

RESOLUTION NO: 22-40

TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

THE OAKS OF BATTLE BROOK
PRELIMINARY PLAT AND FINAL PLAT APPROVAL
AND AUTHORIZATION TO EXECUTE AGREEMENTS

WHEREAS, The Oaks of Battle Brook, LLC (the “developer”) is proposing to subdivide property described by Exhibit A; and

WHEREAS, the developer has submitted application for preliminary plat approval to be processed in accordance with Section XX-3-3.B of the Subdivision Ordinance; and

WHEREAS, the developer is requesting concurrent approval of a final plat approval to be processed in accordance with Section XX-3-3.C of the Subdivision Ordinance; and

WHEREAS, the Planning Reports dated 18 August 2022, 28 September 2022, and 27 October 2022 prepared by the Town Planner, The Planning Company, LLC, is incorporated herein by reference; and

WHEREAS, the memorandum dated August 19, 2022 prepared by the Town Engineer, Bogart-Pederson, Inc., is incorporated herein by reference; and

WHEREAS, the Planning Commission conducted a public hearing at their regular meeting on 27 July 2022 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission recommended by a 4-0 vote that the Town Board approve the request.

WHEREAS, Section XX-11-5 of the Subdivision Ordinance requires the developer to enter into a development contract to provide the Town construction and warranty securities for the public and private improvements and to provide the Town various remedies in the event that the developer breaches the terms and conditions of said agreement; and

WHEREAS, the Town Board considered the application at their meeting on 1 November 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF BALDWIN TOWNSHIP, MINNESOTA THAT:

- A. The preliminary plat and final plat of The Oaks of Battle Brook is hereby approved, subject to the following stipulations:

1. Construction on all lots shall comply with the following setback requirements:

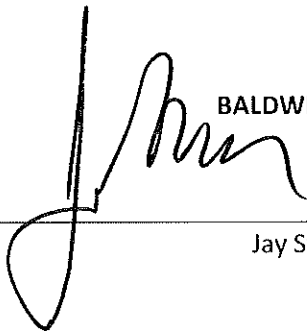
A. Front Yard or Side Yard Abutting a Public Road:		
	County State Aid Highway	70 feet
	Township Road:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet

2. Impervious surface shall not exceed 25 percent of lot area, or portion of a lot, within the Shoreland Overlay District.
3. Right-of-way dedication for and driveway access for Lot 1, Block 2 and Lot 2, Block 3 to 293rd Avenue (CSAH 9) shall be subject to review and approval of the Sherburne County Engineer.
4. Right-of-way dedication for 131st Street and 136th Street shall be subject to review and approval of the Town Engineer.
5. Right-of-way or trail easement shall be dedicated abutting 293rd Avenue (CSAH 9), subject to review and approval of the Town Engineer and Sherburne County
6. Driveway access to individual lots to 136th Street shall comply with the Town Right-of-Way Ordinance, subject to review and approval of the Town Engineer.
7. The developer shall execute an encroachment agreement drafted by the Town Attorney allowing Lot 6, Block 2 and Lot 1, Block 3 temporary shared access to 293rd Avenue (CSAH 9) within the right-of-way for 131st Street.
8. The subdivider of Outlot A shall be responsible at their cost for construction of 131st Street as a public road in accordance with Town standards between 131st Street to the terminus within the plat of Battle Brook, including removal and restoration of the temporary cul-de-sac.
9. Subsurface Sewage Treatment Systems and well utilities for each lot, including Lot 2, Block 4, shall be subject to review and approval of the Building Official.
10. All grading, drainage, and erosion control plans shall be subject to review and approval of the Town Engineer.
11. The developer shall execute a stormwater maintenance agreement as drafted by the Town Attorney.

12. Development of Lots 1 and 2, Block 1 and any new construction on Lot 2, Block 4 shall require approval of a Sherburne County WCA Land Use Permit.
 13. All easements shall be subject to review and approval of the Town Engineer.
 14. Park dedication requirements shall be satisfied by payment of a cash fee in lieu of land of \$60,000.00, subject to review of the Park Committee and approval of the Town Board.
- B. The Encroachment Agreement drafted by the Town Attorney attached hereto between Baldwin Township and The Oaks of Battle Brook, LLC is hereby approved in form subject to modification as approved by Town staff.
- C. The Stormwater Maintenance Agreement drafted by the Town Attorney attached hereto between Baldwin Township and The Oaks of Battle Brook, LLC is hereby approved in form subject to modification as approved by Town staff.
- D. The Town Board Chair and Town Clerk/Treasurer are hereby authorized to sign the final plat and execute the agreements on behalf of Baldwin Township.

ADOPTED by the Town Board of Baldwin Township this 1st day of November, 2022.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:


BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:


Joan Heinen, Town Clerk/Treasurer

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel A:

The Southwest Quarter of Southeast Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

Parcel B:

The Southeast Quarter of Southwest Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

Parcel C:

The Northwest Quarter of Southwest Quarter of Southwest Quarter; and the East Half of Southwest Quarter of Southwest Quarter, Section 20, Township 35, Range 26, Sherburne County, Minnesota