

**RESOLUTION NO. 22-059**

**CITY OF MAPLE GROVE**

**RESOLUTION GRANTING FINAL PLAT APPROVAL FOR  
FOX BRIAR RIDGE EAST**

WHEREAS, Donnay Homes (hereinafter referred to as the “**Applicant**”) has made application for final plat of property located within the City of Maple Grove located at 16001 Bass Lake Road and shown on attached Exhibit A (hereinafter referred to as the “**Property**”); and

WHEREAS, the City staff studied the matter, made a report, and provided other information to the City Council; and

WHEREAS, the City Council at its March 7, 2022 meeting has considered the matter.

NOW, THEREFORE, the City Council of the City of Maple Grove makes the following:

FINDINGS

- A. On March 7, 2022, the City Council passed Resolution No. 22-053 conditionally approving the Planned Unit Development (hereinafter referred to as “**PUD**”) – Concept Stage Plan, PUD - Development Stage Plan, and preliminary plat approval to develop the Property with 16 twin home units and 1 single-family detached lot, which approval consistent of, among other things, the preliminary plat of the Property, drafted by Alliant Engineering, dated February 4, 2022 (hereinafter referred to as the “**Preliminary Plat**”).
- B. The Applicant proposes to final plat the Property.
- C. The Applicant has submitted, for the City’s review and approval, the final plat of Fox Briar Ridge East, drafted by Alliant Engineering (hereinafter referred to as the “**Final Plat**”), which Final Plat is attached hereto as Exhibit B.
- D. The proposed subdivision of the Property is governed by State Statute and City Code Chapter 30.
- E. Minn. Stat. §462.358, grants the City, for the purpose of protecting and promoting the public health, safety and general welfare, the authority to adopt subdivision regulations providing for the orderly, economic, and safe development of land within the City.

- F. City Code §30-7 states:
- [With exceptions], no conveyance of land shall be filed or recorded if the land is described in the conveyance by metes and bounds, or by reference to an unapproved registered land survey made after April 21, 1961, or if the land is described by reference to an unapproved plat made after February 25, 1954, unless the transaction has been reviewed pursuant to Minn. Stats. § 272.162, if required.
- G. The Applicant, pursuant to City Code Chapter 30, has submitted the Final Plat for the City's review and approval.
- H. The Final Plat is consistent with the Preliminary Plat and meets the City Code requirements provided it is subject to and meets, to the satisfaction of the City, the conditions set forth in this Resolution.

### DECISION

NOW, THEREFORE, and based upon the information received and the above Findings it is resolved by the City Council of the City of Maple Grove that the City Council does hereby conditionally approve the Final Plat and the Mayor and City Clerk are hereby authorized to execute the Final Plat, subject to the conditions set forth below that must be met, to the satisfaction of the City, prior to release of the Final Plat, unless otherwise expressly stated:

1. The approvals granted by this Resolution are subject to the completion of and compliance with all ministerial matters set forth in City Ordinance Code and required by the City, including, but not limited to, those of Engineering, Planning, Administrative and Legal Departments, *e.g.*, title examination, execution of Developer's Agreement, filing of letters of credit, and payment of fees. All construction on the Property shall conform and comply with the Plans, this Resolution, previous approvals, and applicable provisions of City Code. City Code §30-21.
2. Unless otherwise expressly provided for by this Resolution, the Applicant shall comply with the requirements of Resolution No. 22-053 within the timeframes set forth therein.
3. The Property is located within the Park Service Area 32, which is served by South Elm Road Park and Basswood Elementary School and Basswood Neighborhood Park in the adjoining Park Service Area 33. Roadside trails and walkways will provide access to connecting pathways to the south and the public path along Bass Lake Road. Pedestrian access will be provided by a trail connection within the right-of-way at the end of Weston Lane N. to connect with the pathway along Bass Lake Road. The park dedication requirement for the Final Plat authorized by Minn. Stat. §462.358 is either

