

Good Morning, I will be bringing in more information concerning Outlot A and why I think there was a drainage and utility easement placed over all, when there was no drainage issues.

I printed out a couple example of parkland problems. Things would be approved and over the course of 4,5,6 phases or additions parkland that was supposed to be dedicated deeded got lost in the shuffle or was outside the city limits, moved from here to there or was to be dedicated in the future, which sometimes didn't happen.

This all culminated in 1999 when promised parkland near the proposed Presidential Commons got swallowed up by the development

The neighbors sued and a settlement was reached whereby the City had to buy 6 lots from the developer for \$120,000 to replace the purloined parkland.

A drainage and utility easement over all means if anything changes on that outlot changes at all, it has to come before the Council. Causing public scrutiny early on instead of getting sued later.

Dave

E-mail obnaga

**CITY OF NORTHFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM**

DATE: December 11, 1997

TO: The Honorable Mayor and City Council

FROM: Kimberly Johnson, City Planner
Joel B. West, Community Development Director
Randy Peterson, City Engineer

SUBJECT: Final Plat - Hidden Valley Addition No. 5

ATTACHMENTS: City Council Resolution #97-299.1
Final Plat
Preliminary Plat
Planning Commission Resolution #97-32
Draft Subdivision Agreement
Memo Dated December 10, 1997 - Randy Peterson, City Engineer

SUMMARY

When the City Council decided to purchase the two wooded areas in Hidden Valley Addition No. 5 and recreate Outlots B and C on September 2, 1997, there were three factors at work simultaneously. First, by the time the preliminary plat was being considered by the Council, Tamarack Drive (now Valley Drive) and the corresponding lots had been shifted further to the west to accommodate less grading of the easterly wooded area. Secondly, due to the shifting of the development, the grading plan, which had been developed to accommodate drainage concerns in the development, was being revised. Thirdly, the Planning Commission had recommended that the developer take any additional measures as requested by the City Engineer to address erosion on the steep slopes and to protect existing mature trees native to the site. With the decision to purchase the two wooded areas, which became Outlots B and C, a fourth dimension was added.

Based on the original grading plan, it was always known that some grading was going to occur on the westerly side of Outlot C. What has been revealed in the final grading plan is that there is also more grading that must occur on the east side of Outlot C, which was due to a previous decision to shift the development away from the wooded area, which is now Outlot B.

In approving a final grading plat, it was necessary to accommodate the competing factors of maintaining the number of previously approved developable lots, storm water management, and the

desire to preserve the wooded areas. Also, in negotiating the purchase of Outlots B and C with the developer, it was the developers desire to sell approximately 4 acres on the two outlots at the price of \$12,500 per acre. Staff believes that given these parameters the most appropriate decision was made regarding approval of the grading plan.

At this point, staff has determined the following options exist for grading the site or changing the limits of what is developed or purchased. Please refer to the attached memorandum from City Engineer Randy Peterson.

1. Approve the grading plan as submitted by the developer. The developer has offered to provide trees for replanting in the disturbed areas on Outlot C. Also, the area could be reseeded into prairie grass.
2. Install multiple level retaining walls to eliminate any grading on Outlot C at a cost of over \$150,000.
3. Reduce the grading on Outlot C by constructing retaining walls on Outlot C at an estimated cost of \$70,000.
4. Reduce the size of Outlot C by approximately 1/4 acre which would exclude the majority of the area to be graded along the westerly boundary of the outlot from what the City would purchase. Based on the purchase price of \$12,500 per acre, this reduction in size would reduce the cost of Outlot C by \$3,125 from \$19,875 for a new cost of \$16,750. The developer has been approached about this option and has indicated a willingness to reduce the size of Outlot C by approximately 1/4 acre.
5. Eliminate developable lots in order to reduce the amount of grading that is necessary. This option is not considered feasible due to the initial approval of the concept plan and subsequent plats allowing the number of lots proposed to be constructed.

BACKGROUND AND HISTORY

Original Concept Plan

The original concept plan for the Hidden Valley Addition was approved in conjunction with issuance of a conditional use permit for the Hidden Valley Planned Unit Development. Approval of the concept plan involved review by the Park Board of the park plan for the development and review by the Planning Commission of the park plan as well as general layout of the development.

The Park Board initially reviewed the park plan on March 21, 1983. At this time the proposal was to provide approximately one acre of park land in the area of a 5.5 acre holding pond which was required for the development. The Park Board felt that this amount of dedication was insufficient and directed the developer to return at their next meeting with a revised proposal for park land, suggesting that additional park land be considered in the area of the proposed apartments.

