

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 16th day of July, 1980, at 7:30 o'clock P.M., C.D.T.

The following members were present: Mayor Peterson
Councilman Hammero
Councilwoman Berndt
Councilman Amundson
Councilman Denzer

And the following were absent: None

Mayor Peterson presided.

The minutes of the July 2, 1980 meeting were reviewed. There being no additions or corrections, they were approved as mailed.

Motion that the Resolution Approving Final Plat of Pinetree Pond East 3rd Addition be tabled until the next regular meeting, made by Councilman Hammero. Seconded by Councilwoman Berndt. Carried viva voce.

Councilman Denzer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-96

RESOLUTION GRANTING VARIANCE FROM LOT SIZE REQUIREMENT
TO DENNIS WITZEL

WHEREAS, Dennis Witzel has applied to the City for a variance from the minimum acreage requirements of the Mississippi Critical River Corridor; and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove has recommended granting of said variance; and

WHEREAS, pursuant to a letter of June 20, 1980 from the Critical Area Program Coordinator, the Environmental Quality Board does not object to the granting of the variance to the applicant; and

WHEREAS, the parcel created by the Deed of October 15, 1974 would not be able to be used for purposes other than open space if the variance is not granted; and

WHEREAS, the granting of the variance will not impair the health, safety, comfort or morals, or in any other respect be contrary to the intent of the zoning ordinance and comprehensive plan of the City of Cottage Grove, and the variance will not merely serve the convenience of the applicant, but is necessary to alleviate a hardship,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Cottage Grove, County of Washington, State of Minnesota, that the application of Dennis Witzel for a variance from the minimum lot size requirement of the Mississippi Critical River Corridor Regulations be, and the same hereby is, approved.

Passed this 16th day of July, 1980.

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The motion for the adoption of the foregoing resolution was duly seconded by Councilwoman Berndt. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilwoman Berndt, Councilman Hammero, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-

RESOLUTION GRANTING SETBACK VARIANCE FOR DRIVEWAY/PARKING AREA
TO LESLIE F. STEPPLE

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer.

Motion that the foregoing resolution be tabled, made by Councilwoman Berndt. Seconded by Councilman Amundson. Carried viva voce.

Mr. Barry Mossbarger appeared before the Council objecting to the proposed multiple family dwelling units to be built by Secure Properties, Inc.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-97

RESOLUTION GRANTING CONDITIONAL USE PERMIT TO SECURE PROPERTIES
INC, FOR MULTIPLE FAMILY DWELLINGS

WHEREAS, Secure Properties, Inc. is the owner of the following described property within the City of Cottage Grove:

All of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Eight (8), Township Twenty-Seven (27), Range Twenty-One (21), Washington County, Minnesota, except for the following described parcels: The portion thereof platted as Summer Hills First Addition; the westerly 300.01 feet of the northerly 450.01 feet of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); that portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Eight (8), Township Twenty-Seven (27), Washington County, Minnesota, described as follows: Commencing at the Southeast corner of said Northeast Quarter (NE $\frac{1}{4}$); thence north along the easterly line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), a distance of 466.76 feet; thence westerly at right angles to the easterly line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) to a point on the westerly line of Lot One 11), Block Three (3), Summer Hills First Addition; thence southerly along the westerly line of said Lot One (1) Block Three (3) and the southerly extension of said line to its intersection with a line thirty-five (35) feet southerly of, measured at right angles to, and parallel with, the north line of the recorded Northern States Power Company easement across the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); thence westerly along said parallel line to a point on the easterly line of Hinton

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Avenue South to its intersection with the southerly line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); thence easterly along said southerly line to the point of beginning, except for the portion thereof included in Summer Hills First Addition;

and

WHEREAS, said property is zoned R-5; and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on the 23rd day of June, 1980 on the application of Secure Properties, Inc. for a Conditional Use Permit for multiple family dwellings on the above-described property; and

WHEREAS, the Planning and Zoning Commission has recommended the granting of a conditional use permit subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the application of Secure Properties, Inc. for a conditional use permit for sixty-four (64) units of multiple family dwellings, utilizing a four-plex concept on the above-described property, hereby is granted, subject to the following terms and conditions:

1. That a landscape plan and schedule must be furnished to the Planning Department prior to the issuance of any building permits.
2. That the Homeowners Agreement must be submitted to the City and approved as part of the Subdivision Agreement.
3. That since the re-design of the project has severely limited the open space features, the developer shall be required to pay a park dedication fee in the sum of Seventy-five (\$75.00) Dollars per bedroom in lieu of land, as specified in the park dedication ordinance.
4. That the developer shall submit a plan to the City for controlling storm water run-off and erosion during construction.
5. The site plan shall be as shown on the sketch dated April 24, 1980.

