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**CITY OF ORONO**  
RESOLUTION OF THE CITY COUNCIL

NO. 6889

**A RESOLUTION  
APPROVING THE PLAT OF TOPSIDE**

**FILE NO. LA18-000054**

**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**, Judson M. Dayton and Shelley Mydra-Dayton, trustees on behalf of **The Judson M. Dayton Revocable Trust Agreement, dated October 31, 1988** and **Shelley Mydra-Dayton**, personally, are the owners of the property addressed **825 Old Crystal Bay Road South** (hereinafter the "Owners"); and

**WHEREAS** December 12, 2017, **George Stickney** (hereinafter the "Developer") on behalf of the Owners, applied for Preliminary Plat approval to subdivide the property into two buildable lots and an access outlot for the property legally described as:

*That part of Lot 35, In Auditor's Subdivision No. 230, Hennepin County, Minnesota, and of Government Lot 7, in Section 9, Township 117 North, Range 23 West of the 5th Principal Meridian, described as follows: beginning at a point 302.81 feet South of the North line and 462.00 feet West of the East line of said Government Lot 7; thence East parallel with the North line of said Lot 7 a distance of 462.00 feet to the East line of said Lot 7; thence North along the East line of said Government Lot 7, a distance of 302.81 feet to the Northeast corner of said lot, thence continuing North along the North and South centerline of Section 4, Township 117, Range 23, a distance of 216.7 feet to an intersection with the Easterly extension of the South line of Lot 34 in the above mentioned Auditor's Subdivision No. 230, Hennepin County, Minnesota; thence Westerly along the Southerly boundary line of said Lot 34 and extension thereof to the Southwest corner of said Lot; thence Southerly along the extension of the West line of said Lot 34 to a point 1071.18 feet Southerly measured along the West line of said Lot 34 and the extension thereof, from the Northwest corner of said Lot 34; thence Westerly deflecting 81 degrees 06 minutes to the right from the last described course, 159.66 feet; thence continuing Westerly deflecting 2 degrees 30 minutes to the right from the last described course, a distance of 124.65 feet; thence Southwesterly on a tangential curve to the left with a radius of 388.66 feet, a distance of 193.75 feet to the point of compound curve; thence Southwesterly on a tangential curve to the left with a radius of 212.81 feet, a distance of 160.52 feet;*



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*thence Southwesterly in a straight line, tangent to said last described curve a distance of 2.89 feet to the Southerly line of aforesaid Section 4; thence West along the South line of said Section, 285.29 feet, said last described point being the Southeast corner of Government Lot 1 in said Section 4; thence Southwesterly deflecting 35 degrees 17 minutes to the left from said last described course, a distance of 110.3 feet; thence Southwesterly deflecting 45 degrees 28 minutes to the left from said last described course, a distance of 115.00 feet; thence Southwesterly deflecting 21 degrees 40 minutes to the right from said last described course, a distance of 174.00 feet, more or less to the shore of Maxwell's Bay, Lake Minnetonka; thence Southeasterly along the shore of said lake to its intersection with a line running Southerly parallel with the East line of above mentioned Government Lot 7 in said Section 9, from a point bearing South 12 degrees 54 minutes 40 seconds West and distant 766.76 feet from the point of beginning, said last described course being hereinafter referred to and designated as "Line X"; thence North parallel with the East line of said Government Lot 7 to said point bearing South 12 degrees 54 minutes 40 seconds West and distant 766.76 feet from said point of beginning; thence North 12 degrees 54 minutes 40 seconds East 766.76 feet to the point of beginning said last described course being hereinafter referred to and designated as "Line Y", EXCEPTING from above described premises, the following described tract (hereinafter sometimes referred to as the "EXCEPTED TRACT") to-wit: Beginning at the same point of beginning as above described; thence North 52 degrees 03 minutes 14 seconds West, 41.75 feet; thence South 81 degrees 57 minutes 55 seconds West, 316.24 feet; thence South 26 degrees 48 minutes 53 seconds West, 556 feet, more or less to the shore of Maxwell's Bay, Lake Minnetonka; thence Southeasterly along the shore of said lake to an intersection with said "Line X" hereinabove described; thence North along said "Line X" to its intersection with "Line Y" as hereinabove described; thence North 12 degrees 54 minutes 40 seconds East along said "Line Y", 766.76 feet to the point of beginning.*