On April 5, 1983, the Park Board reviewed a revised park plan for the development. This plan included a total dedication of 5.3 acres. It is not clear from the Park Board minutes the location of the proposed dedication; however, according to the minutes of the May 5, 1983, Planning Commission meeting, the plan was to dedicate approximately one acre in the area of the holding pond, two acres in the area of the apartments and a cash dedication for the remaining two acres required for dedication. The Park Board voted to recommend approval of this park plan to the Planning Commission.

At the May 5, 1983, Planning Commission meeting, the park plan and entire concept plan was presented to the Planning Commission. It was noted by staff in their presentation that the entire area is well suited for residential development from a soils perspective but that the steep slopes in some areas would need consideration.

There was further discussion about the amount of actual park land being proposed for dedication at this meeting and the relationship of the park land in this development to the park land in the Jefferson Park Addition. There was mention of topography of the site only in regards to solar lot requirements and allowing lesser side yard setbacks.

On May 12, 1983, the Planning Commission and Park Board held a joint meeting to discuss access to the park areas, whether the amount of park land proposed for dedication was sufficient or if area to the east of the project be included, and to determine if park land that is wooded is of value. It is assumed that the area to the east of the project being referred to is the wooded butte on the east side of the property that the Council is considering purchasing.

There was mention that the park area that was being considered to the southwest of the Jefferson Park Addition was heavily wooded and not useful for much more than walkways. Again, it is assumed that this is the wooded butte on the east side of the property that the Council is considering purchasing. There was no further discussion about park land.

Rezoning, Conditional Use Permit/PUD, Preliminary Plat

On May 19, 1983, the Planning Commission voted to recommend approval of Resolution #83-11 recommending approval of rezoning the property from AG, Agriculture, to R1, One-family Residential, Resolution #83-12 recommending approval of a Conditional Use Permit/Planned Unit Development, and Resolution #83-13 recommending approval of the Preliminary Plat of Blocks 1-7 of Hidden Valley Addition. There was no discussion of any of the previously identified issues.

On May 27, 1983, the City Council conducted the first reading of Ordinance #442 regarding the rezoning of the property from AG, Agriculture, to R-1, One-family Residential, and passed Resolution #83-164 adopting findings of fact supporting ordinance #442. The City Council also passed Resolution #83-165 approving the Conditional Use Permit/PUD and Resolution #83-166 approving the Preliminary Plat of Blocks 1-7 of Hidden Valley Addition. There was no discussion of any of the items.

The entire remainder of the preliminary plat area is to be final platted into outlots for future development. Outlots A and B are for future single-family detached residential development, Outlot C and E are for future multi-family development, and Outlot D is for future single-family, detached residential development and park land.

UTILITIES AND DRAINAGE

Municipal Sanitary Sewer and Water

Sanitary sewer and water are available to the site. Easement locations for extension of utilities have been provided on the portion of the final plat consisting of Blocks 1, 2, and 3. Specific easement locations on the outlots will be provided in accordance with the approved utility plan at the time that they are platted for development.

Storm Water

Drainage will be handled by a storm water detention pond located on Outlot E, which will not be developed at this time, and by a storm water pond on the Northfield Golf Club property. An easement in favor of the Developer has been granted by the Northfield Golf Club for use of the storm water pond to handle runoff from this development.

STREETS AND SIDEWALKS

Streets

Access to this development will be achieved by extension of Mayflower Drive and Goldenrod Court. Other public streets will be extended into other portions of the plat area at the time such areas are platted for development. The entire length of East Jefferson Parkway within the preliminary plat area will be dedicated to the City with this final plat. The easement for the portion of East Jefferson Parkway outside of the development area to the north has been granted to the City in conjunction with annexation of the land to the City.

Sidewalks and Pedestrian Trails

Sidewalk will be provided along the south and west sides of Turnberry Lane, and on both sides of East Jefferson Parkway.

PARK DEDICATION

Parkland dedication is via land which is incorporated into Outlot D, which is to be platted at a later time. It should be noted that one of the conditions of Preliminary Plat approval was that the outlot for the park be deeded to the City with the final plat of the first phase of this development. However, due to other issues, the Developer has decided not to include the park area or the single-family lots

adjacent to it in the first phase of the plat. Therefore, the parkland and the single-family area adjacent to it have been combined into one large outlot. It is proposed that the park will be deeded to the City when this area is to final platted for development.

PLANNING COMMISSION RECOMMENDATION

On August 24, 1998, the Planning Commission adopted Resolution #98-24 (Exhibit C) recommending conditional approval of the final plat of Rosewood 1st Addition subject to a Subdivision Agreement between the City of Northfield and the Developer.