The permit is granted for the following reasons:

That the non-residential traffic will not create a safety hazard;

that the use is sufficiently separated from the adjacent residential property so that existing homes will not materially depreciate in value, and there will not be deterrence to development of vacant lands; that the structure and site will have an appearance that will not adversely affect adjacent residential property;

that there will be no exterior signs other than those permitted in a residential district.

Passed this 16th day of July, 1980.

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The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Denzer, Councilwoman Berndt, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Denzer introduced the following Ordinance and moved for its adoption:

ORDINANCE NO. 336

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, AMENDING
SECTION 28 OF THE CITY CODE WITH RESPECT TO MULTIPLE
DWELLINGS

The City Council of the City of Cottage Grove, Washington County, Minnesota, does ordain as follows:

SECTION 1. AMENDMENT. Section 28-53(c)(18) of the "City Code of the City of Cottage Grove" shall be amended to read as follows:

(18) Boarding homes, lodging houses and tourist homes.

SECTION 2. AMENDMENT. Section 28-53(c) of the "City Code of the City of Cottage Grove" shall be amended to add the following provision:

(22) Conversion of an existing single family dwelling to a two-family dwelling.

SECTION 3. AMENDMENT. Section 28-57(d) of the "City Code of the City of Cottage Grove" shall be amended to read as follows:

(d) Conditional Uses. No structure or land shall be used for one or more of the following uses except by conditional use permit:

(1) Any conditional use permitted in Section 28-53(c).

(2) Multiple family dwellings.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing ordinance was duly seconded by Councilman Amundson. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilman Amundson, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: Councilman Hammero. Whereupon said ordinance was duly declared passed.

Councilman Amundson introduced the following resolution and moved for its adoption:

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RESOLUTION NO. 80-98

RESOLUTION GRANTING 120 DAY TEMPORARY CONDITIONAL USE
PERMIT TO SECURE PROPERTIES, INC. FOR COMMERCIAL EXCAVATION

WHEREAS, Secure Properties, Inc. has made application for a conditional use permit to conduct a commercial gravel excavation business on property now zoned for commercial excavation; and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove has made an inspection and review of the existing commercial gravel excavation operation; and

WHEREAS, the City Council granted a temporary conditional use permit for thirty days to the applicant, and directed that the Excavation Committee of the Planning Committee review the pit before any extended permit be granted; and

WHEREAS, on June 23, 1980, the Planning Department staff and the Excavation Committee of the Planning Commission inspected the gravel pit and reported that progress was being made toward compliance,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Cottage Grove, County of Washington, State of Minnesota, that the application by Secure Properties, Inc, for a conditional use permit to conduct a commercial gravel excavation business upon lands not zoned for commercial excavation, said lands being identified as: The Northeast One Quarter (NE $\frac{1}{4}$) of the Northwest One Quarter (NW $\frac{1}{4}$) of Section Eight (8), Township Twenty-Seven (27) North, Range Twenty - One (21) West, Washington County, Minnesota, shall be, and the same hereby is, granted for a period of 120 days, subject to the following conditions:

1. The area North and West of the NSP pole shall be final graded and stabilized no later than September 1, 1980. By October 31, 1980, the area North and West of the NSP pole shall be seeded.

2. The Westerly 400 feet of the Northeast Quarter of the Northwest Quarter of Section 8 shall be final graded no later than September 1, 1980, and shall be seeded no later than October 31, 1980.

3. Upon verification of the right-of-way necessary for the improvement of 70th Street, the operator shall final slope the Northerly portion of the gravel pit. Black dirt shall be spread on this area and the area shall be seeded no later than October 31, 1980.

4. That the applicant shall comply with all of the terms and conditions of previous conditional use permits issued by the Council, and staff shall provide to the applicant, in writing, all of the conditions placed in previous conditional use permits.

BE IT FURTHER RESOLVED, that if the conditions of this or any future permit are not complied with, it is the Council's intention to deny further permits.

Passed this 16th day of July, 1980.

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The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Denzer, Councilman Hammero, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Mr. John Bittner appeared before the Council regarding the watering ban imposed by the City.

