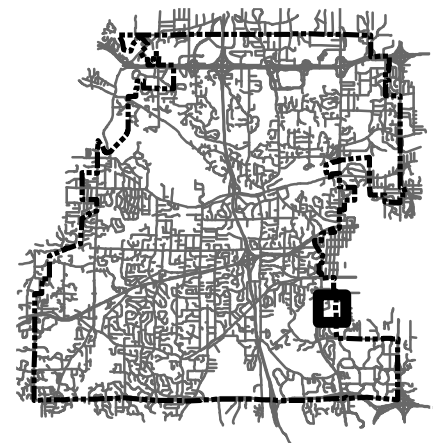




## LOCATION MAP

Project: Big River Real Estate  
Location: 11501 K-Tel Dr



## **Narrative from the tenant utilizing the expanded parking lot areas**

To the City of Minnetonka officials, we Rainbow Tree Care are applying for this permit to continue to operate our business after being notified that the property was altered without proper permitting. This is related to an outside storage area that was present on the property when we took possession. We have also used portions of the property, under verbal approval of the prior landowners, that we now understand are not complaint. Upon being notified the property was not in compliance we began an effort to bring the property into conformity, while still effectively operating in the facility. We are requesting this permit as it will allow us to continue to operate our business in current Minnetonka location. We are committed to adjust our operations to work within the proposed land use changes. We also kindly ask for any support available to make the changes without significantly interrupting or limiting our work. To speak to the use of the facility we would like to provide some background about who we are.

Rainbow Treecare is an Employee-Owned Environmental Services company headquartered at 11571 K-Tel Drive, Minnetonka, MN. Rainbow provides various services to the Twin Cities Metro area related to Tree and Lawn Health, Structural Pest Control, and Seasonal Lighting. Rainbow also own and invents Tree Preservation tools and supplies used by arborists thought the US to save trees and improve tree health.

Due to the seasonal nature of Rainbow's business, particularly it's tree preservation efforts with Dutch Elm Disease (Elm) and Emerald Ash Borer (Ash), Rainbow staff fluctuates with the peak period of spring through fall.

Apart from the growth of the business, Rainbows use of the building has changed little since it moved into the location in late 2008. The premise is roughly half office and half warehouse space. The office space serves as Rainbow corporate headquarters and is comprised of a mix of offices, cubicles and conference rooms.

Rainbow uses the warehouse to store inventory and equipment, provide maintenance to equipment, and to ship products to it's customers. The facility and outdoor space are utilized for storage of equipment and supplies used in the delivery of it's services. The majority of Rainbow's employes access equipment and supplies from the facility and are deployed to work sites each day.

# 2008 Approved Site Plan

Engineering • Planning • Surveying

**McCombs Frank Roes Associates, Inc.**  
 14800 28th Avenue North, Suite 1-103  
 Plymouth, Minnesota • 55447  
 phone: 763/476-6010 • fax: 763/476-8532  
 website: www.mfra.com

**Client**  
**Hoyt Properties**

Minneapolis, MN

**Project**  
**Encore Park**

**Location**  
**11501 K-tel Drive**

Minnetonka, MN

### Certification

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed LAND SURVEYOR under the laws of the State of Minnesota.

*Travis W. Van Neste*  
 Travis W. Van Neste  
 Registration No. 44109 Date: 1/17/08  
 This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at McCombs Frank Roes Associates, Inc., Plymouth, MN office.