RESOLUTION

WHEREAS, there was a motion by the Park Board on March 10, 1992 that the Park Board and City Council work towards a permanent park solution for the Lincoln Woods Development; and

WHEREAS, on October 18, 1994 the Park Board reaffirmed the need for parkland in this area with a motion that the entire 2.5 acre tract of land between Viking Terrace and Lincoln Woods Development (Lot 1, Block 1, Lincoln Woods Addition) be dedicated as parkland; and

WHEREAS, there are 14 homes, 24 townhomes and numerous mobile homes within this area with no park facility; and

WHEREAS, the Park Board believes parkland is essential in densely populated areas; and

WHEREAS, there is a need for open space and park facilities in this densely populated area; and

WHEREAS, the agreement with Lincoln Woods Townhome Association for the use of the tot lot has a limit of ten (10) years and it is halfway through that window; and

WHEREAS, the residents of the area were assured by City Officials in the past that this tract of land would be developed as parkland; and

WHEREAS, it is the policy of the Park Board and City Council to provide adequate park facilities for everyone within a ½ mile radius; and

WHEREAS, the Park Board feels it is necessary to provide affordable housing; and

WHEREAS, the Park Board feels it is discriminatory not to provide parkland for affordable housing developments.

NOW THEREFORE BE IT RESOLVED, by the Park Board of the City of Northfield asks the City Council of the City of Northfield to move forward on dedicating this 2.5 acres of land (Lot 1, Block 1, Lincoln Woods Addition) as parkland.

Passed by the Park Board of the City of Northfield this 29th day of May, 1997.

Chair

ATTEST:

Board Member

Finance Director/City Clerk

Board Member

Vote: Y Carlson, Y Harkness, King, Y Hargis, Y Hill, Y Clarke

RESOLUTION #99-120

RESOLUTION APPROVING SETTLEMENT AGREEMENT

WHEREAS, a Petition for Writ of Mandamus ("lawsuit") brought by Russell D. Matson and Diane A. Matson against the City of Northfield, William N. Storlie, et. al., has been filed as Court File No. 66-C8-99-000324 in the District Court, Third Judicial District, Faribault, Rice County, Minnesota; and

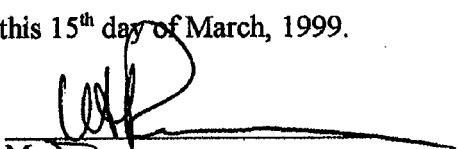
WHEREAS, a settlement of the lawsuit has been proposed by which the City would purchase from the property owner of the Presidential Commons development six (6) lots, namely Lots 13 through 18, Presidential Commons, for a purchase price of \$20,000.00 per lot, or a total of \$120,000.00, and would dedicate said lots to park purposes; and

WHEREAS, all of the parties to the lawsuit other than the City of Northfield have agreed to the aforesaid settlement on terms as are more fully stated in the Settlement Agreement attached hereto as Exhibit A, and have signed the same (provided that the signatures of William N. Storlie and Mary C. Storlie will not be effective unless and until the City Council approves a tax increment financing district and the Northfield Housing and Redevelopment Authority approves tax increment financing for the Presidential Commons project in the amount of \$750,000.00).

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Northfield hereby approves the settlement agreement described above and authorizes the Mayor and Finance Director/City Clerk to sign the Settlement Agreement attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that City staff are hereby authorized to take all actions and execute all documents necessary to purchase Lots 13-18, Presidential Commons, on terms as stated in the attached Settlement Agreement.

Passed by the City Council of the City of Northfield this 15th day of March, 1999.

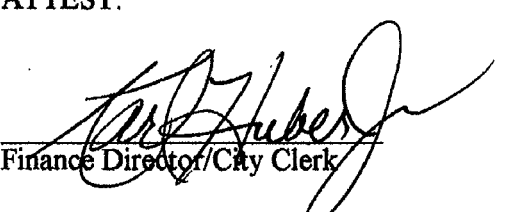


Mayor



Council Member

ATTEST:



Finance Director/City Clerk



Council Member

VOTE: Y ROSSMAN Y PROWE Y GARWOOD-DELONG
 — HANSON Y MALECHA Y KOENIG Y LINSTROTH

SETTLEMENT AGREEMENT

This Agreement, made as of the latest date of its execution by any of the parties, by and between Russell D. Matson and Diane A. Matson, husband and wife ("Petitioners"), the City of Northfield, a municipal corporation of the State of Minnesota ("the City"), William N. Storlie and Mary C. Storlie, husband and wife, and Northfield WNS, Inc., a Minnesota corporation (referred to collectively herein as "the Storlies").