The Council explained to Mr. Bittner and others present the problems the City was having with the water system and what steps have been and will be taken to alleviate other potential problems. The people were advised that a rate study and a cost and facility analysis will be taken to find out whether or not the odd/even watering ban could be eliminated.

Mr. Greg Klohn appeared before the Council regarding his subdivision.

The Council suggested that he meet with staff to work out his problems relating to utilities.

The Council reviewed a petition from Mr. Earl K. Larson to vacate certain streets in the Langdon Addition, Mr. Larson being the majority of the land owners abutting said streets to be vacated.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-99

RESOLUTION SETTING PUBLIC HEARING FOR VACATION OF CERTAIN
STREETS IN LANGDON ADDITION

WHEREAS, a plat was recorded with the Washington County Recorder known as "Langdon Addition", and

WHEREAS, said plat directed certain land within the plat be used for public roadway purposes and which a portion of these roadways have not been used for that purpose, and

WHEREAS, a petition has been received by a majority of the owners of lots and lands abutting on these streets which have been petitioned to be vacated, now,

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, State of Minnesota, that a public hearing shall be held on the 20th day of August, 1980 at 7:30 o'clock P.M. at the Cottage Grove City Hall, 7516 80th Street South, Cottage Grove, to consider the vacation of the following streets:

All of C Street; All of D Street; Dodge Street South from Lake Street South to the Chicago, Milwaukee, St. Paul & Pacific Railroad; Shepard Street from Lake Street South to the Chicago, Milwaukee, St. Paul & Pacific Railroad, the West half of Phillips Street from Lake Street

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South to the Chicago, Milwaukee, St. Paul & Pacific Railroad; South side of Lake Street from Shepard Street to Phillips Street; Market Street from Lake Street South to its intersection with Shepard Street and D Street, which property is not being used for public roadway purposes.

BE IT FURTHER RESOLVED, that the Clerk shall publish the Notice of Hearing by two (2) weeks noticed and posted notice.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilwoman Berndt, Councilman Hammero, Councilman Denzer, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Denzer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-100

RESOLUTION CALLING FOR A PUBLIC HEARING ON A PROPOSAL FOR A COMMERCIAL FACILITIES DEVELOPMENT PROJECT PURSUANT TO THE MINNESOTA MUNICIPAL INDUSTRIAL DEVELOPMENT ACT AUTHORIZING THE PUBLICATION OF A NOTICE OF SAID HEARING

WHEREAS,

(a) Chapter 474, Minnesota Statutes, known as the Minnesota Municipal Industrial Development Act (the "Act") gives municipalities the power to issue revenue bonds for the purpose of the encouragement and development of economically sound industry and commerce to prevent so far as possible the emergence of blighted and marginal lands and areas of chronic unemployment;

(b) The City Council of the City of Cottage Grove (the "City") has received from LA Partnership, consisting of Mr. Parker Anderson and Mr. Richard Lindgren, a partnership organized under the laws of the State of Minnesota, (the "Company") a proposal that the City assist in financing a project hereinafter described, through the issuance of its industrial revenue bonds (which may be in the form of a single debt instrument) (the "Bonds") pursuant to the Act;

(c) Before proceeding with consideration of the request of the Company it is necessary for the City to hold a public hearing on the proposal pursuant to Section 474.01, Subdivision 7b, Minnesota Statutes;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Minnesota, as follows:

1. A public hearing on said proposal of the Company will be held at the time and place set forth in the Notice of Hearing hereto attached (Exhibit A)
2. The general nature of the proposal and an estimate of the principal amount

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of bonds to be issued to finance the proposal are described in the form of Notice of Hearing hereto attached. (Exhibit A)

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached. (Exhibit A)

4. A draft copy of the proposed application to the Commissioner of Securities State of Minnesota, for approval of the project, together with proposed forms of all attachments and exhibits thereto, is on file in the office of the City Manager.

5. The City Manager is hereby authorized and directed to cause notice of said hearing to be given one publication in the official newspaper and in a newspaper of general circulation available in the City, not less than 15 days nor more than 30 days prior to the date fixed for said hearing, as shown in the notice of hearing hereto attached. (Exhibit A)

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hamero. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilman Hamero, Councilman Amundson. The following voted against the same: Councilwoman Berndt and Mayor Peterson. Whereupon said resolution was duly declared passed and adopted.