### Summary

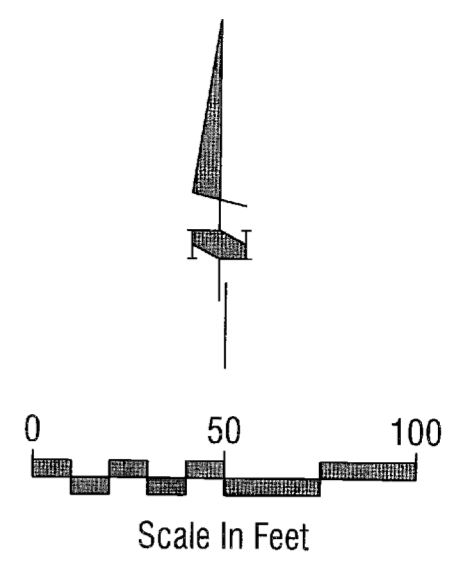
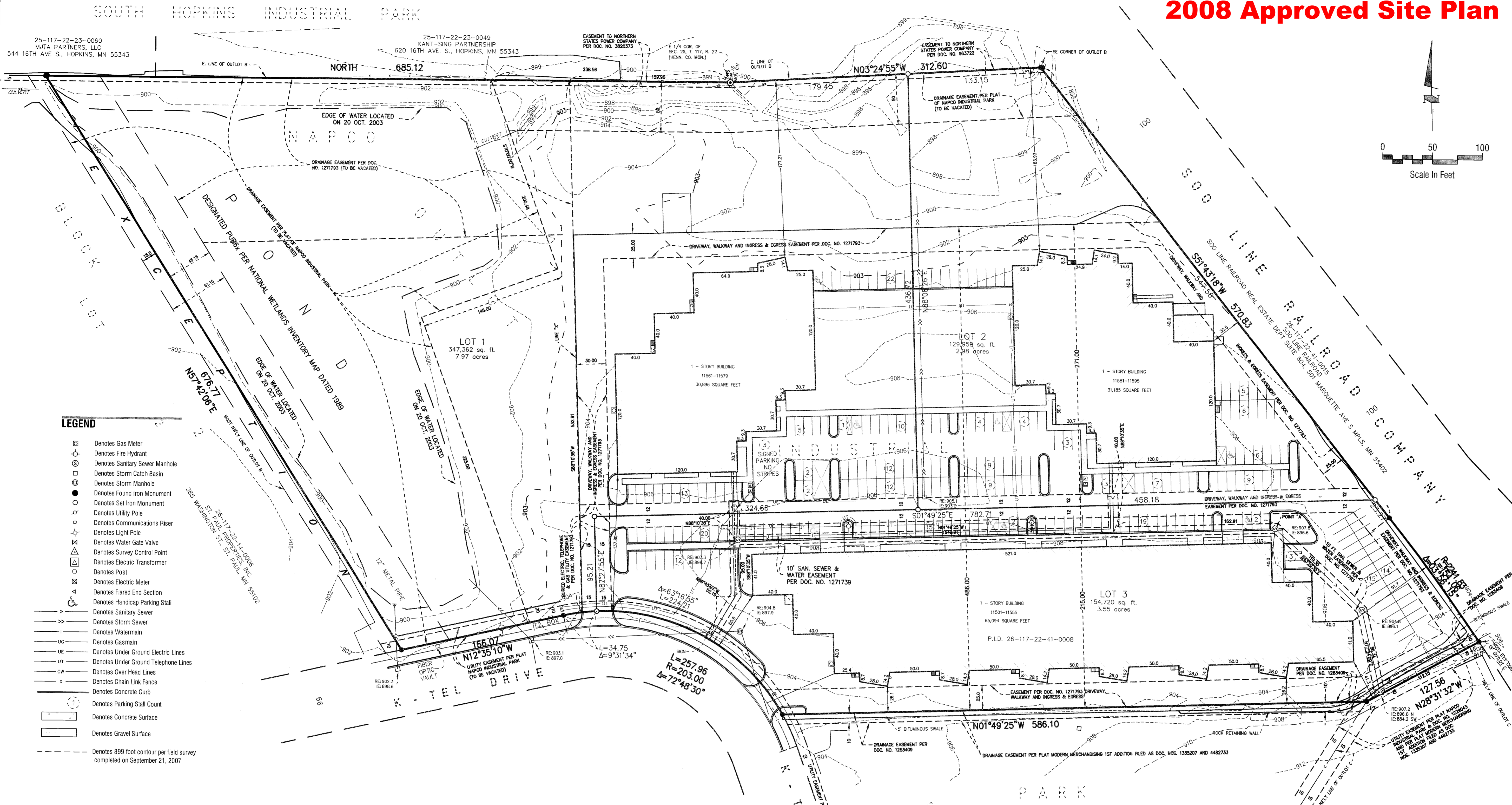
Designed: Drawn: TWWN  
 Approved: TWWN Book / Page: 606/51  
 Phase: Initial Issue: 12/2007

