

**City Council Agenda Item #10_
Meeting of Oct. 7, 2019**

Description Resolution approving the final plat of CONIFER HEIGHTS at 5616 Mahoney Ave and 5615 Conifer Trail

Recommendation Adopt the resolution approving the final plat

Proposal

On July 22, 2019, the city council approved the CONIFER HEIGHTS preliminary plat. The plat would divide the existing property into six residential lots. Five of the new lots would be accessed via a newly constructed extension of Conifer Trail. The remaining lot would be accessed via Mahoney Avenue.

The applicant, Capital Development, LLC, has requested approval of the CONIFER HEIGHTS final plat. All documents required prior to final plat approval have been submitted.

Staff Recommendation

Staff recommends the council adopt the resolution approving the final plat of CONIFER HEIGHTS at 5616 Mahoney Ave and 5615 Conifer Trail.

Submitted through:

Mike Funk, Assistant City Manager
Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

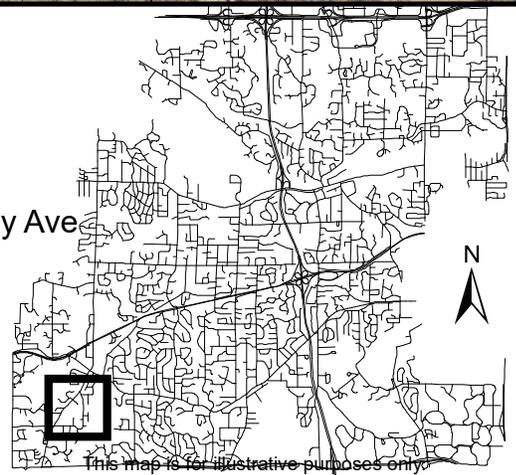
Originated by:

Ashley Cauley, Senior Planner



Location Map

Project: Conifer Heights
Address: 5615 Conifer Tr & 5616 Mahoney Ave

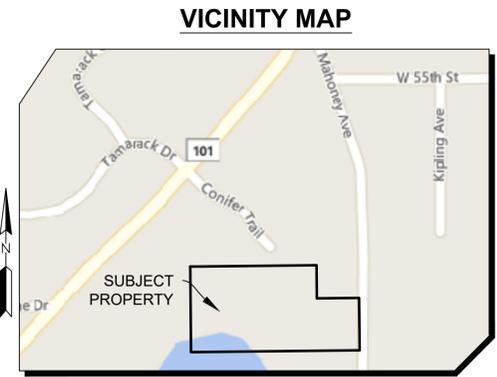
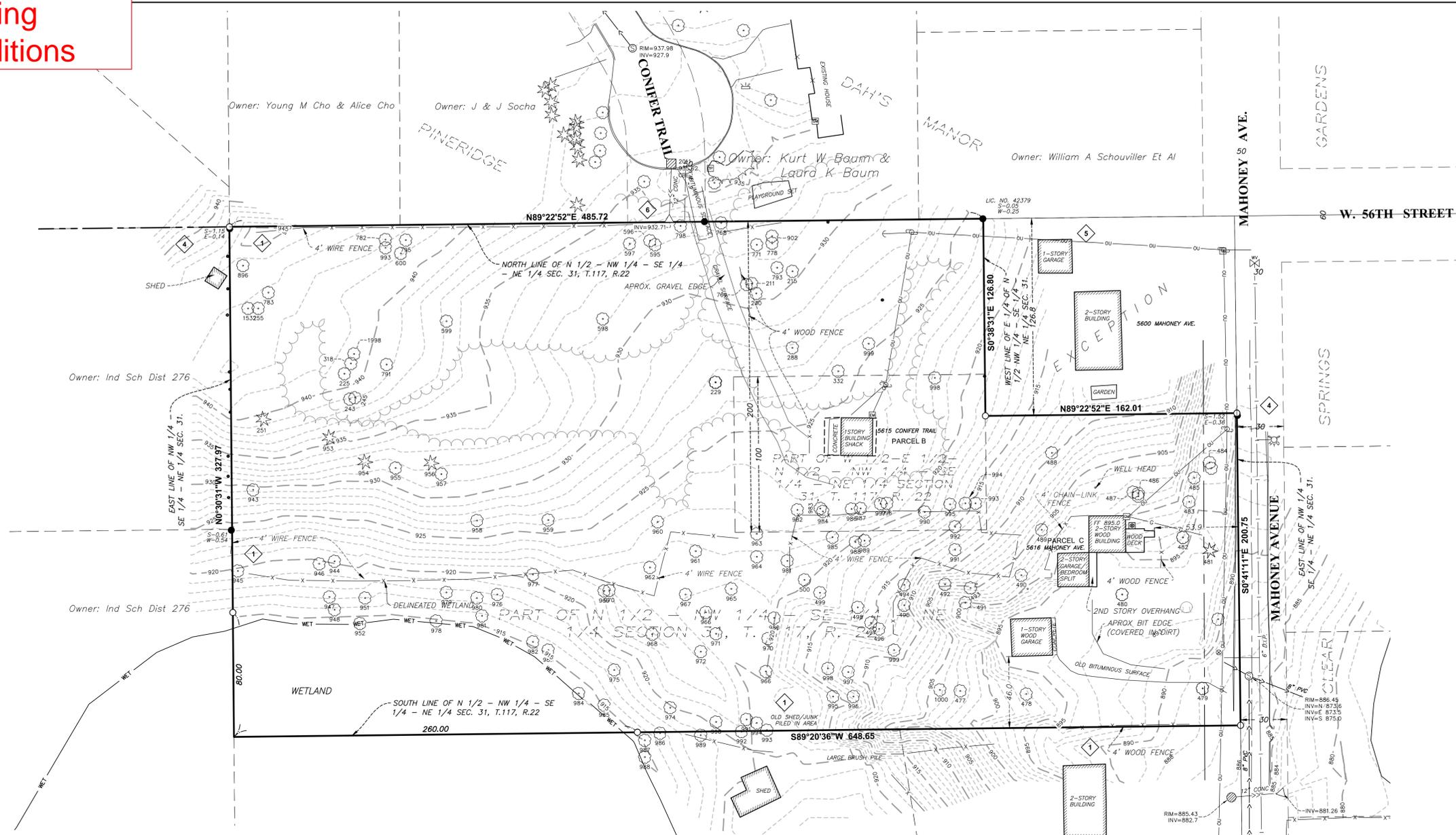


