

**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2020-\_\_**

**RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL FOR MINOR  
SUBDIVISION OF PROPERTY LOCATED ON OAKGREEN AVENUE SOUTH**

**WHEREAS**, Seth Haukedahl and Mindy Haukedahl (“Applicants”) submitted an application to Denmark Township (“Town”) for a minor subdivision for property (PID 04.027.20.21.0007) they own, which is located at 6211 Oakgreen Avenue South, which is legally described in the attached Exhibit A (“Property”);

**WHEREAS**, the proposed minor subdivision divides the Property into two parcels, which are identified as “Tract A” and “Tract B,” as shown on the survey attached hereto as Exhibit B and legally described in the attached Exhibit C;

**WHEREAS**, Tract A would retain an existing home and would have access onto Oakgreen Avenue South, and Tract B would gain access via a cul-de-sac at the end of 59<sup>th</sup> Street South, which is in the City of Afton;

**WHEREAS**, the Planning Commission reviewed the request at a duly noticed public hearing held on May 18, 2020 and acted to forward the application to the Town Board with a recommendation that it be approved with certain conditions; and

**WHEREAS**, the Town Board hereby finds and determines as follows:

- a. The subject property is currently zoned Rural Residential and is located within the Shoreland Management Overlay;
- b. Chapter 3, Section 6 permits minor subdivisions containing three (3) or less lots fronting on an existing public street, or approved private driveway, not involving any new street or road;
- c. The proposed minor subdivision would subdivide one (1) lot into two (2) lots;
- d. The City of Afton has granted a driveway permit to the Applicant for an access onto an existing cul-de-sac on 59<sup>th</sup> Street South;
- e. The proposed minor subdivision does not dedicate any new public roads;
- f. The property satisfies the minimum lot size for the proposed use;
- g. The lots to be divided are in a location where conditions are well defined;
- h. The newly created property lines will not cause any resulting lot to be in violation of the Development Code;

- i. The proposed division was prepared by a registered land surveyor; and
- j. The proposed subdivision is in compliance with the Town's Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board, based on the Planner's Report, the record of this matter, and the findings and determinations made herein, does hereby grant preliminary and final approval of the above described minor subdivision of the Property as proposed in the survey attached hereto as Exhibit B, which will result in two parcels as legally described in the attached Exhibit C, conditioned on compliance with all of the following:

1. Development Agreement. The Applicant shall enter into a Development Agreement that is prepared by the Town Attorney. More specifically, the Development Agreement shall include provisions related to, but not limited to, payment of the park dedication fee, required covenants, and such other provisions as the Town Attorney determines are appropriate.
2. Park Dedication. The Applicant shall pay a park dedication fee in the amount of \$2,000 in lieu of land dedication for the one new lot being established. This fee shall be paid before the Applicant is allowed to record the subdivision with the County.
3. Septic System. Washington County Department of Public Health and Environmental must approve the proposed septic system locations per the most recent requirements of the Washington County Septic Code.
4. Representations. All representations, written and oral, made by the Applicants, including their agents and representatives, to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made.
5. Compliance. All representations, written and oral, made by the Applicant and the Applicant's agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made.
6. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Towns for processing this approval application. In the event any fees are outstanding they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
7. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicant or Owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.

**BE IT FINALLY RESOLVED**, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized and directed to do each of the following:

1. To execute the Development Agreement for this minor subdivision on behalf of the Town once they are in a form acceptable to the Town Attorney.
2. To execute such other documents and to take such other actions as may be required to carry out the intent of this Resolution upon the Applicants' satisfactory completion of its obligations.

Adopted this 1<sup>st</sup> day of June 2020.

**BY THE TOWN BOARD**

\_\_\_\_\_  
Kathleen A. Higgins, Chairperson

Attest: \_\_\_\_\_  
Becky Herman, Clerk-Treasurer

**EXHIBIT A**  
Legal Description of Property

That part of the North Half of the Northwest Quarter of Section 4, Township 27, Range 20, Washington County, Minnesota, which lies east and easterly of the following described line, to wit: Commencing at the northwest corner of said Section 4; thence East along the north line of said Northwest Quarter for 971.55 feet to the Point of Beginning of the line to be described; thence South at right angles to said north line a distance of 375.00 feet; thence southeasterly to a point on the south line of said North Half of said Northwest Quarter distant 1500.00 feet East from the southwest corner of said North Half of the Northwest Quarter; except: Commencing at the northwest corner of said Section 4; thence East along the north line of said Northwest Quarter a distance of 1271.55 feet to the Point of Beginning of the land to be described; thence continuing East along said north line a distance of 726.00 feet; thence South, at right angles, for 300.00 feet; thence West at right angles for 726.00 feet; thence North at right angles for 300.00 feet to the Point of Beginning. Also except: Beginning at the southeast corner of said North Half of the Northwest Quarter; thence North 00 degrees 35 minutes 37 seconds West, assumed bearing, along the east line of said North Half of the Northwest Quarter a distance of 315.04 feet; thence North 60 degrees 50 minutes 26 seconds West a distance of 470.21 feet; thence South 78 degrees 08 minutes 58 seconds West a distance of 243.52 feet; thence South 23 degrees 09 minutes 37 seconds West a distance of 526.50 feet to the south line of said North Half of the Northwest Quarter; thence South 89 degrees 19 minutes 46 seconds East along said south line a distance of 859.34 feet to the Point of Beginning; and the north 208.71 feet of the west 857.80 feet of the east 1582.80 feet of the South Half of the Northwest Quarter of Section 4, Township 27, Range 20, Washington County, Minnesota. Subject to easements of record.