Councilman Hamero introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-101

RESOLUTION RELATING TO A PROJECT UNDER THE MUNICIPAL INDUSTRIAL DEVELOPMENT ACT; CALLING FOR A PUBLIC HEARING THEREON

BE IT RESOLVED by the City Council of the City of Cottage Grove, Minnesota (hereinafter, the Municipality), as follows:

Section 1. Recitals.

1.01. Peter J. Hoeffel, an individual residing in Hastings, Minnesota (hereinafter the Borrower), has advised this Council of its desire to acquire land in the Municipality, bring in a railroad spur and to construct a facility to be leased by the Borrower primarily to Horton-Earl Co., a Minnesota corporation for use as an office and warehouse facility in its business of distributing chemicals and powders for industrial use, and other for compatible uses.

1.02. The Municipality is authorized by Minnesota Statutes, Chapter 474 (the Act), to issue its revenue bonds to finance capital projects consisting of properties used and useful in connection with a revenue-producing enterprise. The Borrower has requested that the Municipality issue its revenue bonds in an amount not exceeding \$785,000 to finance a portion or all of the cost of the Project.

Section 2. Public Hearing.

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2.01. Section 474.01, Subdivision 7b of the Act requires that prior to submission of an application to the Minnesota Commissioner of Securities requesting approval of the Project as required by Section 474.01, Subdivision 7 of the Act, this Council shall conduct a public hearing on the proposal to undertake and finance the Project. Pursuant to that provision, a public hearing on the proposal to undertake and finance the project is called and shall be held on August 20, 1980, at 7:30 o'clock P.M., at the City Hall.

2.02. The Clerk Administrator shall cause Notice of the public hearing to be published in the official newspaper of the Municipality and in the St. Paul Dispatch, a newspaper of general circulation in the Municipality, at least once not less than fifteen (15) nor more than thirty (30) days prior to the date fixed for the hearing, such notice to be in substantially the following form:

NOTICE OF PUBLIC HEARING ON A PROPOSED PROJECT
AND THE ISSUANCE OF INDUSTRIAL DEVELOPMENT
REVENUE BONDS UNDER THE MUNICIPAL INDUSTRIAL
DEVELOPMENT ACT, MINNESOTA STATUTES, CHAPTER 474,
AS AMENDED

NOTICE IS HEREBY GIVEN, that the City Council of the City of Cottage Grove, Minnesota, will meet on August 20, 1980 at 7:30 o'clock P.M. at the City Hall 7516 80th Street South, in Cottage Grove, Minnesota, for the purpose of conducting a public hearing on a proposal that the City issue revenue bonds, in one or more series, under the Municipal Industrial Development Act, Minnesota Statutes, Chapter 474, as amended, in order to finance the cost of a project. The proposed project will consist of the acquisition of land in the City, bringing in a railroad spur and the construction of a facility to be leased by Peter J. Hoeffel primarily to Horton-Earl Co. to be used as an office and warehouse facility in its business of distributing chemicals and powders for industrial use, and others for compatible uses. The estimated total amount of the proposed bond issue is \$785,000. The bonds shall be limited obligations of the City, and the bonds and interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such bonds may be secured by a mortgage and other encumbrance on the project. No holder of any such bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the bonds or the interest thereon, nor to enforce payment against any property of the City except the project.

A draft copy of the proposed application to the Minnesota Commissioner of Securities for approval of the Project, together with all attachments and exhibits thereto, is available for public inspection at the office of the City Clerk Administrator between the hours of 8:30 A.M. and 5:00 P.M.

All persons interested may appear and be heard at the time and place set forth above.

Dated this 16th day of July, 1980.

BY ORDER OF THE CITY COUNCIL

s/Carl F. Meissner
Clerk

2.03. A draft copy of the proposed application to the Minnesota Commissioner

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of Securities, together with all attachments and exhibits thereto, are hereby ordered placed on file with the Clerk-Administrator, and shall be available for public inspection following the publication of the notice of public hearing between the hours of 8:30 A.M. and 5:00 P.M. on Monday through Friday.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilwoman Berndt. Upon vote being taken thereon, the following voted in favor thereof: Councilman Hammero, Councilwoman Berndt, Councilman Amundson, Councilman Denzer, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the application of James A. McCarthy Truck Systems for a general blacktopping contractors license be approved, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that the request of Ms. Marianne Seaburg for a refund on two (2) dog licenses be denied, made by Councilman Amundson. Seconded by Councilwoman Berndt. Carried viva voce.