This map is for illustrative purposes only.

Existing Conditions

Plot Date & Time: 13

\\ms01\apps\residents\k_spruce\041775-0001.dwg



NOTES CORRESPONDING TO SCHEDULE B - 2

Items corresponding to Schedule B Section 2 as provided in First American Title Insurance Company Commitment No. 581239 which has an effective date of October, 25, 2018 at 7:00 A.M.

Items 1, 2, 4 - 11 are not survey related and are not addressed herein.

Item 3. Rights or claims of parties in possession and easements or claims of easements not shown by the public records, boundary disputes, overlaps, encroachments, and any matters not of record which would be disclosed by an accurate survey of the premises - THE SURVEYOR HAS MADE A GOOD FAITH EFFORT TO DISCLOSE ANY ISSUES DESCRIBED ABOVE THAT WERE OBSERVED DURING THE COURSE OF THE SURVEY.

Item 12. Subject to roads as shown by available maps - ROADWAYS ARE SHOWN HEREON. MAHONEY AVE. ROADWAY IS VARIABLE IN WIDTH (WIDTH DETERMINED BY ACTUAL USE) ACROSS SUBJECT PARCEL. FOR PURPOSES OF THIS SURVEY THE R/W IS ASSUMED TO BE 30' FROM CENTERLINE, SIMILAR TO EAST SIDE OF ROAD.

Item 13. Subject to pond over a portion of the subject property as shown by available maps. (affects Parcel C) - DELINEATED WETLAND IS SHOWN HEREON

TABLE "A" OPTIONAL ITEMS

- Property corner markers were placed or found as shown
- Property addresses: 5615 Conifer Trail, Minnetonka, MN 55345 & 5616 Mahoney Avenue, Minnetonka, MN 55345
- Flood zone classification: this property is located in Zone X, an area of minimal flooding, according to FEMA Flood Insurance Rate Map Number 27053C0319F, which has an effective date of 11/04/2016.
- Gross land area: 191,898 sq. ft. (4.405 acres)
- Elevations and surface contours are shown hereon and are relative to the NAVD88 vertical datum
- Zoning information: There were no zoning reports or letters provided to the surveyor.
- Exterior building dimensions shown are the exterior facade at chest height. underground footings and foundations and roof lines/eaves may extend outside the building lines shown.
- The surveyor has made their best effort to depict all above ground visible features hereon. Note the site was covered with snow at the time of survey.
- There are 0 standard and 0 handicap parking spaces on the subject property.
- Utility lines shown hereon are based on field markings and maps provided to us as a result of a Gopher State One Call private utility locate ticket number 190230353. The surveyor cannot guarantee that all utilities were marked or that the markings/maps are accurate.
- Names of owners of adjoining lands were obtained from the Hennepin County GIS.
- There were no observable signs of recent construction or earthmoving on the subject property at the time of survey.