### Revision History

No.	Date	By	Submital / Revision
A	1/16/08	TWWN	City comment letter 12/21/07

**Sheet Title**  
**Preliminary Plat**  
**(Existing Conditions)**

**Sheet Number Revision**  
**1/2 A**  
 Encore Park  
 11501 K-tel Drive  
 Project No. 706440717130



### EXISTING LEGAL DESCRIPTION

**Parcel 1:**  
 That part of Outlot B, Napco Industrial Park (Official Plat 5939 filed in Book 202 beginning at Page 26, R.D. Doc. No. 4098357, R.T. Doc. No. 1116204) except the most Northwesterly 61.16 feet of said Outlot B lying Easterly of the following described line and its Northern extension, said line is described as follows: Beginning at the most Easterly corner of Outlot C in said plat; thence on an assumed bearing of North 28 degrees, 31 minutes, 32 seconds West along the Northwesterly line of said Outlot C, a distance of 127.56 feet to the angle point in said Northwesterly line; thence North 1 degree, 49 minutes, 25 seconds West, a distance of 586.10 feet to the Northern line of said Outlot B and said line there terminating.  
 And  
 The Southeasterly 46.16 feet of the most Northwesterly 61.16 feet of Outlot B, Napco Industrial Park, Hennepin County, Minnesota.

**Parcel 2:**  
 All rights, title and interest in and to that certain non-exclusive easement for drainage of surface waters, including the right to enter upon the property over which the easement runs for the purpose of grading, construction, hard-surfacing, maintaining and repairing a drainage channel or swale through such easement properties set forth in Easement Agreement dated June 30, 1978, filed July 14, 1978 as Document Number 1283409, Office of Registrar of Titles, Hennepin County, Minnesota.

### PROPOSED LEGAL DESCRIPTION

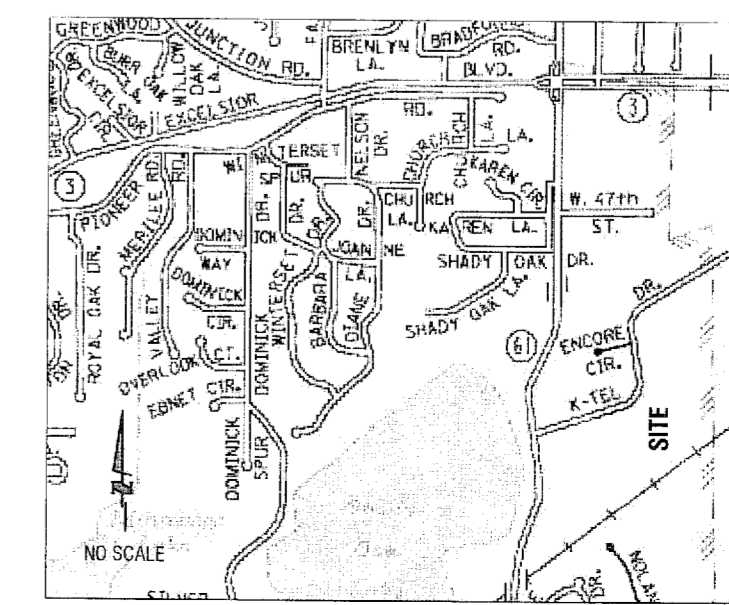
Lot 1, Block 1, ENCORE PARK, Hennepin County, Minnesota  
 Lot 2, Block 1, ENCORE PARK, Hennepin County, Minnesota  
 Lot 3, Block 1, ENCORE PARK, Hennepin County, Minnesota

### GENERAL NOTES

- The field survey of this site was completed on September 21, 2007.
- Address of property: 1150 K-Tel Drive, Minnetonka, MN
- For the purpose of this survey, the most northerly east line of parcel 1 has an assumed bearing of North.
- Area of property:  
 PARCEL 1: 632,041 Sq. Ft. or 14.50 Acres  
 PARCEL 2: N/A

**PROPOSED LOTS:**  
 LOT 1: 347,362 Sq. Ft. or 7.97 Acres  
 LOT 2: 129,959 Sq. Ft. or 2.98 Acres  
 LOT 3: 154,720 Sq. Ft. or 3.55 Acres

### VICINITY MAP





**Client**  
**Hoyt Properties**  
Minneapolis, MN

**Project**  
**Encore Park**

**Location**  
**11501 K-tel Drive**  
Minnetonka, MN

**Certification**  
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed LAND SURVEYOR under the laws of the State of Minnesota.