Councilman Denzer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-102

RESOLUTION REQUESTING A ONE (1) YEAR EXTENSION FOR SUBMITTAL
OF THE COMPREHENSIVE PLAN TO THE METROPOLITAN COUNCIL

WHEREAS, the 1976 Land Planning Act requires the City to complete a Comprehensive Plan and submit said plan to the Metropolitan Council by July 1, 1980, and

WHEREAS, the City of Cottage Grove has not yet completed the Comprehensive Plan because of delays in the review of the Mississippi River Critical Area Plan and the need for information concerning the Cottage Grove wastewater treatment facility as well as other unforeseen factors such as the Lower Grey Cloud Island annexation issue and the Agricultural Preservation Act, and

WHEREAS, the City is making reasonable progress on the Comprehensive Plan and to date has completed over fifty percent (50%) of the work elements, now

THEREFORE, BE IT RESOLVED, that the Cottage Grove City Council respectfully requests a one (1) year extension for the submittal of the Comprehensive Plan.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilwoman Berndt. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilwoman Berndt, Councilman Hammero, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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Councilman Hammero introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-103

RESOLUTION SETTING PUBLIC HEARING FOR VACATION OF A PORTION
OF PUBLIC STREET

WHEREAS, a plat was recorded with the Washington County Recorder, known as "House's Island View", the same having been recorded as Document No. 193915; and

WHEREAS, said plat dedicated certain land within the plat for public roadway purposes, which roadway was listed as "River Drive"; and

WHEREAS, a portion of the dedicated roadway was not used for roadway purposes; and

WHEREAS, the public roadway in said plat was located differently than was reflected on the recorded plat; and

WHEREAS, a portion of River Drive as platted is now a part of lots located within the plat; and

WHEREAS, said portion of River Drive which is now in the lots is not being used for public roadway purposes, but is being used by the individual landowners; and

WHEREAS, it is deemed in the public interest to vacate the portion of the roadway not used for public roadway purposes conditioned upon the dedication of portions of House's Island View to public roadway purposes as the road is now located, and now known as 113th Street South, Inman Avenue South, and 115th Street South,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Cottage Grove, Washington County, Minnesota, that a public hearing shall be held on the 20th day of August, 1980, at 7:30 o'clock P.M. at the Cottage Grove City Hall, 7516 80th Street South, Cottage Grove, Minnesota, to consider the vacation of that portion of "River Drive", which is legally described in Exhibit "B" attached hereto and made a part hereof, which property is not being used for public roadway purposes.

BE IT FURTHER RESOLVED, that the Clerk shall publish the Notice of Hearing by two weeks published and posted notice.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilwoman Berndt. Upon vote being taken thereon, the following voted in favor thereof: Councilman Hammero, Councilwoman Berndt, Councilman Amundson, Councilman Denzer, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

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RESOLUTION NO. 80-104

RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION
OF PROPOSED ASSESSMENT ROLL FOR THE PINETREE POND EAST ADDITION

WHEREAS, a contract has been let for the water main, sanitary sewer, and storm sewer improvement in the Pinetree Pond East Addition and the contract price for such improvement is \$267,911.45 and expenses incurred or to be incurred in the making of said improvement amounts to \$47,791.24 and the connection fees and area charges amount to \$92,284.00 so that the total cost of this improvement will be \$407,986.69 of which the City will pay \$40,737.20 as its share of the cost, and the subdivider has prepaid \$35,445.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota:

1. The cost of such improvement to be specially assessed is hereby declared to be \$331,804.49.
2. The City Clerk, with the assistance of the City Engineer, will forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected without regard to cash valuation as provided by law, and he shall file a copy of such proposed assessment in his office for public inspection.

The Clerk shall, upon the completion of such proposed assessment, notify the Council thereof.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilwoman Berndt, Councilman Hammero, Councilman Denzer, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed the adopted.

Motion that the Cottage Grove City Council go on record as approving the designation of the municipalities of Newport, St. Paul Park, Woodbury, Grey Cloud Island, and Cottage Grove as a cable service territory, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

The Council reviewed the minutes of the Public Works Commission meeting of July 1, 1980.

Motion that the Council approve the following as items that the Public Works Commission should study and made recommendation to the City Council on:

- Major Public Works Department equipment purchases
- Public Works facilities
- Public Utilities
- Review street grading plans
- Review tree programs
- Review all plat maps
- Garbage and rubbish collection and disposal
- Review Public Works budgets
- Street and road signs
- Street lights

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made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

The Mayor directed that the engineer review his files regarding the study that was conducted regarding the upgrading on Kimbro Avenue South from Highway 61 to Lamar Avenue South.