LEGEND

○ SET 3/4"ODx14" IRON PIPE WITH PLASTIC CAP 46563 OR MAG NAIL W/WASHER	⊠ ELECTRIC METER	—X— FENCE LINE
● FOUND MONUMENT	⊞ ELECTRIC TRANSFORMER	—>>— STORM SEWER
⊙ SANITARY SEWER MANHOLE	—T— TRAFFIC SIGN	—>— SANITARY SEWER
⊕ UTILITY POLE	• BOLLARD/POST	— — WATERMAIN
⊖ STORM SEWER MANHOLE	⊕ UTILITY POLE	—G— UNDERGROUND GAS LINE
⊗ STORM SEWER INLET	⊖ ANCHOR CABLE	—COM— UNDERGROUND COMMUNICATION LINE
⊘ STORM SEWER INLET	⊗ LIGHT POLE	—OU— OVERHEAD UTILITY LINE
△ FLARED END SECTION	⊘ HAND HOLE	— — TREE LINE
⊙ HYDRANT	⊙ DECIDUOUS TREE W/TAG NUMBER	⊠ BUILDING
⊙ GAS METER	⊙ CONIFEROUS TREE W/TAG NUMBER	
⊙ COMMUNICATIONS PEDESTAL	⊙ WATER VALVE	
⊙ ELECTRIC MANHOLE		

STATEMENT OF POSSIBLE ENCROACHMENTS

The following possible encroachment notes are intended to draw the users attention only, the surveyor does not guarantee that the items noted below are in fact encroachments or that all possible encroachments are shown hereon.

- Fencing lie on subject property, ownership and maintenance for these features is not known to the surveyor.
- Gravel Driveway crosses property of others to access public right-of-way without known easement.
- Old shed and debris lies on property, origin and owner is unknown to surveyor.
- Found survey markers within subject property as shown, it's unknown whose property corners or property lines these markers serve to represent.
- Overhead utility line servicing building goes across lands of others without a known easement.
- Storm sewer outlet appears to discharge onto site.

PROPERTY DESCRIPTION

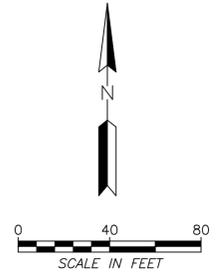
The following description was provided in First American Title Insurance Company Commitment No. 581239 which has an effective date of October, 25, 2018 at 7:00 A.M.

Parcel B:
The South 100 feet of the North 200 feet of the West Half of the East Half of the North Half of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 31, Township 117, Range 22, Hennepin County, Minnesota.

Parcel C:
The North Half of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 31, Township 117 North, Range 22 West of the 5th Principal Meridian, except the North 126.8 feet of the East quarter thereof.
AND EXCEPT:
The South 100 feet of the North 200 feet of the West Half of the East Half of the North Half of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 31, Township 117, Range 22.
(Schedule A includes more property then surveyed)

GENERAL NOTES

- Bearings shown hereon are based on the Hennepin County Coordinate System relative to the NAD83(11) control adjustment.
- Elevations and contours shown hereon were established with GPS and are relative to the NAVD88 vertical datum.
- All or part of the subject property was covered by snow at the time of survey. The surveyor cannot guarantee that all improvements on the subject property are shown hereon



CERTIFICATION

To: Fred Stelter, Alliant Capital, LLC, its successors and/or assigns as their interests may appear, and First American Title Insurance Company: This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 6(a), 7(a), 8, 9, 11, 13, and 16 of Table A thereof.

Date of fieldwork: 2/06/2019

Gary J. Bjorklund
Gary J. Bjorklund, MN. License 46563 02-08-2019
Date

		CLIENT NAME	LEGACY HOMES	
		PROJECT TITLE	ALTA/NSPS LAND TITLE SURVEY	
DWN BY	CHK'D	APP'D	DWG DATE	FEB 2019
TJK	GJB	XXX	SCALE	1" = 40'
PROJECT NO.	SHEET NO.		1 OF 1	
7775-0001				

1802 WOODDALE DRIVE
WOODBURY, MN 55125 Ph: 651-395-5212

Responsive partner. Exceptional outcomes.