*For the purpose of the foregoing descriptions, the East line of the aforesaid Government Lot 7 in said Section 9, Township 117, Range 23 West of the 5th Principal Meridian, is assumed to be a due North and South line, Hennepin County, Minnesota, PID: 09-117-23-21-0001 (hereinafter the "Property");*

**WHEREAS**, at its regular meeting on April 9, 2018, the Orono City Council granted approval for the Preliminary Plat per the findings and conditions of Resolution No. 6857; and

**WHEREAS**, on May 21, 2018 the Developer made formal application for final plat approval for the Property; and



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**WHEREAS**, the Developer has agreed to comply with all conditions of Resolution No. 6857 and has completed or has agreed to complete all other requirements of the platting regulations of the City.

**NOW, THEREFORE, BE IT RESOLVED**, based upon the findings of Resolution No. 6857, the Orono City Council and the City of Orono does hereby approve the plat of TOPSIDE, Hennepin County, Minnesota (a copy of which is attached as Exhibit A), subject to the following conditions:

- 1) Development within TOPSIDE is subject to the Conclusions, Orders and Conditions enumerated within Preliminary Plat Resolution No 6857, and subject to the provisions of the Development Contract for TOPSIDE dated August 13, 2018.
- 2) Dedication on the plat of the perimeter Drainage and Utility Easement as required in Resolution 6857. The portions of CSAH 84 as dedicated on the plat of TOPSIDE are hereby declared open as public roadways and shall be owned and maintained by Hennepin County.
- 3) The approvals granted in this Resolution shall become effective only when all conditions of approval requiring actions by the Developer have been satisfied.
- 4) Building height determination for Lot 1 shall be determined by the proposed grades as shown on the TOPSIDE Grading Plan dated 07/25/18. The grading plan as approved establishes new existing grades for the building pad.
- 5) Regardless of timing of construction on Lot 1, the Average Lakeshore Setback for Lot 1 for all buildings shall be 80 feet from the ordinary high water level.
- 6) Connection to City sewer shall be deferred until such time when Lot 1, or Lot 2, are further developed.
- 7) Minnehaha Creek Watershed District (MCWD) approved permits for the grading, stormwater management facilities, storm water pollution prevention plan (SWPPP) and erosion control plan shall be submitted.
- 8) Hennepin County approved permits for the proposed private driveway location, monuments, right-of-way dedication, as required, shall be submitted.
- 9) An executed maintenance agreement meeting the MCWD's requirements to outline responsibility for all future maintenance activities related to the stormwater facilities shall be submitted.



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- 10) An executed maintenance agreement for the areas identified for protection within the Jacobson Environmental Conservation Plan shall be submitted.
- 11) A title opinion for the Property and certified copies of all recorded easements currently affecting the Property shall be submitted.
- 12) 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 shall be executed.
- 13) The aforementioned Letter of Credit shall be submitted.
- 14) Payment of Development Fees:
  - a. Park Dedication Fee: \$5,550.
  - b. Stormwater and Drainage Trunk Fee: \$16,120.00.
  - c. Final Plat Application Fee: \$500.00.
- 15) The City Clerk shall release the plat documents for filing only upon certification by the City Attorney, Community Development Director and City Engineer that all requirements of the platting regulations have been satisfied.
- 16) The aforesaid plat shall be filed by the City of Orono with Hennepin County on or before February 13, 2019, together with a certified original copy of this resolution and executed copies of the easements and covenants pertinent thereto.
- 17) Violation of or non-compliance with any of the terms and conditions of this resolution may result in the termination of any authority granted herein.

ADOPTED by the Orono City Council on this 13<sup>th</sup> day of August, 2018.