The Council directed that the engineer check on the feasibility of constructing a natural or artificial sound barrier along Jamaica Avenue from 80th Street South to Military Road.

The minutes of the Parks, Recreation and Natural Resources Commission meeting of July 7, 1980 were reviewed.

Discussion was held regarding the proposed ordinance relating to the drinking of alcoholic beverages in Oakwood Park.

The Mayor directed that this matter be referred back to the Parks Commission for further study.

Motion that the Council approve the Cottage Grove Athletic Association's use of the Recreation Center building for the storage of their equipment and that staff be directed to work out a lease agreement, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that Theodore Alverson be discharged from the employ of the City of Cottage Grove and said discharge be preceded by a suspension for a period of five (5) days, made by Councilman Amundson. Seconded by Councilwoman Berndt. Carried 4 ayes, 1 nay. Councilman Denzer voting nay.

Motion that the Council accept the recommendation of staff and approve the hiring of Ms. Valerie J. Eng to fill the temporary position of accountant at a monthly salary of \$1,292.00, made by Councilman Hammero. Seconded by Councilwoman Berndt. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-105

RESOLUTION APPROVING CONDEMNATION, HIGHWAY 61 FRONTAGE
ROAD - ST. PAUL LAND RESOURCES

WHEREAS, the City of Cottage Grove commenced condemnation proceedings relating to the acquisition of certain lands for the construction of the frontage road to U.S. Trunk Highway #61 located within said City, in 1976; and

WHEREAS, St. Paul Land Resources, the fee owner of a certain tract of land described in Exhibit "C" hereto has offered to sell an easement for public roadway and utility purposes to the City of Cottage Grove for the sum of Thirty-five Thousand (\$35,000.00) Dollars, plus interest at the rate of 6 percent per annum from the date of taking of June 3, 1974, less the amount of any payment heretofore made; and

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WHEREAS, the City of Cottage Grove has determined that the purchase price offered is a fair and reasonable one,

NOW, THEREFORE, BE IT RESOLVED, that the City of Cottage Grove hereby accepts the conveyance of the tract of land described in Exhibit "C" hereto from St. Paul Land Resources, Inc. in consideration for the payment of Thirty-five Thousand (\$35,000.00) Dollars plus interest, less any payments heretofore made.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Denzer, Councilman Hammero, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-106

RESOLUTION AUTHORIZING PURCHASE - LANGDON STORM SEWER
(PURPLE AREA) - VERNON M. EIDE AND TIMOTHY M. EIDE

WHEREAS, the City of Cottage Grove, on July 2, 1980, adopted Resolution No. 80-94, providing for the acquisition of certain easements for the installation of the Langdon Storm Sewer (Purple Area) city improvement project; and

WHEREAS, Vernon M. Eide and Timothy M. Eide have accepted the City's offer to purchase the easement across the tract titled in their names for the sum of \$17,250.00;

NOW, THEREFORE, BE IT RESOLVED, that the City of Cottage Grove accepts the conveyance of the easement by Vernon M. and Timothy M. Eide and approves payments in the amount of \$17,250.00 for the purchase of that interest.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Denzer, Councilwoman Berndt, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Hammero introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-107

RESOLUTION AUTHORIZING CONDEMNATION - HIGHWAY 61
FRONTAGE ROAD - MATHIAS J. GERTEN

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WHEREAS, the City of Cottage Grove commenced condemnation proceedings for the purchase of rights-of-way to construct the south service frontage road to U.S. Trunk Highway 61, in 1974, and thereafter, specially assessed those lands benefited by the installation of that road, water, and storm and sanitary sewer;

WHEREAS, the City of Cottage Grove is desirous of settling this matter, and obtaining deeds to the land for the south service frontage road;

WHEREAS, the property owned by Mathias J. Gerten, more specifically described by Exhibit "D" hereto, has not yet been obtained by the City, and the special assessments for land acquisition levied against that property are unpaid;

NOW, THEREFORE, BE IT RESOLVED, that the City of Cottage Grove, in consideration for the conveyance, by quit claim deed of the property more specifically described by Exhibit "D" hereto, hereby cancels the special assessment for land acquisition levied against that property, and