**EXHIBIT B**  
Subdivision Survey

(attached hereto)

**EXHIBIT C**  
Legal Description of Resulting Tract A and Tract B

**TRACT A:**

That part of the follow described property:

That part of the North Half of the Northwest Quarter of Section 4, Township 27, Range 20, Washington county, Minnesota, which lies east and easterly of the following described line, to wit: Commencing at the northwest corner of said Section 4; thence East along the north line of said Northwest Quarter for 971.55 feet to the Point of Beginning of the line to be described; thence South at right angles to said north line a distance of 375.00 feet; thence southeasterly to a point on the south line of said North Half of said Northwest Quarter distant 1500.00 feet East from the southwest corner of said North Half of the Northwest Quarter; except: Commencing at the northwest corner of said Section 4; thence East along the north line of said Northwest Quarter a distance of 1271.55 feet to the Point of Beginning of the land to be described; thence continuing East along said north line a distance of 726.00 feet; thence South, at right angles, for 300.00 feet; thence West at right angles for 726.00 feet; thence North at right angles for 300.00 feet to the Point of Beginning. Also except: Beginning at the southeast corner of said North Half of the Northwest Quarter; thence North 00 degrees 35 minutes 37 seconds West, assumed bearing, along the east line of said North Half of the Northwest Quarter a distance of 315.04 feet; thence North 60 degrees 50 minutes 26 seconds West a distance of 470.21 feet; thence South 78 degrees 08 minutes 58 seconds West a distance of 243.52 feet; thence South 23 degrees 09 minutes 37 seconds West a distance of 526.50 feet to the south line of said North Half of the Northwest Quarter; thence South 89 degrees 19 minutes 46 seconds East along said south line a distance of 859.34 feet to the Point of Beginning;

Which lies southerly of the following described line:

Commencing at the southeast corner of said North Half of the Northwest Quarter; thence North 00 degrees 35 minutes 37 seconds West, assumed bearing, along the east line of said North Half of the Northwest Quarter a distance of 315.04 feet; thence North 60 degrees 50 minutes 26 seconds West a distance of 470.21 feet; thence South 78 degrees 08 minutes 58 seconds West a distance of 243.52 feet to the Point of Beginning; thence North 83 degrees 18 minutes 12 seconds West a distance of 147.00 feet; thence North 18 degrees 35 minutes 28 seconds West a distance of 73.24 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 41.71 feet; thence South 72 degrees 49 minutes 54 seconds West a distance of 74.37 feet; thence South 41 degrees 20 minutes 04 seconds West a distance of 96.88 feet; thence South 72 degrees 56 minutes 50 seconds West a distance of 404.37 feet to the southwesterly line of the above described parcel and said line there terminating. And the north 208.71 feet of the west 857.80 feet of the east 1582.80 feet of the South Half of the Northwest Quarter of Section 4, Township 27, Range 20, Washington County, Minnesota.  
Subject to easements of record.

**TRACT B:**

That part of the follow described property:

That part of the North Half of the Northwest Quarter of Section 4, Township 27, Range 20, Washington county, Minnesota, which lies east and easterly of the following described line, to wit: Commencing at the northwest corner of said Section 4; thence East along the north line of said Northwest Quarter for 971.55 feet to the Point of Beginning of the line to be described; thence South at right angles to said north line a distance of 375.00 feet; thence southeasterly to a point on the south line of said North Half of said Northwest Quarter distant 1500.00 feet East from the southwest corner of said North Half of the Northwest Quarter; except: Commencing at the northwest corner of said Section 4; thence East along the north line of said Northwest Quarter a distance of 1271.55 feet to the Point of Beginning of the land to be described; thence continuing East along said north line a distance of 726.00 feet; thence South, at right angles, for 300.00 feet; thence West at right angles for 726.00 feet; thence North at right angles for 300.00 feet to the Point of Beginning. Also except: Beginning at the southeast corner of said North Half of the Northwest Quarter; thence North 00 degrees 35 minutes 37 seconds West, assumed bearing, along the east line of said North Half of the Northwest Quarter a distance of 315.04 feet; thence North 60 degrees 50 minutes 26 seconds West a distance of 470.21 feet; thence South 78 degrees 08 minutes 58 seconds West a distance of 243.52 feet; thence South 23 degrees 09 minutes 37 seconds West a distance of 526.50 feet to the south line of said North Half of the Northwest Quarter; thence South 89 degrees 19 minutes 46 seconds East along said south line a distance of 859.34 feet to the Point of Beginning;

Which lies northerly of the following described line:

Commencing at the southeast corner of said North Half of the Northwest Quarter; thence North 00 degrees 35 minutes 37 seconds West, assumed bearing, along the east line of said North Half of the Northwest Quarter a distance of 315.04 feet; thence North 60 degrees 50 minutes 26 seconds West a distance of 470.21 feet; thence South 78 degrees 08 minutes 58 seconds West a distance of 243.52 feet to the Point of Beginning; thence North 83 degrees 18 minutes 12 seconds West a distance of 147.00 feet; thence North 18 degrees 35 minutes 28 seconds West a distance of 73.24 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 41.71 feet; thence South 72 degrees 49 minutes 54 seconds West a distance of 74.37 feet; thence South 41 degrees 20 minutes 04 seconds West a distance of 96.88 feet; thence South 72 degrees 56 minutes 50 seconds West a distance of 404.37 feet to the southwesterly line of the above described parcel and said line there terminating.

Subject to easements of record