by land dedication or a cash equivalent at the City's current rate on a per unit basis. City Code §30-18. Here, the park dedication requirements shall be made on a cash equivalent. The cash equivalent for park dedication has been computed based upon the Single-Family Residential rate approved by City for use in the year 2022 (\$4,236.00 per single-family residential unit). Assuming the Final Plat is released by City for filing in said year, the park dedication amount to be paid for the Final Plat shall be \$72,012.00 (17 single-family residential units times \$4,236.00). If the Final Plat is not released for filing before the City Council modifies the park dedication rate, the above-referenced payment shall be adjusted based upon the then park dedication rate approved by City Council effective when the Final Plat is released for filing with the Hennepin County. The park dedication equivalent as set forth above shall be paid prior to the Final Plat being released for filing at the Hennepin County Government Center.

4. The Applicant shall provide a platting title commitment as required by Minn. Stat. §505.03. The above-mentioned evidence of title shall be subject to the review and approval of the City Attorney to determine the entities must execute the Final Plat and other documents to be recorded against the Property. Further, Applicant shall provide the City with evidence, which sufficiency shall be determined by the City, that all documents required to be recorded pursuant to this Resolution, previous resolutions and by the City Attorney are recorded and all conditions for release of the Final Plat have been met prior to the City processing or approving any building permits or other permits applicable to the development of the Property.
5. The Applicant shall pay upon demand all expenses, determined by the City, that the City incurs in relation to this development and Resolution, and shall provide an escrow deposit in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, including, but not limited to, hourly wage, overhead and benefits, engineering, legal and other consulting fees incurred in relation to the development.
6. The Final Plat must be filed and recorded with Hennepin County within two years of the date of this Resolution. If the Final Plat is not timely filed or recorded, this Resolution and all approvals herein shall be void with no further action required by the City Council.

Motion to approve the foregoing findings, conclusions, and decisions was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, upon a vote being duly taken thereon, the following voted in favor thereof:

and the following were against:

and the following were absent:

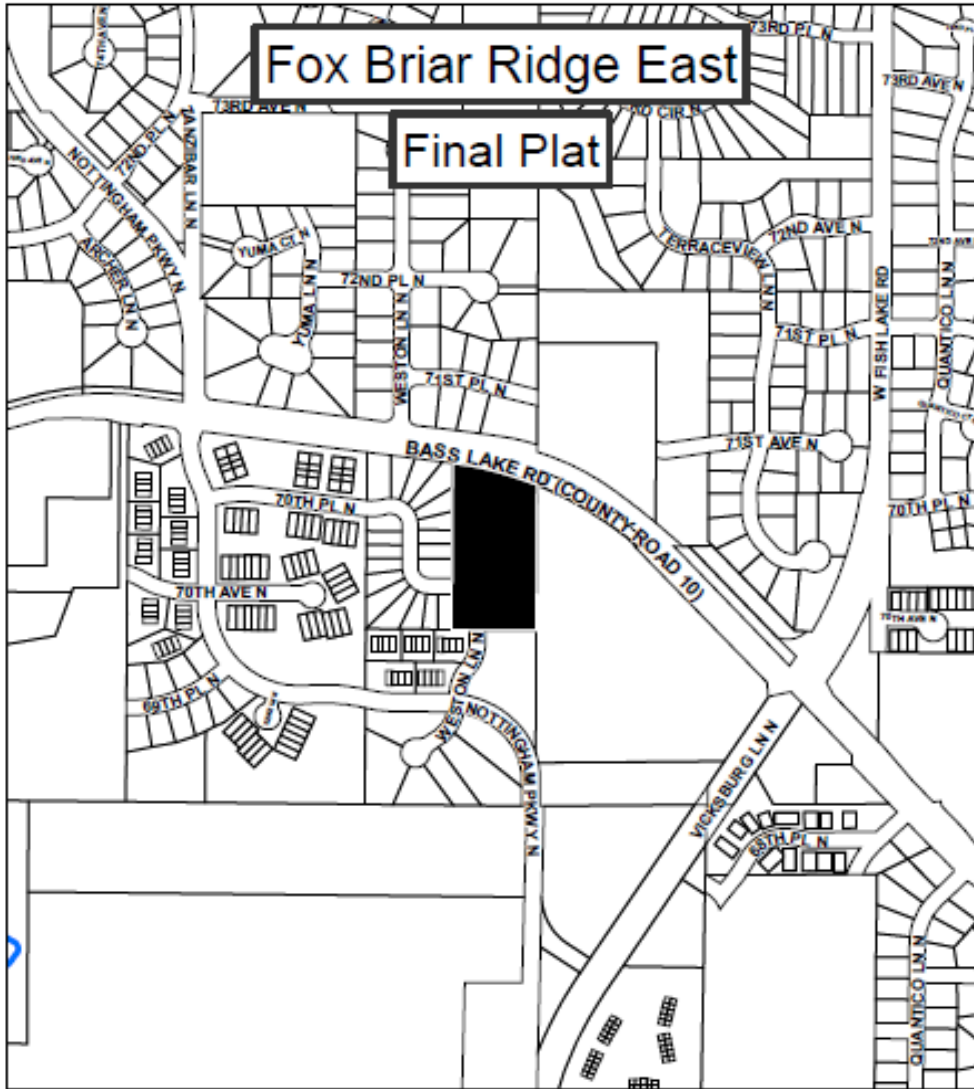
whereupon, the resolution was declared duly passed and adopted the 21<sup>st</sup> day of March, 2022.

