



CITY OF ORONO
RESOLUTION OF THE CITY COUNCIL

NO. 6708

**A RESOLUTION
APPROVING THE PLAT OF KINTYRE PRESERVE
- FILE #15-3763/16-3860**

WHEREAS, the City of Orono (hereinafter the “City”) is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Orono (hereinafter “City Council”) has adopted subdivision and land development regulations for the orderly, economic and safe development of land within the City; and

WHEREAS, on September 14, 2015 the City Council adopted Resolution No. 6536 granting preliminary plat approval for a 7-lot single family residential subdivision of the properties located at 200 & 350 Stubbs Bay Road North (hereinafter the “Property”) in the City of Orono and legally described in **Exhibit A** (attached); and

WHEREAS, on August 12, 2016, Christopher J. Bollis and Gail M. Bollis, husband and wife, and Christopher W. Bollis and Rachel A. Bollis, husband and wife (hereinafter the “Developers”) made formal application for final plat approval for the Property; and

WHEREAS, the Developers have agreed to comply with all conditions of Resolution No. 6536 and have completed or have agreed to complete all other requirements of the platting regulations of the City including:

1. Completion of all platting requirements and conditions of Preliminary Plat Resolution No. 6536.
2. Dedication on the plat of perimeter Drainage and Utility Easements as required in Resolution No. 6536.
3. Designation and dedication on the plat of wetlands subject to City and other agency jurisdiction, and execution of a declaration of covenants for the permanent flowage and preservation of wetlands, and establishment of wetland buffers and buffer maintenance provisions per the requirements of the Minnehaha Creek Watershed District (MCWD).



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4. Execution of covenants and restrictions regarding road, drainage and utility easement to be granted to the City over the private road in Outlot B, and execution of a declaration of covenants regarding the private road easement and maintenance of said road.
5. Submittal of an executed Road Maintenance Agreement between Kintyre Two HOA and the Developer on behalf of the development.
6. Execution of covenants and easements for stormwater management facilities including establishment of stormwater system maintenance obligations.
7. Submittal of Minnehaha Creek Watershed District (MCWD) permits approving the grading, stormwater management facilities, Storm Water Pollution Prevention Plan (SWPPP) and erosion control plan.
8. Provision to the City of a title opinion for the Property and certified copies of all recorded easements currently affecting the Property.
9. Execution of a Development Contract including provision of financial security including a Letter of Credit and escrow to ensure that all site improvements are installed and maintained to the City's specifications and satisfaction, and to establish conditions for future development of the site.
10. Payment of development fees as established in Resolution No. 6536 as follows:
 - a. Park Dedication Fee: **\$27,750.00**
 - b. Stormwater and Drainage Trunk Fee: **\$46,080.00**

WHEREAS, City staff and consultants have reviewed the plans for this subdivision and hereby specify approval of each plan and identify them as part of the official record for KINTYRE PRESERVE (Plans B thru K shall not be attached to this Resolution):

Plan A – Plat of KINTYRE PRESERVE

Plan B – Sheet 1 of 8: Preliminary Site Plan (last dated 9/19/16)

Plan C – Sheet 2 of 8: Final Street Plan (last dated 9/19/16)

Plan D – Sheet 3 of 8: Final Utility Plan (last dated 9/19/16)

Plan E – Sheet 4 of 8: Final Grading Plan (last dated 9/19/16)

Plan F – Sheet 5 of 8: Final Erosion Control Plan (last dated 9/19/16)



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Plan G – Sheet 6 of 8: Buffer Averaging Plan (last dated 9/19/16)

Plan H – Sheet 7 of 8: Details (last dated 9/19/16)

Plan I – Sheet 8 of 8: Landscape Plan & Wetland Buffer Maintenance & Monitoring Plan (last dated 9/19/16)

Plan J – SWPPP – Sheet 1 of 1 (last dated 8/9/16)

Plan K – Conservation Design Report and Management Program by Svoboda Ecological Resources (updated 9/19/16)

Plan L – Tree Inventory and Preservation Plan – Sheets 1 & 2 of 2 (last dated 8/9/16)

All of the above noted plans are subject to any additional requirements of the Minnehaha Creek Watershed District and subject to any additional requirements and conditions specified by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED that based on the findings of Resolution No. 6536, the City Council of the City of Orono does hereby approve the plat of KINTYRE PRESERVE, Hennepin County, Minnesota (a copy of which is attached as **Exhibit B**) subject to the following conditions:

1. Development within KINTYRE PRESERVE is subject to the Conclusions, Orders and Conditions enumerated within Preliminary Plat Resolution No 6536, and subject to the provisions of the Development Contract for KINTYRE PRESERVE dated _____, 2016.
2. Kintyre Preserve Outlot A is created for potential future development, and no principal residence structure may be constructed on Outlot A unless or until it is converted into a Lot via a platting process. The two accessory buildings proposed to remain on Outlot A shall be considered as non-conforming upon removal of the existing principal residence structure on Outlot A. These two accessory buildings are allowed to remain as-is. However, no new accessory buildings shall be constructed on Outlot A until such time that 1) Outlot A is combined with a parcel that contains a principal structure; or 2) Outlot A is converted to Lot status via a future platting process and a new principal structure on Outlot A is constructed.
3. The approvals granted in this Resolution shall become effective only when all conditions of approval requiring actions by the Developer have been satisfied.



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4. The City Clerk shall release the plat documents for filing only upon certification by the City Attorney, Senior Planner and City Engineer that all requirements of the platting regulations have been satisfied.
5. The aforesaid plat shall be filed by the City of Orono with Hennepin County on or before June 12, 2017 together with a certified original copy of this resolution and executed copies of the agreements, easements and covenants pertinent thereto.

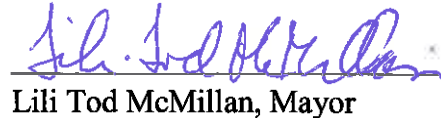
The approval granted by this Resolution shall expire if the conditions of this Resolution have not been met or the plat has not been filed by the date specified above. In that event, it will be necessary to file a new application with the City of Orono for subdivision review.

Adopted by the City Council of Orono this 12th day of December, 2016.

ATTEST:



Diane Tiegs, City Clerk



Lili Tod McMillan, Mayor



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EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

The following property in Hennepin County, Minnesota:

Parcel 1:

Part of the West 1/2 of the Southeast 1/4 of Section 32, Township 118, Range 23 as follows: Beginning at the southwest corner of the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 118, Range 23; thence East 13 1/3 rods; thence North 12 rods; thence West 13 1/3 rods; thence North 30 rods; thence East 80 rods to the East line of said Northwest 1/4 of the Southeast 1/4; thence South 42 rods; thence West to a point 14 1/3 rods east of point of beginning, thence South 1 rod; thence West 14 1/3 rods; thence north 1 rod to point of beginning.

Abstract Property.

Parcel 2:

Lot 2, Block 1, Tamarack Hill, Hennepin County, Minnesota.

Abstract Property.



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EXHIBIT B
FINAL PLAT DRAWING
(Attached on following page)