**ATTEST:**

Anna Carlson, City Clerk

**CITY OF ORONO:**

Dennis Walsh, Mayor



# TOPSIDE

C.R.DOC.NO. \_\_\_\_\_

Know all persons by these presents that Judson M. Dayton and Shelley Mydra-Dayton, husband and wife (collectively, "Grantor"), both in their individual capacities and in their capacities as trustees of The Judson M. Dayton Revocable Trust Agreement dated October 31, 1988, fee owners of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

That part of Lot 35, in AUDITORS SUBDIVISION NO. 230, Hennepin County, Minnesota, and of Government Lot 7, in Section 9, Township 117 North, Range 23 West of the 5th Principal Meridian, described as follows: beginning at a point 302.81 feet South of the North line and 462.00 feet West of the East line of said Government Lot 7; thence East parallel with the North line of said Lot 7, a distance of 462.00 feet to the East line of said Lot 7; thence North along the East line of said Government Lot 7, a distance of 302.81 feet to the Northeast corner of said lot; thence continuing North along the North and South centerline of Section 9, Township 117 North, Range 23 West of the 5th Principal Meridian, a distance of 216.7 feet to an intersection with the Eastern extension of the centerline of Government Lot 7, in Section 9, Township 117 North, Range 23 West of the 5th Principal Meridian, Minnesota, at the corner of said Lot; thence Southerly along the extension of the West line of said Lot 34 to a point 1071.18 feet Southerly measured along the West line of said Lot 34 and the extension thereof, from the Northwest corner of said Lot 34; thence Westerly deflecting 81 degrees 06 minutes to the right from the last described course, a distance of 124.65 feet; thence continuing Westerly deflecting 2 degrees 30 minutes to the right from the last described course, a distance of 193.75 feet to the point of compound curve; thence Southwesterly on a tangential curve to the left with a radius of 212.81 feet, a distance of 160.32 feet; thence Southwesterly in a straight line to the South corner of said Lot 34; thence South along the South line of said Lot 34, a distance of 285.23 feet, said last described point being the Southeast corner of Government Lot 1 in said Section 4; thence Southwesterly deflecting 35 degrees 17 minutes to the left from said last described course, a distance of 110.3 feet; thence Southwesterly deflecting 45 degrees 28 minutes to the left from said last described course, a distance of 115.00 feet; thence Southwesterly deflecting 21 degrees 40 minutes to the right from said last described course, a distance of 174.00 feet, more or less to the shore of Maxwell's Bay, Lake Minnetonka; thence Southwesterly along the shore of said lake to its intersection with a line running Southerly parallel with the East line of said Lot 34, a distance of 766.76 feet; thence Southwesterly along the East line of said Lot 34, a distance of 174.00 feet, more or less to the shore of Maxwell's Bay, Lake Minnetonka; thence Southwesterly along the shore of said lake to its intersection with a line running Southerly parallel with the East line of said Lot 34, a distance of 766.76 feet from the point of beginning, said last described course being hereinafter referred to and designated as Line X; thence North parallel with the East line of said Government Lot 7 to said point bearing South 12 degrees 54 minutes 40 seconds West and distant 766.76 feet from said point of beginning; thence North 12 degrees 54 minutes 40 seconds East 766.76 feet to the point of beginning said last described course being hereinafter referred to and designated as Line Y; EXCEPTING from above described premises, the following designated tract (hereinafter referred to as the EXCEPTED TRACT) to-wit: beginning at the same point of beginning as the above described premises, a distance of 57 minutes 55 seconds West, 316.24 feet; thence South 26 degrees 48 minutes 53 seconds West, 556 feet, more or less to the shore of Maxwell's Bay, Lake Minnetonka; thence Southwesterly along the shore of said lake to an intersection with said Line X hereinafter described; thence North along said Line X to its intersection with Line Y as hereinabove described; thence North 12 degrees 54 minutes 40 seconds East along said Line Y, 766.76 feet to the point of beginning.

For the purpose of the foregoing descriptions, the East line of the aforesaid Government Lot 7 in said Section 9, Township 117 North, Range 23 West of the 5th Principal Meridian, is assumed to be a due North and South line.

Have caused the same to be surveyed and platted as TOPSIDE, and do hereby dedicate to the public for public use forever the public way and the drainage and utility easements as shown on the plat.