*Travis W. Van Neste*  
**Travis W. Van Neste**  
Registration No. 44109 Date: 1/17/08  
This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at McCombs Frank Roos Associates, Inc., Plymouth, MN office.

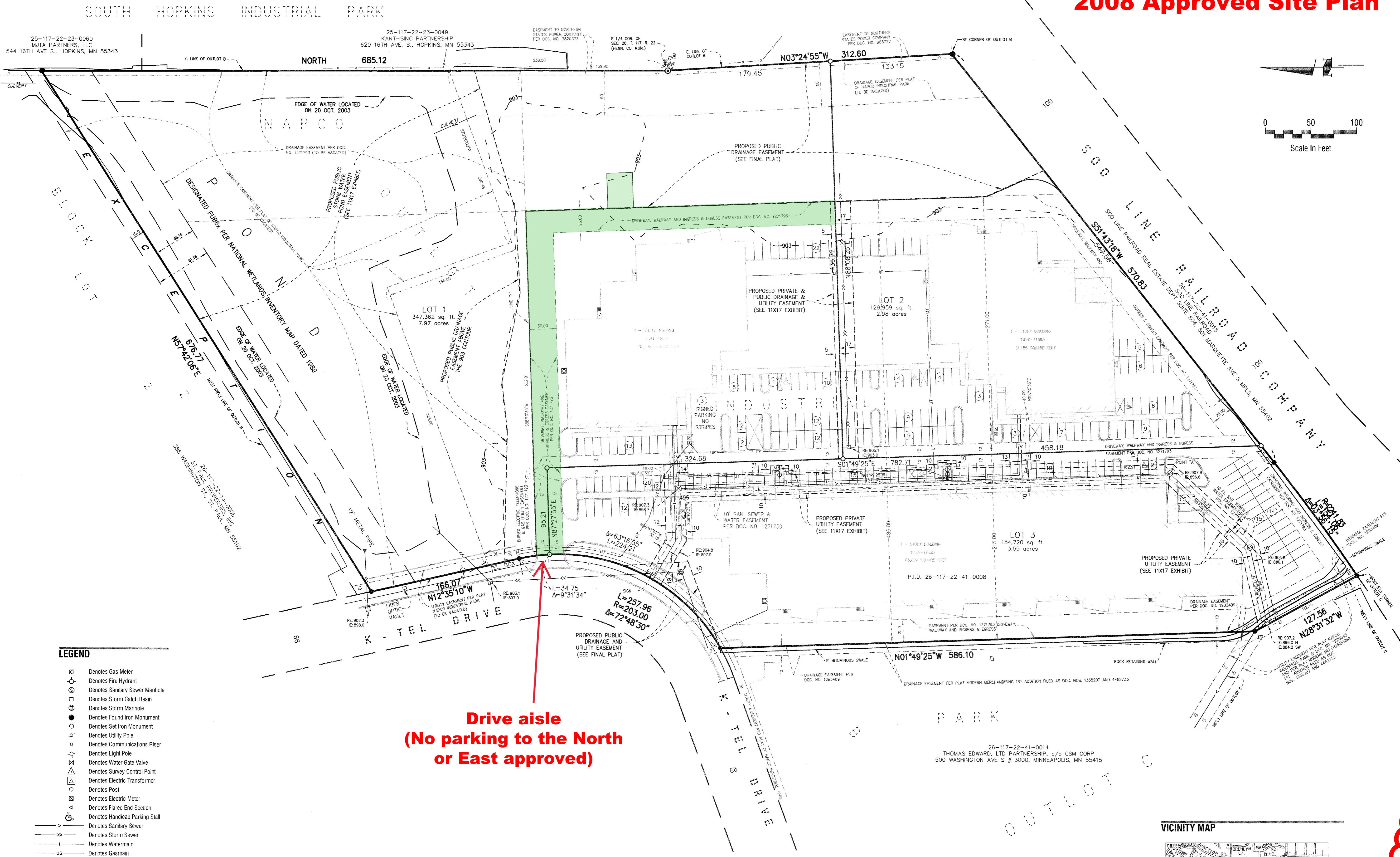
**Summary**  
Designed: TWWN  
Approved: TWWN Book / Page: 606/51  
Phase: Initial Issue: 12/20/07