GRADING LEGEND

- PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED STORM SEWER
- PROPOSED CATCH BASIN
- PROPOSED MANHOLE
- PROPOSED SPOT ELEVATION (ALL ELEVATIONS ARE TO FLOWLINE UNLESS OTHERWISE NOTED)
- FINISHED GRADE SPOT ELEVATION
- MATCH EXISTING SPOT ELEVATION
- TOP OF CURB SPOT ELEVATION
- HIGH POINT SPOT ELEVATION
- EMERGENCY OVERFLOW SPOT ELEVATION
- TOP OF WALL SPOT ELEVATION
- BOTTOM / TOE OF WALL SPOT ELEVATION
- PROPOSED RIDGE / VALLEY / BREAKLINE
- PROPOSED SLOPE ARROW
- EXISTING STORM STRUCTURE
- EXISTING STORM SEWER

NOTE: SEE C-501 STORM SEWER PLAN FOR STORM SEWER DESIGN DETAILS

CLIENT:
CAPITAL DEVELOPMENT LLC

PROJECT TITLE:
CONIFER HEIGHTS RESIDENTIAL
 5616 MAHONEY AVE AND 5615 CONIFER TRAIL
 MINNETONKA, MN 55345

ISSUE NO.	DESCRIPTION	DATE
1	PRELIMINARY CONCEPT	03/08/2019
2	PRELIMINARY PLAN	05/09/2019
3	FINAL PLAN	07/29/2019

CERTIFICATION:
 I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____
 LICENSE NO.: _____

PROJECT NO.:	7775-0001
DWN BY:	JTP
CHKD BY:	JRA
APPD BY:	JTW
ISSUE DATE:	07-29-2019
ISSUE NO.:	3
SHEET TITLE:	GRADING PLAN
SHEET NO.:	C-301

WARNING:
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

CALL BEFORE YOU DIG
GOPHER STATE ONE CALL
 TWIN CITY AREA: 651-454-0002
 TOLL FREE 1-800-252-1166

CONIFER HEIGHTS

C.R. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Capital Development, LLC, a Minnesota limited liability company, owner of the following described property:

The South 100 feet of the North 200 feet of the West Half of the East Half of the North Half of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 31, Township 117, Range 22, Hennepin County, Minnesota.

The North Half of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 31, Township 117 North, Range 22 West of the 5th Principal Meridian, except the North 126.8 feet of the East quarter thereof.

AND EXCEPT:

The South 100 feet of the North 200 feet of the West Half of the East Half of the North Half of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 31, Township 117, Range 22.

Has caused the same to be surveyed and platted as CONIFER HEIGHTS and does hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Capital Development, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____day of _____, 2019.

Signed: Capital Development, LLC,

By: _____, Chief Manager

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____, 2019 by _____, Chief Manager of Capital Development, LLC, a Minnesota limited liability company, on behalf of the company.

(Signature)

(Name Printed)

Notary Public, _____County, Minnesota

My Commission Expires_____

SURVEYOR

I Gary Bjorklund do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2019.

Gary Bjorklund, Land Surveyor
Minnesota License No. 46563

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on this _____, 2019, by Gary Bjorklund.

(Signature)

(Name Printed)

Notary Public, _____County, Minnesota

My Commission Expires_____

CITY COUNCIL, CITY OF MINNETONKA, MINNESOTA

This plat of THE MARINER was approved and accepted by the City Council of The City of Minnetonka, Minnesota, at a regular meeting thereof held this _____day of _____, 20_____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2

City Council, City of Minnetonka, Minnesota

By: _____ Mayor

By: _____ Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20____and prior years have been paid for land described on this plat, dated this _____day of _____, 2019.

Mark V. Chapin, County Auditor By_____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MINN. STAT. Sec. 383B.565 (1969) this plat has been approved this_____day of _____, 2019.

Chris F. Mavis, County Surveyor By_____

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of THE MARINER was recorded in this office this _____ day of _____, 2019, at _____ o'clock ____M.

Martin McCormick, County Recorder By_____ Deputy

Resolution No. 2019-063

Resolution approving the preliminary plat of CONIFER HEIGHTS, a six-lot subdivision, at 5615 Conifer Trail and 5616 Mahoney Ave

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Capital Development, LLC has requested preliminary plat approval for CONIFER HEIGHTS. (Project 19016.19a).

