be installed pursuant to a plan approved administratively by the City.
11. Incorporation of minor comments or changes as requested or required by staff or the City Attorney, the Scott County Surveyor's Office, and/or Scott County taxation.
12. The final plat (mylar) is to be recorded within one-hundred eighty (180) days of Council approval.
13. Issuance of title insurance in favor of the City in an amount equal to \$50,000.
14. Submittal of CAD files post-project completion.

The adoption of the foregoing resolution was duly moved by Commissioner _____ and seconded by Commissioner _____, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted. Dated this 8th day of April, 2019.

Ashby Carter
Planning Commission Chairperson

Cynthia Smith Strack
Community Development Director

ATTACHMENT A
RESOLUTION PZ 19-008

LEGAL DESCRIPTION

The Southwest Quarter of the Northwest Quarter (SW1/4 of the NW1/4) of Section 5, Township 113, Range 24, Scott County, Minnesota, lying South of State Highway No. 169, excepting therefrom the following described property:

Beginning at the point of intersection of the West line of Section Five (5), Township One Hundred Thirteen (113) North, Range Twenty-four (24) West and the Southerly right-of-way line of U.S. Highway No. 169, said point being 616.5 feet North of the West Quarter corner of said Section Five (5); thence North 58°35' East along the Southerly line of said highway a distance of 747.8 feet; thence South 5°29' West a distance of 638.9 feet; thence North 70°30' West a distance of 612.00 feet to the West line of said Section 5; thence North along the West line of said Section 5 a distance of 41.9 feet to the place of beginning, Scott County, Minnesota.

AND

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 113, Range 24, Scott County, Minnesota, lying southeasterly of the Southeasterly right of way line of State Trunk Highway No. 169, excepting therefrom the following described property:

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 113 North, Range 24 West, shown as Parcel 315 on Minnesota Department of Transportation Right of Way Plat Numbered 70-27 as the same is on file and of record in the office of the County Recorder in and for Scott County, Minnesota.

AND

That part of Section 5, Township 113, Range 24, Scott County, Minnesota, described as follows:

Beginning at the point of intersection of the West line of Section Five (5), Township One Hundred Thirteen (113) North, Range Twenty-four (24) West and the Southerly right-of-way line of U.S. Highway No. 169, said point being 616.5 feet North of the West Quarter corner of said Section Five (5); thence North 58°35' East along the Southerly line of said highway a distance of 747.8 feet; thence South 5°29' West a distance of 638.9 feet; thence North 70°30' West a distance of 612.00 feet to the West line of said Section 5; thence North along the West line of said Section 5 a distance of 41.9 feet to the place of beginning, Scott County, Minnesota.

EXCEPT that part thereof shown as Parcel 216 on Minnesota Department of Transportation Right of Way Plat No. 70-26.