WITNESSETH THAT, this Agreement is made as a compromise between the parties for the complete and final settlement of any and all of their claims, counter-claims, differences, and causes of action with respect to the dispute described below.

WHEREAS, Petitioners are the named Petitioners in a Petition for Writ of Mandamus ("the lawsuit") dated February 19, 1999, which has been filed in District Court, Rice County, Minnesota, as Court File No. 66-C8-99-000324, which Petition is incorporated herein by reference; and

WHEREAS, by the lawsuit, Petitioners sought conveyance by William N. Storlie and/or other named Respondents of certain land to the City for park and drainage purposes; and

WHEREAS, all of the Respondents named in the lawsuit, including the City and the Storlies, deny any liability to the Petitioners and deny that they have any legal obligation to convey or accept the land sought to be conveyed for any purpose; and

WHEREAS, the City plans to construct a public facility known as the Northfield Community Resource Center on a parcel described as Lot 1, Block 5, Presidential Commons, which parcel has been donated to the City by the Storlies contingent upon certain conditions being met; and

WHEREAS, the City and the Storlies wish to settle and resolve the lawsuit in order to allow both the City's and the Storlies' development plans for Presidential Commons to go forward in a timely manner without whatever risk and/or additional costs there may be in proceeding with such development during the pendency of the lawsuit; and

WHEREAS, although the City believes there is no legal obligation on the Storlies' part to dedicate to the City any additional parkland in the Jefferson Park Planned Residential Development ("Jefferson Park PRD"), the park dedication requirements of Northfield Ordinance Section 1310:1203 having been previously met, and the City believes there are no significant drainage issues which have not been addressed by the storm water plan for Presidential Commons and other drainage plans for the area, the City is cognizant that many people in the City have reasonably believed that there would be additional parkland in the area known as "Grant Park" in the Jefferson Park PRD; and

WHEREAS, the Petitioners desire to reach a full and final compromise and settlement of all matters and all causes of action arising out of the facts and claims as set forth in the lawsuit; and

WHEREAS, the City is willing to purchase from the Storlies and the Storlies are willing to sell to the City six (6) lots within Presidential Commons, specifically Lots 13 through 18 thereof ("the Property"), and the City will dedicate the same to park purposes; and

WHEREAS, Petitioners are willing to accept the aforesaid sale, purchase and dedication of the Property as a settlement and accord of the lawsuit and to dismiss the same with prejudice in consideration of such sale, purchase and dedication.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the parties agree as follows:

1. **PURCHASE AGREEMENT.** The City agrees to purchase from the Storlies and the Storlies agree to sell to the City the Property, Lots 13 through 18, Presidential Commons, at a price of \$20,000.00 per lot, for a total purchase price of \$120,000.00. The sale shall be closed on or before May 1, 1999. Upon delivery of the purchase price, the Storlies shall execute and deliver a warranty deed conveying to the City marketable title of record, subject to:
 - a. Building and zoning laws, ordinances, state and federal regulations;
 - b. Restrictions relating to use or improvement of the real property without effective forfeiture provisions;
 - c. Reservation of any mineral rights by the State of Minnesota;
 - d. Utility and drainage easements which do not interfere with existing improvements, if any;
 - e. Exceptions to title which constitute encumbrances, restrictions, or easements which have been disclosed to the City and accepted by the City in this purchase agreement.

Real estate taxes due and payable in the year of closing shall be prorated between the City and the Storlies to the date of closing. The Storlies shall pay on the date of closing any special assessments levied as of the date of closing.

The Storlies shall immediately following the full execution of this Agreement furnish to the City an abstract of title or a registered property abstract certified to date including all of the usual searches. The City shall have 10 business days after receipt of the evidence of title to examine title and make any objections to title, which if not then made shall be deemed to be waived. The Storlies shall have 120 days after receipt of the City's title objections to make title marketable. Pending correction of title, the closing required herein shall be postponed. If title is not made marketable within 120 days, the City shall have any and all available remedies in law or equity. If title is made marketable within 120

Diane Matson
Diane A. Matson

Carol A. Overland
Carol A. Overland, their attorney

Dated: 4-15-99

STORLIES

William N. Storlie
William N. Storlie

Mary C. Storlie
Mary C. Storlie

Michael W. Hero
Michael W. Hero, their attorney

By: Karl Huber, Jr.
Karl Huber, Jr.
Its Finance Director/City Clerk

Maren L. Swanson
Maren L. Swanson, its attorney

Dated: 4-15-99

NORTHFIELD WNS, INC.

By: William N. Storlie
William N. Storlie
Its President

Michael W. Hero
Michael W. Hero, its attorney