1.02 The site is located at 5615 Conifer Trail and 5616 Mahoney Ave.

It is legally described as follows:

Parcel B:

The south 100 feet of the North 200 feet of the west half of the east half of the north half of the Northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range 22, Hennepin County, Minnesota.

Parcel C:

The north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117 North, Range 22 West of the 5th principal meridian, except the north 126.8 feet of the east quarter thereof.

AND EXCEPT:

The south 100 feet of the north 200 feet of the west half of the east half of the north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range. 22.

1.03 On July 11, 2019, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received, and the staff report, which is incorporated by reference into this resolution. The

commission recommended that the city council grant preliminary plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.

Section 4. Council Action.

4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received. The following must be submitted for a final plat application to be considered complete:
 - a) A signed ALTA survey.
 - b) A final plat drawing that clearly illustrates the following:
 - 1) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - 2) Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - 3) Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.
 - 4) A minimum 20-foot right of way along Mahoney Ave.
 - 5) The outlot incorporated into Lot 6.
 - c) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.

- 1) Title evidence that current within thirty days before the release of the final plat.
 - 2) Conservation easements over the 25-foot wetland buffer and a drawing of the easements. The easement may allow removal of hazard, diseased, or invasive species.
 - 3) Documents establishing a homeowners' association. The association must be responsible for maintaining any common areas, common drives, required drainage ponding, and any other required drainage improvements approved by the City. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits.
 - 4) A Contract for Residential Development (or Developers Agreement) if the applicant or developer is constructing any public improvements. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements.
 - 5) Stormwater maintenance agreement in the city approved format.
- d) Outstanding taxes must be paid in full.
2. Prior to final plat approval:
 - a) This resolution must be recorded with Hennepin County.
 - b) The documents outlined in section 4.01(1)(c) above must be approved by the city attorney.
 3. Submit the following prior to the release of the final plat for recording:
 - a) Two sets of mylars for city signatures.
 - b) An electronic CAD file of the plat in microstation or DXF and PDF format.
 - c) Park dedication fee of \$20,000.
 4. Subject to staff approval, CONIFER HEIGHTS, must be developed and

maintained in substantial conformance with the following plans, except as modified by the conditions below:

- Survey dated Feb. 2019.
- Site plan dated May 9, 2019.
- Preconstruction erosion and demolition plans dated May 9, 2019.
- Tree survey, mitigation and preservation plans dated May 9, 2019.
- Grading and erosion control plan dated May 9, 2019.
- Utility plan dated May 9, 2019.

5. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.

a) The following must be submitted for the grading permit to be considered complete.

- 1) Evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(2) of this resolution.
- 2) An electronic PDF copy of all required plans and specifications.
- 3) Final site, grading, drainage, utility, landscape, tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

a. Final grading plan must:

- Be adjusted as much as possible to maintain tree loss and adequately preserve trees.
- Include B612 curb with curb cuts at proposed driveway locations.

b. Final stormwater management plan is required for the entire site's impervious surface. The plan must demonstrate conformance with the following criteria:

- Rate: limit peak runoff flow rates to that of existing conditions from the 2-, 10-, and 100-year events at all point where stormwater leaves the site.

- Volume: provide for onsite retention of 1-inch of runoff from the site's impervious surface.
- Quality: provide for runoff to be treated to at least 60-percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.

In addition:

- Locate the STMH 100 in curb line rather than in the roadway to connect to the existing storm sewer.
- Storm pipe sizing cannot decrease in size in the downstream direction. Maintain 24-inch.
- Bioretention basin must draw down in 48 hours. Maximum ponding depth is 18 inches.

c. Final utility plan must:

- Use the updated detail plates.
- Include profiles of utilities for review of grades and depth.
- Indicate that the water main pipe is DIP.
- Show service locations and locate the water services outside of the driveway.
- Illustration installation of an isolation valve outside of cul-de-sac for green space isolation.
- Illustration installation of a gate valve on the southern leg of Mahoney Ave connection.
- Indicated no water services may come from the side yard. Services must be located outside of the green space isolation valves.
- Illustrate unused water service pipe on Mahoney Avenue must be removed back to

the main, with the corporation stop turned off and a city-approved repair clamp to cover the corporation stop.