In witness whereof said Judson M. Dayton and Shelley Mydra-Dayton, husband and wife have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

JUDSON M. DAYTON

SHELLEY MYDRA-DAYTON

STATE OF \_\_\_\_\_ COUNTY \_\_\_\_\_ This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Judson M. Dayton and Shelley Mydra-Dayton, husband and wife.

Notary Public, \_\_\_\_\_ County \_\_\_\_\_ Notarys printed name \_\_\_\_\_ My commission expires \_\_\_\_\_

In witness whereof, said Judson M. Dayton and Shelley Mydra-Dayton, as trustees under the Judson M. Dayton Revocable Trust Agreement dated October 31, 1988, as amended, have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

JUDSON M. DAYTON, trustee

SHELLEY MYDRA-DAYTON, trustee

STATE OF \_\_\_\_\_ COUNTY \_\_\_\_\_ This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as trustees under the Judson M. Dayton Revocable Trust Agreement, dated October 31, 1988, as amended.

Notary Public, \_\_\_\_\_ County \_\_\_\_\_ Notarys printed name \_\_\_\_\_ My commission expires \_\_\_\_\_

I, Mark S. Gronberg do hereby certify that this plat was prepared by me or under my direct supervision; that I am duly Licensed and sworn to by the State of Minnesota; that the mathematical data and labels are 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 lands, 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 \_\_\_\_\_, 20\_\_\_\_.

Mark S. Gronberg Licensed Land Surveyor  
Minnesota License number: 12755

STATE OF \_\_\_\_\_ COUNTY \_\_\_\_\_ This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Mark S. Gronberg.

Notary Public, \_\_\_\_\_ County \_\_\_\_\_ My commission expires \_\_\_\_\_

City Council, City of Orono, Minnesota

This plat of TOPSIDE was approved and accepted by the City Council of the City of Orono, Minnesota, at a regular meeting thereof held on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota  
I hereby certify that taxes payable in 20\_\_\_\_, 20\_\_\_\_, and prior years have been paid for land described on this plat, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mark V. Chapin, County Auditor By \_\_\_\_\_, Deputy  
SURVEY DIVISION, Hennepin County, Minnesota  
Pursuant to MN. STAT., Sec. 363B.565, (1969), this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