BE IT FURTHER RESOLVED, that the City Clerk be directed to inform the Washington County Auditor of the removal of that special assessment for land acquisition from the tax roll.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Hamnero, Councilman Denzer, Councilwoman Berndt, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Denzer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-108

RESOLUTION AUTHORIZING THE DELAYED PAYMENT OF A SPECIAL
ASSESSMENT - MATHIAS J. GERTEN

WHEREAS, the City of Cottage Grove levied proportional special assessments for the installation of the utilities and road on the south service/frontage road to U.S. Trunk Highway 61, and

WHEREAS, the first year's proportional assessment, payable in 1976, is currently delinquent, and in the amount of Thirteen Thousand Seven Hundred Ninety-four and 23/100 (\$13,794.23) Dollars; and

WHEREAS, Mathias J. Gerten has applied for delayed payment of special assessments for senior citizens pursuant to the provisions of Minnesota Statutes 435.193 on the basis that it would be a hardship upon a senior citizen to make those special assessment payments;

NOW, THEREFORE, BE IT RESOLVED, that the application of Mathias J. Gerten for deferral of his special assessments is hereby approved;

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BE IT FURTHER RESOLVED, that the City Clerk is directed to inform the Washington County Auditor of this deferrment and the removal of this assessment from the delinquent tax roll.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilman Hammero, Councilman Amundson, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-109

RESOLUTION APPROVING HIGHWAY DEPARTMENT ACQUISITION OF
CITY LAND (MAINTENANCE GARAGE)

WHEREAS, the City of Cottage Grove has been offered the sum of Three Thousand Four Hundred Fifty (\$3,450.00) Dollars for the purchase, in fee, by the State of Minnesota, the following described parcel of property:

That part of the South west Quarter of the Northeast Quarter of Section 21, Township 27 North, Range 21 West, shown as Parcel 227A on the plat designated as Minnesota Department of Transportation Right-of-Way Plat #82-25 on file and of record in the office of the County Recorder, in and for Washington County, Minnesota, containing 0.15 acres, more or less.

WHEREAS, the City has determined that the price offered is a fair price, and that the remaining property of the City will not be damaged by this acquisition,

NOW, THEREFORE, BE IT RESOLVED, that the City of Cottage Grove accepts the offer of Three Thousand Four Hundred Fifty (\$3,450.00) Dollars for the purchase of the above-referenced property by the State of Minnesota, and that the Mayor and City Clerk be authorized to execute the appropriate deed on behalf of the City.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Denzer, Councilman Hammero, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-110

RESOLUTION APPROVING HIGHWAY DEPARTMENT ACQUISITION OF
CITY LAND (WATER TOWER)

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WHEREAS, the State of Minnesota Department of Transportation has offered the sum of Eight Hundred (\$800.00) Dollars to the City of Cottage Grove, to purchase a temporary construction easement described as:

A temporary easement for highway purposes in that part of Lot One (1) Block Seven (7), Thompson's Grove Addition, shown as Parcel 42U on the plat designated as Minnesota Department of Transportation Right-Of-Way Plat #82-21 on file and of record in the office of the Registrar of Titles in and for Washington County, Minnesota, by the temporary easement symbol, said easement shall cease on December 1, 1983, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

WHEREAS, the City of Cottage Grove has determined that the price offered is a fair price and that the remaining City property will remain undamaged by this temporary acquisition;

NOW, THEREFORE, BE IT RESOLVED, that the City of Cottage Grove hereby accepts the offer of Eight Hundred (\$800.00) Dollars made by the State of Minnesota for the purchase of a temporary easement described fully above, and that the Mayor and City Clerk be authorized to execute the appropriate conveyance on behalf of the City.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilwoman Berndt, Councilman Hammero, Councilman Denzer, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the Council approve the Change Order No. 2 between Brown Minneapolis Tank Company and the City of Cottage Grove relating to the construction of the 3 M.G. Water Reservoir at an additional cost of \$3,100.00, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that the Council approve Change Order No. 1 between Tennis West, LTD. and the City of Cottage Grove regarding the tennis and play court construction for an additional cost of \$3,035.00, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-111

A RESOLUTION AMENDING RESOLUTION NO. 80-52, A RESOLUTION
ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS

WHEREAS, the City Council on May 7, 1980, held a public hearing on the proposed improvement of 90th Street South from Point Douglas Road to Islay Avenue South, Islay Avenue South to a point 465 feet south, Point Douglas Road from 90th Street South to Jamaica Avenue South, and Inwood Avenue South from 90th Street South to Point Douglas Road, and

