

# Attachment A

## RESOLUTION NO. 22-111

RESOLUTION ORDERING FOX BRIAR RIDGE EAST PROJECT NO. 22-15, ORDERING PLANS AND SPECIFICATIONS, APPROVING PLANS AND SPECIFICATIONS, RECEIVING SURETY, AUTHORIZING ADVERTISEMENT FOR BIDS, AND APPROVING DEVELOPER'S AGREEMENT SUBJECT TO FINAL REVIEW BY THE CITY ATTORNEY AND DIRECTOR OF PUBLIC WORKS

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WHEREAS, a resolution of the City Council adopted June 6, 2022 fixed a date for a Council hearing on the proposed improvement of Fox Briar Ridge East Project No. 22-15; and

WHEREAS, publication and mailed notice pursuant to Minnesota Statutes 429.031 Subd. 1 was given and the hearing was held thereon on the 20<sup>th</sup> day of June, 2022, at which hearing all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, Donnay Homes has submitted a surety to the city in the amount of \$22,700 to guarantee payment of costs associated with the preparation of plans and specifications for Fox Briar Ridge East Project No. 22-15; and

WHEREAS, the consulting firm of Bolton & Menk, Inc. has prepared plans and specifications for the improvements of Fox Briar Ridge East Project No. 22-15 which are on file at the Maple Grove Engineering Department; and

WHEREAS, a Developer's Agreement has been prepared for Fox Briar Ridge East; and

WHEREAS, Donnay Homes is required to submit a surety to the city in the amount of \$750,000.00 to guarantee payment of costs associated with the petition items as set forth in the Developer's Agreement; and

WHEREAS, Donnay Homes is required to submit a surety to the city in the amount of \$16,000.00 to guarantee payment of costs associated with the escrow items as set forth in Exhibit B in the Developer's Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maple Grove, Minnesota:

1. Such improvement is necessary, cost-effective and feasible as detailed in the Feasibility Report.
2. Fox Briar Ridge East Project No. 22-15 is hereby ordered as proposed.
3. The surety from Donnay Homes in the amount of \$22,700 is received and acknowledged as guarantee of payment of costs associated with the preparation of plans and specifications for Fox Briar Ridge East Project No. 22-15.
4. The consulting firm of Bolton & Menk, Inc. shall prepare plans and specifications for Fox Briar Ridge East Project No. 22-15.

5. Such plans and specifications, a copy of which is on file in the Maple Grove Engineering Department, are made a part hereof, and are hereby approved.
6. The City Clerk shall prepare and cause to be inserted in the official newspaper and in Finance and Commerce an advertisement for bids upon the making of improvement under such approved plans and specifications. The advertisement shall be published pursuant to law, shall specify the work to be done, shall state that bids will be received by the City Clerk until 10 a.m. on July 20, 2022, at which time they will be publicly opened in the Maple Grove Government Center by two or more persons who have been designated by the City of Maple Grove to open bids, will then be tabulated and will be considered by the Council after 7:30 p.m. on August 1, 2022 for Fox Briar Ridge East Project No. 22-15 in the Council Chambers of the Government Center, Maple Grove, Minnesota, and that no bids will be considered unless sealed and filed with the Clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the City Clerk for 5% of the amount of such bid.
7. The Developer's Agreement for Fox Briar Ridge East is hereby approved subject to final review by the City Attorney and Director of Public Works.
8. The surety from Donnay Homes in the amount of \$750,000.00 is required and acknowledged as guarantee of payment of costs associated with the petition items as set forth in the Fox Briar Ridge East Developer's Agreement.
9. The surety from Donnay Homes in the amount of \$16,000.00 is required and acknowledged as guarantee of payment of costs associated with the escrow items as set forth in Exhibit B of the Fox Briar Ridge East Developer's Agreement.

Adopted by the City Council on this 20<sup>th</sup> day of June, 2022.

The motion for the adoption of the foregoing resolution was made by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and upon vote being duly taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following were absent:

whereupon said resolution was declared duly passed and adopted.

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. 22-111 is a true and correct copy of the Resolution as adopted by the City Council on the 20<sup>th</sup> day of June, 2022.

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Amy Dietl, City Clerk