**Revision History**  
No. Date By Submittal / Revision  
A 1/16/08 TWWN City comment letter 12/21/07

**Sheet Title**  
**Preliminary Plat**  
**(Utilities and Easements)**

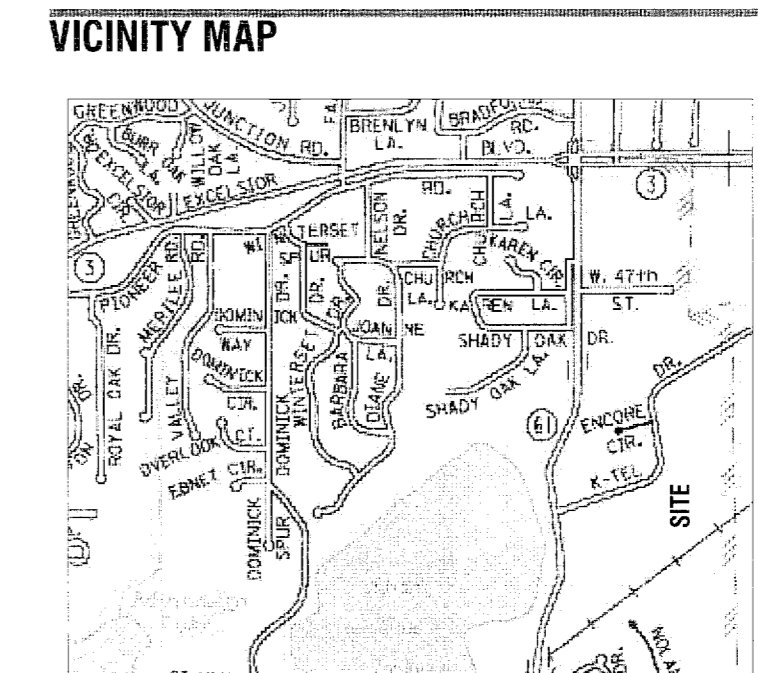
**Sheet Number Revision**  
**2/2 A**  
Encore Park  
Project No. 065-072  
11501 K-tel Drive  
Minnetonka, MN 55312

# 2008 Approved Site Plan



**Drive aisle**  
**(No parking to the North**  
**or East approved)**

- LEGEND**
- ⊗ Denotes Gas Meter
  - ⊕ Denotes Fire Hydrant
  - ⊙ Denotes Sanitary Sewer Manhole
  - ⊠ Denotes Storm Catch Basin
  - ⊚ Denotes Storm Manhole
  - Denotes Found Iron Monument
  - Denotes Set Iron Monument
  - ⊙ Denotes Utility Pole
  - ⊙ Denotes Communications Riser
  - ⊙ Denotes Light Pole
  - ⊙ Denotes Water Gate Valve
  - ⊙ Denotes Survey Control Point
  - ⊙ Denotes Electric Transformer
  - ⊙ Denotes Post
  - ⊙ Denotes Electric Meter
  - ⊙ Denotes Flared End Section
  - ⊙ Denotes Handicap Parking Stall
  - > Denotes Sanitary Sewer
  - >> Denotes Storm Sewer
  - |— Denotes Watermain
  - UG— Denotes Gasmain
  - UE— Denotes Under Ground Electric Lines
  - UT— Denotes Under Ground Telephone Lines
  - OW— Denotes Over Head Lines
  - x— Denotes Chain Link Fence
  - Denotes Concrete Curb
  - ⊙ Denotes Parking Stall Count
  - ▭ Denotes Concrete Surface
  - ▭ Denotes Gravel Surface
  - Denotes 899 foot contour per field survey completed on September 21, 2007