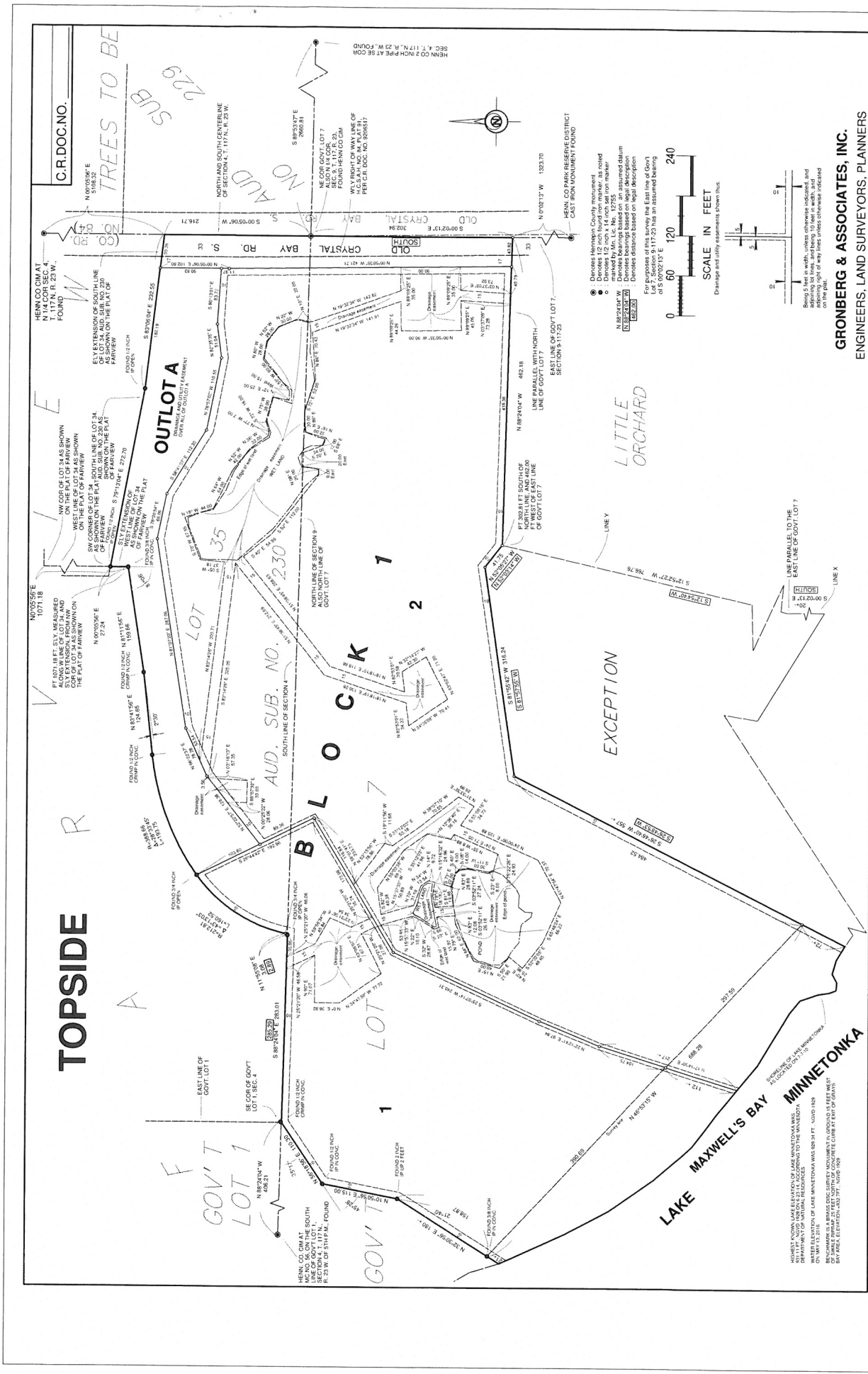
Chris F. Mavis, County Surveyor By \_\_\_\_\_  
COUNTY RECORDER, Hennepin County, Minnesota  
I hereby certify that the within plat of TOPSIDE was recorded in this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Martin McCormick, County Recorder By \_\_\_\_\_, Deputy

GRONBERG & ASSOCIATES, INC. ENGINEERS, LAND SURVEYORS, PLANNERS

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6889  
Resol. No. \_\_\_\_\_  
Exhibit A  
#LA18-000054



TOPSIDE

BOTTOMSIDE

LOT 1

OUTLOTA

LITTLE ORCHARD

EXCEPTION

LAKE MAXWELL'S BAY

MINNETONKA

C.R.DOC.NO.

HENN CO. CHAT. N 1/4 COR. SEC. 4, T. 117. N. R. 23. W. FOUND

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HENN CO. CHAT. N 1/4 COR. SEC. 4, T. 117. N. R. 23. W. FOUND

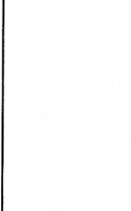
HENN CO. CHAT. N 1/4 COR. SEC. 4, T. 117. N. R. 23. W. FOUND

HENN CO. CHAT. N 1/4 COR. SEC. 4, T. 117. N. R. 23. W. FOUND

HENN CO. CHAT. N 1/4 COR. SEC. 4, T. 117. N. R. 23. W. FOUND

- Denotes Hennepin County monument
- Denotes monument found
- Denotes 1/2 inch x 1/4 inch iron nail marker
- Denotes 1/2 inch x 1/4 inch iron nail marker
- Denotes bearings based on legal description
- Denotes distance based on legal description

SCALE IN FEET



Drainage and utility easements shown thus

Being 5 feet in width, unless otherwise indicated, and adjoining right of way lines unless otherwise indicated on this plat.

GRONBERG & ASSOCIATES, INC.

ENGINEERS, LAND SURVEYORS, PLANNERS

SHEET 2 OF 2 SHEETS