

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

**RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL FOR  
MINOR SUBDIVISION OF PROPERTY LOCATED ON  
STATE HIGHWAY 95/MANNING AVENUE SOUTH  
AND APPROVING A VARIANCE**

**WHEREAS**, Lana Meyer (“Applicant”) submitted an application to Denmark Township (“Town”) for a minor subdivision for property (PID 06.027.20.23.0004), which is located on State Highway 95/Manning 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 “Parcel A” and “Parcel B,” as shown on the survey attached hereto as Exhibit B and legally described in the attached Exhibit C;

**WHEREAS**, Parcel A would be 36.9 acres in size and have frontage along State Highway 95/Manning Avenue South, and Parcel B would be 19.7 acres in size and gain access via an access easement;

**WHEREAS**, since the width of this access easement abutting Parcel B is 47 feet, a variance is requested to reduce the required roadway frontage from the standard 300 feet to 47 feet;

**WHEREAS**, the Planning Commission reviewed the request at a duly noticed public hearing held on June 15, 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 Property owner proposes to subdivide the Property, which is a reasonable use;
- b. The proposed dividing line between Parcels A and B is along a quarter section line and transmission line corridor which are unique circumstances not caused by the landowner, and the dividing line in this location allots the entirety of the existing frontage to just Parcel B;
- c. The variance, if granted, will not alter the essential character of the locality as Parcel B will be of a similar size as a parcel in the vicinity and the proposed parcel will remain in agricultural use;
- d. Economic conditions are not contributing to the practical difficulties;
- e. The Property is currently zoned Agricultural A-2;

- f. 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;
- g. The proposed minor subdivision would subdivide one (1) lot into two (2) lots;
- h. In conjunction with the subdivision an access easement will be defined and executed which will provide access for Parcel B to State Highway 95/Manning Avenue South;
- i. The proposed minor subdivision does not dedicate any new public roads;
- j. The property satisfies the minimum lot size for the proposed use;
- k. The lots to be divided are in a location where conditions are well-defined;
- l. The newly created property lines will not cause any resulting lot to be in violation of the Development Code except as authorized;
- m. The proposed division was prepared by a registered land surveyor;
- n. The proposed subdivision is in compliance with the Town's Comprehensive Plan;
- o. Parcel B will have approximately 47 feet of frontage on Manning Avenue via a private access easement running across the top of Parcel C. Because the width of the access easement will be less than the 300 feet of frontage required by the Development Code, a variance is needed to allow the reduced frontage; and
- p. The Town Board determines that under these circumstances practical difficulties exist to supporting the granting of a variance regarding the frontage requirement.

**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, and approves a variance to reduce the required roadway frontage from the standard 300 feet to 47 feet, 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. 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. Access Easement. The Applicant shall prepare and record an access easement to provide the landlocked parcel access to a public road. The easement must be in a form acceptable to the Town Attorney.
3. Park Dedication. The Applicant shall pay a park dedication fee in lieu of a land dedication. This fee shall be an amount based on fair market value of the land, and shall be paid at the per lot fee as established by the Town Board as part of the Township fee schedule.
4. Representations. 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.
5. Compliance. The Applicant is in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the property for which this approval is granted.
6. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Town 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 its 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 Applicant's satisfactory completion of its obligations.

Adopted this \_\_\_ day of July 2020.

**BY THE TOWN BOARD**

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

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

**EXHIBIT A**  
Legal Description of Property

**EXHIBIT B**  
Subdivision Survey

(attached hereto)

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

**PARCEL A:**

That part of the following described property:

The Southwest Quarter of the Northwest Quarter of Section 6, Township 27 North, Range 20 West, Washington County, Minnesota.

EXCEPT:

Parcel 204 as platted and designated on Minnesota Department of Transportation Right of Way Plat Number 82-139, on file in the office of the County Recorder, Washington County, Minnesota.

Containing 36.90 acres, more or less.

Subject to any easements and restrictions of record.

**PARCEL B:**

That part of the following described property:

The East Half of the Northwest Quarter the Southwest Quarter of Section 6, Township 27 North, Range 20 West, Washington County, Minnesota.

Containing 19.73 acres, more or less.

Subject to any easements and restrictions of record.