Progression of unapproved parking lot expansion

Proposed parking lot expansion

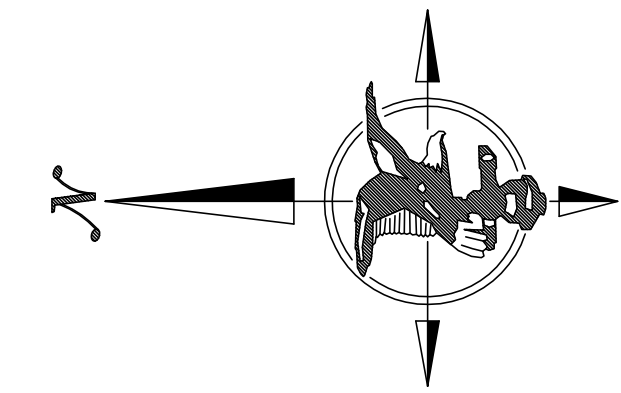
80 additional parking stalls

LEGAL DESCRIPTION:

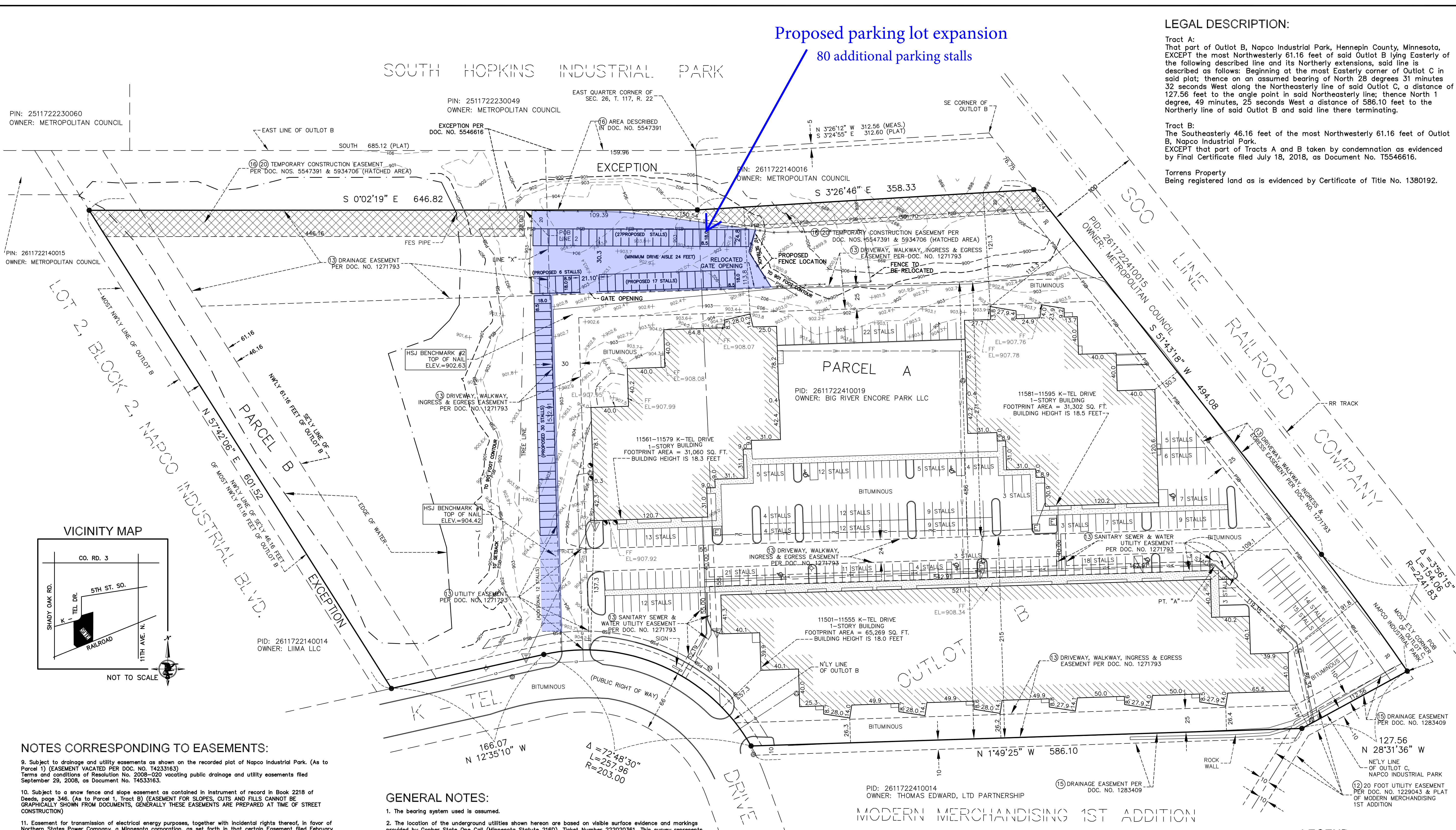
Tract A: That part of Outlot B, Napco Industrial Park, Hennepin County, Minnesota, EXCEPT the most Northwesterly 61.16 feet of said Outlot B lying Easterly of the following described line and its Northerly extensions, said line is described as follows: Beginning at the most Easterly corner of Outlot C in said plat; thence on an assumed bearing of North 28 degrees 31 minutes 32 seconds West along the Northerly line of said Outlot C, a distance of 127.56 feet to the angle point in said Northerly line; thence North 1 degree, 49 minutes, 25 seconds West a distance of 586.10 feet to the Northerly line of said Outlot B and said line there terminating.

