

**RESOLUTION NO. 23-042**

**CITY OF MAPLE GROVE**

**RESOLUTION GRANTING SHORT PLAT FOR  
LYNDE AND MCLEOD THIRD ADDITION**

WHEREAS, Loucks, Inc. (hereinafter referred to as the “**Applicant**”), on behalf of Lynde & McLeod, Inc. (hereinafter referred to as the “**Property Owner**”), has made application for preliminary and final plat, also known as a short plat, for the property located in the City of Maple Grove, County of Hennepin County, State of Minnesota 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 both the City Council and the Planning Commission; and

WHEREAS, on February 13, 2023, the City’s Planning Commission held a public hearing and recommended approval; and

WHEREAS, the City Council considered the matter at its meeting of February 21, 2023, at which time the City Council received the report from City Staff, the recommendation of the Planning Commission, and further information.

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

FINDINGS

- A. The Applicant is seeking approval for both preliminary and final plat to combine properties at the yard waste site into one (1) outlot. The properties to be combined are the original yard waste site and excess right-of-way from Highway 610 that was recently transferred to the Property Owner.
- B. The Applicant has submitted, for the City Council’s review and approval, the preliminary plat of the Property, dated October 17, 2022, drafted by Loucks, Inc. (hereinafter referred to as the “**Preliminary Plat**”) and the final plat of the Property entitled “LYNDE AND MCLEOD THIRD ADDITION”, drafted by Loucks, Inc. (hereinafter referred to the “**Final Plat**”).
- C. The Property is zoned R-A, Single-Family Agricultural. The land to the east and west of the Property is zoned PUD, Planned Unit Development. The land to the south of the Property is zoned FF, Freeway Frontage.
- D. The proposed subdivision of the Property is governed by State Statute and City Code Chapter 30.

E. Minnesota Statutes §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. City Code §30-14 states:

The short plat review process shall require submission of the same information and shall follow the same procedures as are required for preliminary and final plats, except that the preliminary plat and final plat may be reviewed together in one meeting by the planning commission and then by the city council, thereby shortening the review process. The fee for the short plat review process shall be as established by the city council as set forth in chapter 16, article XI. Wherever any conflict between requirements for preliminary plats and final plats is created by such combined considerations, those provisions which require greater public notice and disclosure shall govern.

H. City Code §30-4 defines “short plat” as:

. . . a review procedure for subdivisions which contain not more than four lots and which do not require the construction of any new streets.

I. The Applicant, pursuant to City Code §30-14, has submitted the Preliminary Plat and Final Plat that contains no more than four lots and does not require the construction of any new streets.

J. The Preliminary Plat and Final Plat meet the City Code requirements, provided they are subject to and meet the conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maple Grove, based upon the information received and the above Finding, that the City Council does hereby conditionally approve the Preliminary Plat and 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. City Code §30-21.

2. The following requirements shall be met to the satisfaction of the City Engineer:
  - a. Drainage and utility easements are required over all stormwater management features, wetlands, wetland buffers, and public storm water infrastructure.
3. 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 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.
4. The Final Plat plats the Property into a single outlot. No park dedication is required as part of this Final Plat. Park dedication will be reviewed and required at the time the Property is platted with buildable lots.
5. The Applicant shall pay upon demand all expenses, determined by the City, that the City incurs in relation to the Property and this 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 (2) years of the date of this Resolution. If the Final Plat is not timely filed or recorded, this Resolution and all approval 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:

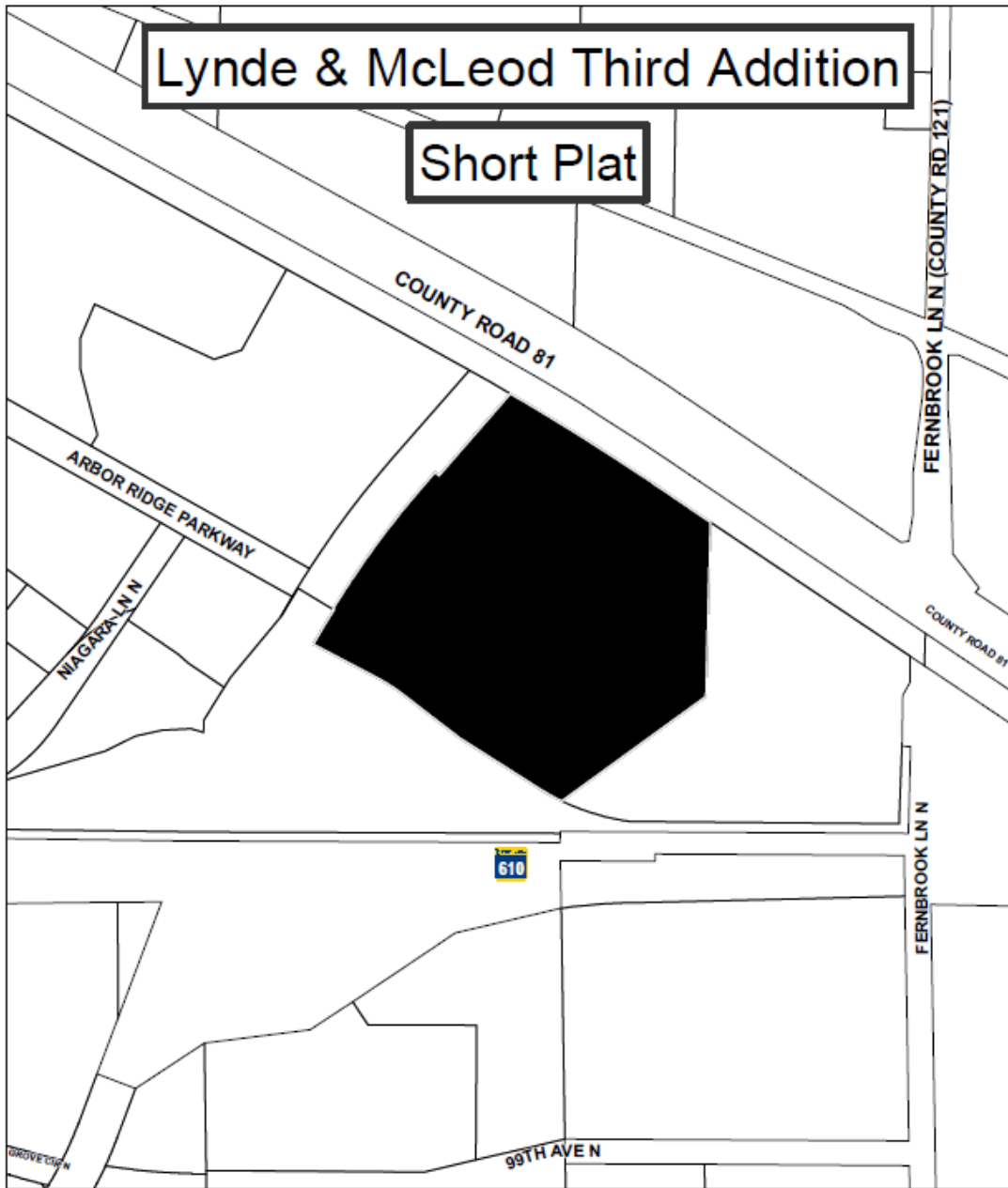
whereupon, the resolution was declared duly passed and adopted the 21<sup>st</sup> day of February, 2023.

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. 23-042 is a true and correct copy of the Resolution as adopted by the City Council on the 21<sup>st</sup> day of February, 2023.

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

EXHIBIT A



NEIGHBORHOOD LOCATION MAP

