

RESOLUTION NO. R2021-085
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING
THE FINAL PLAT OF WHISPERING WATERS FIRST ADDITION

WHEREAS, KRB Development VIII LLC, applicant, and Steven and Kathleen Muhlenhardt Trust and Bradley Gonyea, property owners, have made application for the final plat of Whispering Waters First Addition; and

WHEREAS, the property upon which the request is being made is legally described:

See Attached Legal Description; and

WHEREAS, all required public notices regarding the public hearing for the preliminary plat of this site were duly sent and posted and all persons appearing at the hearing the Planning Commission Meeting on February 4, 2021 have been given an opportunity to be heard thereon; and

WHEREAS, the City Council reviewed the proposed final plat of Whispering Waters First Addition on May 18, 2021; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Shakopee, Minnesota that the final plat of Whispering Waters First Addition is hereby approved subject to the following conditions:

I. The following actions must be completed prior to the recording of the Final Plat:

1. The applicant must comply with plat review comments provided. Resubmittal of detailed construction plans will be required for future phases of the project.
2. Refer to Shakopee Public Utilities comments for watermain.
3. Conduct a title search to confirm other interests on the property.
4. 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.
5. Pay all applicable fees/charges listed below, as required by the most current City of Shakopee Fee Schedule.

- Street and Utility Fee
 - Watermain Fee
 - Trunk Storm Water Charge
 - Trunk Sanitary Sewer Charge
 - Sign Installation Fee
 - Wetland Conservation Act Fees
 - Bituminous Sealcoat Fee
 - Storm Water Management Plan Review Fee
6. 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 over the entirety of all outlots not intended to be developed.
 - Additional drainage and utility easement is required between Lots 1 and 2, Block 4 to meet minimum easement requirements.
 - A trail easement is required between Lots 5 and 6, Block 8. The easement must be 14 feet wide centered on the trail.
 7. Submit a detailed contractor's bid for all public improvements associated with this subdivision.
 8. 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.
 9. At a minimum, obtain conditional approval of the development's storm water management plan.
 10. Plans must be provided to Scott County for review and any conditions imposed by the county must be adhered to by the applicant.
 11. All existing driveways to Eagle Creek Blvd must be removed, a right of way permit for work in the County Right-of-Way is required.
 12. Provide electronic files (AutoCAD and Portable Document Format – PDF) of the Final Plat to be recorded with datum on the Scott County coordinate system.
 13. Approval of the final plat does not constitute approval of the submitted construction plans.
 14. Park dedication fees must be paid in accordance with the current City of Shakopee fee schedule at the time of plat recording.

II: The following conditions must be addressed / completed prior to approval of a grading permit and/or a street and utility plan:

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. Provide the city with a copy of all applicable permits/approvals, including, but not limited to the following:
 - Minnesota Department of Health
 - Met Council
 - Minnesota Pollution Control Agency (NPDES and Sanitary Sewer Extension)
 - Shakopee Public Utilities
 - Scott County Highway Department
 - Any other permits required
6. Submit a small utilities joint trench design and detail.
7. Submit a landscaping plan in compliance with the most recent version of the City of Shakopee's Easement Fencing and Landscaping Policy. Some of the proposed planting locations will need to be adjusted as a result of relocated utility lines with recent plan revisions.
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 properly abandon the existing septic systems per MN Rules 7080. The contractor must submit MPCA Abandonment Forms to Scott County Environmental Services.
11. Existing wells on the site must be properly abandoned.
12. The applicant must work provide acceptable detail plans for all Emergency Vehicle Turnarounds to the Shakopee Fire Department and Shakopee Public Works / Engineering.
13. The applicant must work with Centerpoint Energy to have plans approved for the two road crossings of the natural gas pipeline on this site.
14. Tree protection fencing must be installed at the drip line of trees to be saved and inspected prior to any excavation prior to any excavation or tree removal.
15. Financial security for the proposed landscaping on the site must be provided in accordance with City Code requirements and based on an approved bid amount.

III: Following approval and recording of the final plat, the following conditions shall apply:

1. Any signage for the development must comply with City Code and receive sign permits and be located in a recorded signage / landscaping easement.
2. The temporary emergency vehicle turn around will be removed when the adjacent property to the west develops.
3. The outlots that are not intended to be developed must be deeded to the City of Shakopee at the time of recording of this final plat and subsequent final plats.

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

Mayor of the City of Shakopee

ATTEST:

Lori Hensen, City Clerk

PREPARED BY:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

PROPERTY DESCRIPTION

PARCEL 1:

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.