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS.  
CITY OF MAPLE GROVE )

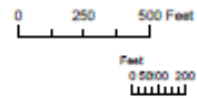
I, the undersigned, being the duly qualified and acting Clerk of the City of Maple Grove, Hennepin County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing Resolution No. 22-059 is a true and correct copy of the Resolution as adopted by the City Council on the 21<sup>st</sup> day of March, 2022.

\_\_\_\_\_  
City Clerk

EXHIBIT A



NEIGHBORHOOD LOCATION MAP



**EXHIBIT B**

# FOX BRIAR RIDGE EAST

C.B. 2022-2023

THE BOARD OF DIRECTORS OF FOX BRIAR RIDGE EAST, INC. HEREBY CERTIFIES THAT THE FOLLOWING INFORMATION IS TRUE AND CORRECT TO THE BEST OF ITS KNOWLEDGE AND BELIEF. THE BOARD OF DIRECTORS HAS REVIEWED THE INFORMATION AND HAS CONCLUDED THAT IT IS TRUE AND CORRECT TO THE BEST OF ITS KNOWLEDGE AND BELIEF.

NAME: FOX BRIAR RIDGE EAST, INC.  
ADDRESS: 1000 FOX BRIAR RIDGE EAST, SUITE 100, FARMINGTON, CT 06030  
PHONE: (860) 646-1234  
FAX: (860) 646-1234  
E-MAIL: foxbriar@foxbriar.com  
WEBSITE: www.foxbriar.com  
OFFICE OF THE BOARD OF DIRECTORS: 1000 FOX BRIAR RIDGE EAST, SUITE 100, FARMINGTON, CT 06030  
DATE OF MEETING: 10/15/2022  
MEETING LOCATION: 1000 FOX BRIAR RIDGE EAST, SUITE 100, FARMINGTON, CT 06030  
MEETING TIME: 7:00 PM  
AGENDA: 1. CALL TO ORDER  
2. PLEDGE OF ALLEGIANCE  
3. APPROVAL OF MINUTES  
4. FINANCIAL REPORT  
5. REPORT OF THE BOARD OF DIRECTORS  
6. NEW BUSINESS  
7. ADJOURN

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