**RESOLUTION NO. R2021-023**

**A RESOLUTION OF THE CITY OF SHAKOPEE APPROVING THE PRELIMINARY PLAT OF WHISPERING WATERS**

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**WHEREAS,** KRB Development VIII LLC, applicant, and Steven and Kathleen Muhlenhardt Trust and Bradley Gonyea, property owners, have made application for Preliminary Plat of Whispering Waters; and

**WHEREAS,** the property upon which the request is being made is legally described as;

*See Attached Legal Description; and*

**WHEREAS,** notice was provided and on February 4, 2021, the Planning Commission held a public hearing regarding the Jefferson Court preliminary plat, at which time it heard from city planning staff and invited members of the public to comment; and

**WHEREAS,** the City Council reviewed the Preliminary Plat on February 16, 2021.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Shakopee, Minnesota that the Preliminary Plat of Whispering Waters is hereby approved subject to the following conditions:

**I) The following procedural actions must be addressed/completed prior to the preliminary plat being approved:**

1. Comply with plan review and plat review redlined comments provided.
2. The applicant must work with the City and/or SPUC and the SMSC to have an easement provided for the extension of watermain along Pike Lake Road.
3. Refer to Shakopee Public Utilities comments for watermain.
4. Easements will be shown on the Final Plat as approved by the City Engineer. They include, but are not limited to the following:
   - Verify appropriate drainage and utility easements for public sanitary sewer, storm sewer and watermain systems are provided. The minimum widths of drainage and utility easements are set forth in Section 10.1.A-D of the City of Shakopee Design Criteria.
   - Dedicate drainage and utility easement to encompass the 100-year high water level of all storm water basins.
   - Drainage and utility easements along lot lines must follow the lot line and be a consistent width. Revise the drainage and utility easement between Lots 118 and 119.
5. No structural elements must encroach on any drainage and utility easement.

6. Provide additional right-of-way in the form of sight triangles 15 feet in dimension at each intersection.
7. The applicant must work with City staff to save additional significant trees on the site and provide additional trees on the site to meet replacement requirements.
8. The applicant must work with City Staff and Scott County Highway on re-routing the proposed trail alignment along County Road 16 to a more direct route east of the Prior Lake Outlet Channel.
9. Approval of the preliminary plat does not constitute approval of the submitted construction plans.

**II) The following items need to be addressed/completed prior to approval of a grading permit, a street and utility plan and/or a building permit:**

1. Obtain final approval of the subdivision's storm water management plan.
2. Obtain a NPDES construction site permit prior to any land disturbing activity. A copy of the permit must be provided to the city.
3. Grade the entire site, as proposed on the approved plans, in one phase within one year from the date of approval of the grading permit application. Grading is defined as bringing the site to the proposed finished grade with materials deemed acceptable by the City of Shakopee engineering department, providing topsoil per City requirements and applying seed, mulch and/or sod per City requirements and providing an as-built record grading plan per Section 2.5 of the City of Shakopee Design Criteria.
4. Submit detailed pavement design calculations.
5. Submit a small utilities joint trench design and detail.
6. Plans must be provided to Scott County for review and any conditions imposed by the county must be adhered to by the applicant.
7. Submit a landscaping plan in compliance with the most recent version of the City of Shakopee's Easement Fencing and Landscaping Policy.
8. The contractor must submit a Construction Management Plan to the city prior to any construction activities.
9. Record plans need to be provided per the City of Shakopee Design Criteria, Section 2.5 and Section 11.2 (A-L). The record plans need to be certified and submitted to the engineering department. Provide a letter from the engineer of record certifying all improvements were constructed per approved plans and under the direct supervision of the engineer of record.
10. The applicant must comply with CenterPoint Energy requirements for landscaping within the natural gas pipeline easement.
11. The applicant must comply with the Scott County Highway Department Memo dated January 28, 2021.
12. The applicant must work with the Fire Department and Shakopee Public Utilities to provide adequate hydrant quantities and locations.
13. Municipal water service is available subject to SPUC standard terms and conditions. These include, but are not limited to: installing a lateral water main distribution system in accordance with utility policy, paying the associated inspections costs, granting any necessary easements, paying the Trunk Water Charge, and paying the Water Capacity Charge.
14. Underground electric service is available subject to SPUC standard terms and conditions. These include, but are not limited to: entering into an Underground Distribution Agreement, granting any necessary easements, and paying the associated fees.

15. Street Lighting installation is available subject to SPUC standard terms and conditions. These are contained in the current City of Shakopee Street Lighting Policy. Applicant must pay the associated fees.
16. The applicant must work with City staff to determine if the segment of trail south of 22nd Avenue along the Prior Lake Outlet Channel is constructed at the time of development, or if the segment is graded and a cash contribution is made for future construction.