Tract B: The Southeasterly 46.16 feet of the most Northwesterly 61.16 feet of Outlot B, Napco Industrial Park, EXCEPT that part of Tracts A and B taken by condemnation as evidenced by Final Certificate filed July 18, 2018, as Document No. 15546616.

Torrens Property Being registered land as is evidenced by Certificate of Title No. 1380192.



SCALE: 1 INCH = 50 FEET



REVISIONS

Date:	2-6-23	per comments

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota

Thomas E. Hodorf, L.S. Minnesota Reg. No. 23677

Date: January 18, 2023

SITE PLAN FOR 11501-11595 K-TEL DRIVE

For: BIG RIVER REAL ESTATE FUND LLC

SITE:

11501-11595 K-TEL DRIVE HOPKINS, MINNESOTA

HENNEPIN COUNTY

HARRY S. JOHNSON CO., INC. LAND SURVEYORS

9063 Lyndale Avenue South Bloomington, MN. 55437  
 Tele. 952-884-5341 Fax 952-884-5344  
 www.hsjsurveyors.com

NOTES CORRESPONDING TO EASEMENTS:

- Subject to drainage and utility easements as shown on the recorded plat of Napco Industrial Park. (As to Parcel 1) (EASEMENT VACATED PER DOC. NO. 14233163) Terms and conditions of Resolution No. 2008-020 vacating public drainage and utility easements filed September 29, 2008, as Document No. 14533163.
- Subject to a snow fence and slope easement as contained in instrument of record in Book 2218 of Deeds, page 346. (As to Parcel 1, Tract B) (EASEMENT FOR SLOPES, CUTS AND FILLS CANNOT BE GRAPHICALLY SHOWN FROM DOCUMENTS, GENERALLY THESE EASEMENTS ARE PREPARED AT TIME OF STREET CONSTRUCTION)
- Easement for transmission of electrical energy purposes, together with incidental rights thereof, in favor of Northern States Power Company, a Minnesota corporation, as set forth in that certain Easement filed February 5, 1970, as Document No. 1963722. (NOT ON SUBJECT PROPERTY)
- Easement for sanitary sewer purposes, together with incidental rights thereof, in favor of the City of Minnetonka as evidenced by Final Certificate filed July 26, 1977, as Document No. T1229043. (As to Parcel 1) (AS SHOWN ON SURVEY)
- Subject to easements set forth in that certain Deed Document No. T1271793. (As to Parcel 1) (AS SHOWN ON SURVEY)
- Subject to an electric transmission line easement and other rights incident thereto in favor of Northern States Power Company (a MN corp), over the East 5 feet of above premises as set forth in CR Doc No. 3820373. (As to Parcel 1, Tract B) (NOT ON SUBJECT PROPERTY)
- Terms and conditions of, and easement(s) contained within, that certain Easement Agreement dated June 30, 1978, filed July 14, 1978, as Document No. T1283409. (As to Parcel 1) (AS SHOWN ON SURVEY)
- Restrictions and encumbrances as set forth in that certain Declaration dated June 5, 2018, filed July 23, 2018, as Document No. T5547391. (As to Parcel 1) (SHOWN ON SURVEY AS HATCHED AREA)
- Terms and conditions of Resolution No. 2018-105 approving a conditional use permit filed September 11, 2018, as Document No. T5559915. (As to Parcel 1) (NON-SURVEY MATTER)
- Final Certificate for acquisition of a temporary easement filed June 26, 2019, as Document No. T5623528. (As to Parcel 1) (EASEMENT EXPIRED) NOTE: Temporary easement expires June 1, 2022.
- Terms and conditions Resolution No. 2019-117 approving a conditional use permit filed December 20, 2019, as Document No. T5672349. (As to Parcel 1) (NON-SURVEY MATTER)
- Terms and conditions of, and easement for construction purposes contained within, that certain Temporary Construction Easement Agreement filed April 5, 2022, as Document No. T5934706. (As to Parcel 1) (SHOWN ON SURVEY AS HATCHED AREA) NOTE: Temporary easement expires on December 1, 2024. Consent from Riversource Life Insurance Company filed April 5, 2022, as Document No. T5934707.
- A portion of the property contains wetlands which may be subject to federal, state, or local regulation. The right to use or improve these wetlands is excepted herein. (As to Parcel 1) (NO WETLAND OBSERVED)

