

**CITY OF NORTHFIELD, MN
CITY COUNCIL RESOLUTION 2019-075**

**APPROVING THE DEVELOPMENT, ESCROW AND STORMWATER
FACILITIES MAINTENANCE AGREEMENTS BETWEEN
THE CITY OF NORTHFIELD AND MAPLE BROOK, LLC**

WHEREAS, Maple Brook, LLC (the “Developer”) is seeking approval of a Development Agreement (the “Development Agreement”), Escrow Agreement (the “Escrow Agreement”), and Declaration of Covenants and Agreement for Maintenance of Stormwater Facilities (the “Stormwater Agreement”) related to and as a condition of the Maple Brook Townhomes CIC Plat, for the development of that certain property legally described in the Development Agreement (the “Development Property”); and

WHEREAS, the above-referenced Development Agreement, which is attached hereto as Exhibit A, requires that prior to construction activities on the Development Property, the Developer shall enter into a development agreement with the City and will comply with all terms and conditions thereof; and

WHEREAS, The Developer proposes to undertake certain activities associated with the development on the Development Property, including but not limited to, the installation of public improvements and the construction of residential structures as outlined in the Development Agreement; and

WHEREAS, the Developer will provide financial security in the form of an escrow agreement, which is attached hereto as Exhibit B, insuring the installation of the required public improvements and is agreeing to pay to the City the required fees and charges contained in the Development Agreement associated with the Maple Brook Townhome CIC Plat (the form of the escrow agreement is also attached to the Development Agreement as Exhibit D thereto); and

WHEREAS, pursuant to the Development Agreement and City Code, prior to commencement of construction of the project on the Development Property, the City and Developer shall enter into a stormwater agreement, which is attached hereto as Exhibit C, containing terms and conditions as required by the City setting forth, in a recordable instrument, an agreement to establish covenants and declarations upon the Development Property for the installation of and ongoing operation, repair, maintenance and replacement of the stormwater facilities on the Development Property by the Owner and the Owner’s successors and assigns at the Owner’s and the Owner’s successors’ and assigns’ cost and expense.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT: the Development Agreement, the Escrow Agreement, and the Stormwater Agreement, respectively, between the City of Northfield and Maple Brook, LLC are hereby approved as to form as attached hereto.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL THAT: the Mayor and City Clerk of the City of Northfield, respectively, are authorized to sign the Development Agreement, Escrow Agreement, and Stormwater Agreement, respectively, substantially in the form attached hereto, allowing for any minor or technical changes as necessary to complete the documents substantially in the form hereby approved, provided that Maple Brook, LLC has first properly executed such Development Agreement, executed such Escrow Agreement and provided the required financing and security, executed such Stormwater Agreement, and obtained all consents as applicable for execution of the Development Agreement, Escrow Agreement, and Stormwater Agreement, respectively, from mortgagees and property owners of the Development Property, as applicable, or as otherwise deemed necessary by the City Engineer.

PASSED by the City Council of the City of Northfield on this 23rd day of July, 2019.

ATTEST

City Clerk

Mayor

VOTE: POWNELL GRABAU DELONG NAKASIAN
 NESS PETERSON WHITE ZWEIFEL

EXHIBIT A
DEVELOPMENT AGREEMENT

EXHIBIT B
ESCROW AGREEMENT

EXHIBIT C
STORMWATER AGREEMENT