**III) The following items must be completed prior to the release of a future final plat for recording**

1. The applicant must provide street names to be approved by City staff.
2. A street name change for 20th Avenue must be approved by the City Council for the segment west of Foothill Trail, since the proposed street in this plat is a north-south street.
3. Execution of a Developer's Agreement, which needs to include provisions for a letter of credit or cash security equal to 125 percent of the estimated total cost of the improvements, plus 100 percent of the estimated costs of city inspection and administration.
4. Park Dedication must be paid in accordance with the current City of Shakopee Fee Schedule.
5. Financial security for proposed landscaping on the site must be provided in the amount of 150% of an approved bid amount. The security may be reduced by 75% at the time of planting if a two-year warranty is provided for the plantings and plantings pass inspection.
6. Pay all applicable fees/charges listed, as required by the most current City of Shakopee Fee Schedule: Street and utility fee, Sign Installation Fee, Watermain Fee, Wetland Conservation Act Fees, Trunk Stormwater Charge, Bituminous Sealcoat Fee, Trunk Sanitary Sewer Charge, Stormwater Management Plan Review Fees.
7. The maximum allowable sanitary sewer depth is thirty (30) feet.
8. Submit a detailed contractor's bid for all public improvements associated with this subdivision.
9. Submit a detailed lot area drawing showing the total plat area, the total drainage and utility easement area encompassing 100-year high water levels of wetlands/storm water basins, the total area of right-of-way, the total area of conservation easements and outlots, the total area of bituminous street and the total area of lots.
10. At a minimum, obtain conditional approval of the plat's stormwater management plan.
11. Prior to discharging into a storm water basin, pretreatment must be provided.
12. Submit a detailed geotechnical report outlining subsurface conditions including any groundwater encountered as well as infiltration rates in appropriate locations.
13. Provide electronic files (AutoCAD and Portable Document Format – PDF) of the Final Plat to be recorded with datum on the Scott County coordinate system.

**Adopted in regular session of the City Council of the City of Shakopee, Minnesota, held the _____ day of _____, 2021.**

_____
**Mayor of the City of Shakopee**

Attest:

_____
Lori Hensen, City Clerk

## PROPERTY DESCRIPTION

PARCEL1:

Lot 1, Block 1, MEADOWBROOK RUN, Scott County, Minnesota.

Lot 8, Block 1, MEADOWBROOK RUN, Scott County, Minnesota.

PARCEL 2:

That part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Road No. 16 and west of the East 887.4 feet described as follows:

Beginning at a point in the west line of said East 887.4 feet distant 1124.33 feet north of the south line of said Southeast Quarter; thence deflecting to the left 78 degrees 34 minutes 30 seconds distant 249.78 feet; thence deflecting to the right 78 degrees 34 minutes 30 seconds distant 533.75 feet, more or less, to the centerline of County Road No. 16; thence easterly, along said centerline, 249.78 feet to its intersection with the west line of said East 887.4 feet; thence south, along said west line, 533.75 feet, more or less, to the point of beginning.

PARCEL 3:

All that part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Road No. 16 and west of the East 887.4 feet, EXCEPT THEREFROM that part lying south of a line drawn from a point in the west line of said East Half distant 724.0 feet north of the south line of said Southeast Quarter to a point in the west line of said East 887.4 feet distant 870.0 feet north from the south line of said Southeast Quarter.

EXCEPTING THEREFROM that part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Road No. 16 and west of the East 887.4 feet described as follows:

Beginning at a point in the west line of said East 887.4 feet distant 1124.33 feet north of the south line of said Southeast Quarter; thence deflecting to the left 78 degrees 34 minutes 30 seconds distant 249.78 feet; thence deflecting to the right 78 degrees 34 minutes 30 seconds distant 533.75 feet, more or less, to the centerline of County Road No. 16; thence easterly, along said centerline, 249.78 feet to its intersection with the west line of said East 887.4 feet; thence south, along said west line, 533.75 feet, more or less, to the point of beginning.

AND

That part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota described as beginning at the intersection of the centerline of County Road No. 16 and the west line of the East 887.4 feet of said Southeast Quarter; thence southeasterly, along the centerline of said County Road No. 16, a distance of 204.0 feet; thence southerly, parallel with the east line of said Southeast Quarter, a distance of 233.0 feet; thence southwesterly to a point in the west line of the East 887.4 feet of said Southeast Quarter distant 333.0 feet southerly, as measured along the west line of the East 887.4 feet of said Southeast Quarter, from the centerline of said County Road No. 16; thence northerly, along the west line of the East 887.4 feet of said Southeast Quarter, a distance of 333.0 feet to the point of beginning.

PARCELS 4 AND 5:

That part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Highway No. 16 EXCEPT the East one rod thereof;

EXCEPT THEREFROM the following described tracts (A through C below):

A. All that part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Road No. 16 and west of the East 887.4 feet, which lies north of a line drawn from a point in the west line of said East Half distant 724.0 feet north of the south line of said Southeast Quarter to a point in the west line of said East 887.4 feet distant 870.0 feet north from the south line of said Southeast Quarter.

B. That part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota described as beginning at the intersection of the centerline of County Road No. 16 and the west line of the East 887.4 feet of said Southeast Quarter; thence southeasterly, along the centerline of said County Road No. 16, a distance of 204.0 feet; thence southerly, parallel with the east line of said Southeast Quarter, a distance of 233.0 feet; thence southwesterly to a point in the west line of the East 887.4 feet of said Southeast Quarter distant 333.0 feet southerly, as measured along the west line of the East 887.4 feet of said Southeast Quarter, from the centerline of said County Road No. 16; thence northerly, along the west line of the East 887.4 feet of said Southeast Quarter, a distance of 333.0 feet to the point of beginning.

C. HORIZON HEIGHTS SECOND ADDITION, according to the recorded plat thereof, Scott County, Minnesota.