- Note wet tap the 6-inch main on Mahoney Avenue.
 - Locate SSMH 2 to roadway in line with SSMH 1.
 - Illustrate drop manhole structure to be outside drops.
- d. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions. In addition:
- No more than four high priority trees can be removed.
 - Based on the submitted plans the mitigation requirements would be 19, two-inch trees.
- 4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct streets and utility improvements, comply with grading permit, wetland restoration, tree mitigation requirements, and to restore the site. One itemized letter of credit is permissible if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.
- 5) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
- 6) A copy of the approved MPCA NPDES permit.
- 7) A MDH permit for the proposed water main or documentation from the MDH that a permit is not required.

- 8) A MPCA sanitary sewer extension permit or documentation from the MPCA that a permit is not required.
 - 9) Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.
 - 10) All required administration and engineering fees.
 - 11) Evidence that an erosion control inspector has been hired to monitor the site through the course of construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, in an amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.
 - 12) Cash escrow in an amount of \$3000. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- b) Prior to issuance of the grading permit, a pre-construction meeting is required.
 - c) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - d) Permits may be required from other outside agencies including, Hennepin County, the Riley-Purgatory-Bluff Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
6. Prior to issuance of a building permit for the first new house within the

development, submit the following documents:

- a) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
 - b) A letter from the surveyor stating that all encroachments onto other properties, as noted on the survey, have been removed and the areas restored.
 - c) Proof of subdivision registration and transfer of NPDES permit.
7. Prior to issuance of a building permit for any of the lots within the development:
- a) Submit the following items for staff review and approval:
 - 1) A construction management plan. This plan must be in a city-approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
 - 2) Final grading and tree preservation plan for the lot. The plan must:
 - a. Be in substantial conformance with the approved plans.
 - b. Protect trees to remain on site as required by city staff.
 - c. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.
 - d. Meet minimum mitigation requirements, as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.
 - 3) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:

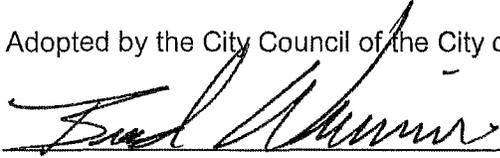
- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

- b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - c) Install heavy duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.
 - d) Submit all required hook-up fees.
8. All lots and structures within the development are subject to all R-1 zoning standards. In addition:
- a) All structures must meet the required wetland setback.
 - b) All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.
9. The city may require installation and maintenance of signs which delineate the edge of any required conservation easement. This signage is subject to the review and approval of city staff.
10. During construction, the streets must be kept free of debris and sediment.
11. The property owner is responsible for replacing any required landscaping that dies.

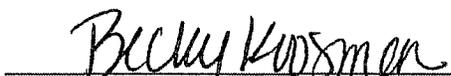
12. The city must approve the final plat within one year of the preliminary approval or receive a written application for a time extension, or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 22, 2019.



Brad Wiersum, Mayor

Attest:



Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption: Bergstedt

Seconded by: Calvert

Voted in favor of: Schack, Carter, Bergstedt, Ellingson, Calvert, Wiersum

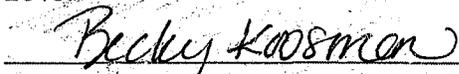
Voted against:

Abstained:

Absent: Happe:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on July 22, 2019.



Becky Koosman, City Clerk



Resolution No. 2019-

Resolution approving the final plat of CONIFER HEIGHTS, a six-lot subdivision at 5615 Conifer Trail and 5616 Mahoney Avenue

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Capital Development, LLC, has requested approval of the final plat of CONIFER HEIGHTS.

1.02 The property is located at 5615 Conifer Trail and 5616 Mahoney Ave.

It is legally described as:

Parcel B:

The south 100 feet of the North 200 feet of the west half of the east half of the north half of the Northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range 22, Hennepin County, Minnesota.

Parcel C:

The north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117 North, Range 22 West of the 5th principal meridian, except the north 126.8 feet of the east quarter thereof.

AND EXCEPT:

The south 100 feet of the north 200 feet of the west half of the east half of the north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range. 22.

1.03 On July 22, 2019, the city council approved CONIFER HEIGHTS preliminary plat.

Section 2. Standards.

2.01 The city council approves the final plat of CONIFER HEIGHTS. Approval is subject

to the following conditions:

1. Compliance with conditions outlined in preliminary plat Resolution No. 2019-063.
2. Prior to the release of the final plat for recording, submit the following:
 - a) Two sets of mylars for city signatures.
 - b) An electronic CAD file of the plat in microstation or DXF.
 - c) Park dedication fee of \$20,000.
3. Unless the city council approves a time extension, the final plat must be recorded by Oct. 7, 2020.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Oct. 7, 2019.

Becky Koosman, City Clerk