GENERAL NOTES:

- The bearing system used is assumed.
- The location of the underground utilities shown hereon are based on visible surface evidence and markings provided by Gopher State One Call (Minnesota Statute 216D), Ticket Number 222020361. This survey represents the underground utilities that participated with the request and were marked at the time of the survey. Additional utilities may exist, but were non-responsive to the request.
- Subject property is identified as being in "Zone X, Other Areas" on Flood Insurance Rate Map No. 27053C0341F, effective date November 4, 2016.
- Site Area = 568,658 square feet = 13.055 acres.
- There are a total of 255 striped parking stalls on said property, of which there are 7 designated as handicap.
- This survey was made on the ground.
- Zoning Classification: PUD, Planned Unit Development.
- In preparing this survey I have relied upon the supporting documents and the Commitment for Title Insurance issued by Old Republic National Title Insurance Company, having an effective date of June 30, 2022 and bearing file number ORTE748521, Supplemental #3.
- There are no visible markings denoting wetlands as delineated by appropriate authorities.
- Subject property has direct access to and from K-Tel Drive, a public right of way.
- PROOF OF PARKING: There are 83 Proposed parking stalls on said property, with possibility of an additional 12 stalls, as shown.
- Elevation datum is based on NAVD 88 data. HSJ Benchmark #1 is located Top of Nail (AS SHOWN ON SURVEY) Elevation = 904.42
- LIDAR contour information was used to make this survey, see LIDAR note.

LIDAR TOPO NOTE:

LIDAR contour information was used to fill-in overgrown and heavily wooded areas of the site and areas beyond the scope of the survey to show the continuations of the desired contours.

Note: These areas have contours only and no spot elevations.

DISCLAIMER AND CREDITS: LIDAR data shown and provided is subject to the disclaimers provided in the data documentation from Mntopo. Mntopo is a collaborative effort between MNT Services @ Minnesota Department of Natural Resources and MNT Services @ MnGeo.

LEGEND

- Property Corner
- Concrete
- Concrete Curb
- Fence
- Underground Electric
- Underground Telephone
- Water
- Gas
- Sanitary Sewer
- Storm Sewer
- Parking Setback Line
- Electric Meter
- Electric Box
- Hydrant
- Unknown Manhole
- Gate Valve
- Guard Post
- Catchbasin
- Catchbasin
- Light Pole
- Gas Meter
- Telephone Box
- Sanitary Manhole
- Storm Manhole
- Existing Contour
- Existing Spot Elevation

Scale in Feet: 50 25 0 50 100 150

Book 877 File No. 2022391  
 Page 72 W.O. Number 2022391  
 CAD Technician CT  
 Sheet No. 1 OF 1