

RESOLUTION NO. 23-033

CITY OF MAPLE GROVE

**RESOLUTION GRANTING APPROVAL FOR THE
FINAL PLAT OF ARBOR LAKES 10TH ADDITION**

WHEREAS, 12575 Elm Creek LLC (hereinafter referred to as the “**Applicant**”) has made application for final plat (hereinafter referred to as the “**Application**”) for that property legally described as Outlot A, Arbor Lakes 9th Addition, according to the recorded plat thereof, Hennepin County, Minnesota (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 consider the Application at its February 6, 2023 meeting receiving the report from City staff and other information.

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

FINDINGS

- A. On January 3, 2023, the City Council passed Resolution No. 23-010 approving Planned Unit Development – Development Stage Plan to develop the Property with a 5,400 square foot veterinary clinic (hereinafter referred to as the “**Project**”).
- B. The Applicant has submitted the Application for final plat to redesignate the Property as a buildable lot.
- C. The Applicant has submitted, for the City’s review and approval the final plat entitled *Arbor Lakes 10th Addition*, drafted by Westwood Professional Services, Inc. (hereinafter referred to as the “**Final Plat**”).
- D. The Property is zoned PUD, Planned Unit Development. The land surrounding the Property is zoned PUD, Planned Unit Development.
- 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. The proposed subdivision of the Property is governed by City Code Chapter 30.

G. 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.

H. The Property is a platted outlot and City Code §30-8(d) does not require a preliminary plat, under certain conditions, for final plat approval of a platted outlot.

I. The Applicant, pursuant to City Code Chapter 30, has submitted the Final Plat for the City's review and approval.

J. The Final Plat 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, BE IT RESOLVED by the City Council of the City of Maple Grove, based upon the information received and the above Findings, 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. The Final Plat shall not be released by the City until evidence is provided that the Arbor Lakes 9th Addition plat has been recorded with Hennepin County.
3. This Resolution does not modify or alter the conditions set forth in Resolution No. 23-010.

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 Project is a retail facility located within the Arbor Lakes development that was platted in 1998. Park dedication fees were satisfied at the time with park dedication credits from the Tiller Corporation park dedication credit bank. The Final Plat triggered a park dedication obligation minus the associated value of the commercial fee at the time of the 1998 plat. In 1988, the commercial park dedication rate was \$3,600.00 per acre. The current commercial park dedication rate is \$11,000.00 per acre. The park dedication obligation for the Property based on the Final Plat is \$7,326.00 calculated as follows: $[0.99 \text{ acres} \times \$11,000.00 = \$10,890.00] - [0.99 \text{ acres} \times \$3,600.00 = \$3,564.00]$. If the Final Plat is not released prior to the City Council adjusting the park dedication rate, the above-referenced payment shall be adjusted based upon the formula approved by City for the year in which the Final Plat is actually released for filing. The park dedication fee, as set forth above, shall be paid prior to the Final Plat being released for filing at the Hennepin County Government Center.
6. 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.
7. The Final Plat must be filed and recorded with Hennepin County within two (2) 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 6th day of February, 2023.

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. 23-033 is a true and correct copy of the Resolution as adopted by the City Council on the 6th day of February, 2023.

City Clerk