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WHEREAS, said hearing included the construction of roads and the installation of street lights and,

WHEREAS, the Council ordered these improvements as proposed in the report prepared by the engineer, now,

THEREFORE, BE IT RESOLVED, by the City Council, City of Cottage Grove, County of Washington, State of Minnesota, that Resolution No. 80-52 is hereby amended to include as part of the construction the street construction as proposed and the installation of street lights, and

BE IT FURTHER RESOLVED, that the engineer is hereby directed to prepare the plans and specifications for the making of such improvement.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Hammero, Councilwoman Berndt, Councilman Denzer, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-112

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING
ADVERTISEMENT FOR BIDS - HINTON HEIGHTS FIRST ADDITION,
PINETREE POND EAST SECOND ADDITION, AND JAMAICA/TRUNK HIGHWAY
61 COMMERCIAL AREA STREET LIGHTS

WHEREAS, pursuant to resolutions passed by the City Council on June 4, 1980, September 12, 1979, and May 7, 1980, and the City Engineer, Bonestroo, Rosene, Anderlik & Associates, Inc., have prepared plans and specifications for the construction of street lights in the Hinton Heights First Addition, Pinetree Pond East Second Addition, and Jamaica/Trunk Highway 61 Commercial Area and has prepared such plans and specifications to the Council for approval, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota:

1. Such plans and specifications for the installation of street lights in the Hinton Heights First Addition, Pinetree Pond East Second Addition, and Jamaica/Trunk Highway 61 Commercial Area heretofore prepared by the engineers for the City are now on file in the office of the City Clerk and are hereby approved as the plans and specifications in accordance with which said improvement shall be made except as said plans and specifications may be modified by further action by this Council in accordance with law.

2. Sealed bids will be received in the office of the City Clerk until 11:00 A.M., C.D.T., Thursday, August 14, 1980, at which time they will be publicly opened and read aloud. The City Council will meet at a later time for the purpose

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of awarding the contract for said installation of street lights in the Hinton Heights First Addition, Pinetree Pond East Second Addition, and Jamaica/Trunk Highway 61 Commercial Area.

3. The Clerk shall cause to be published in the Washington County Bulletin, the official newspaper of the City and the Construction Bulletin, at least twenty-one (21) days before the date for the opening of bids, a Notice of Bids for the construction of said improvement as required by law.

Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilwoman Berndt, Councilman Denzer, Councilman Amundson, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Denzer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-113

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING
ADVERTISEMENT FOR BIDS - JAMAICA/TRUNK HIGHWAY 61 COMMERCIAL
AREA STREETS AND UTILITIES

WHEREAS, pursuant to a resolution passed by the City Council on May 7, 1980 and the City Engineer, Bonestroo, Rosene, Anderlik & Associates, Inc., have prepared plans and specifications for the construction of streets and utilities in the Jamaica/Trunk Highway 61 Commercial Area and has presented such plans and specifications to the Council for approval, now,

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota:

1. Such plans and specifications for the construction of streets and utilities in the Jamaica/Trunk Highway 61 Commercial Area heretofore prepared by the engineers for the City are now on file in the office of the City Clerk and are hereby approved as the plans and specifications in accordance with which said improvement shall be made except as said plans and specifications may be modified by further action by this Council in accordance with law.

2. Sealed bids will be received in the office of the City Clerk until 11:00 A.M., C.D.T., Thursday, August 14, 1980, at which time they will be publicly opened and read aloud. The City Council will meet at a later time for the purpose of awarding the contract for said construction of streets and utilities in the Jamaica/Trunk Highway 61 Commercial Area.

3. The Clerk shall cause to be published in the Washington County Bulletin, the official newspaper of the City and the Construction Bulletin, at least twenty-one (21) days before the date for the opening of bids, a Notice of Bids for the construction of said improvement as required by law.

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Passed this 16th day of July, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilman Hammero, Councilman Amundson, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the bills as presented be allowed, made by Councilman Hammero. Seconded by Councilwoman Berndt. Motion carried viva voce.

Motion that the annual report of the Grove Estates Fire Department be accepted and placed on file in the office of the City Clerk, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion that the Council not accept the recommendation of the Public Safety Commission to install stop signs at 75th Street South and Iverson Avenue South and 75th Street South and Isleton Avenue South because said intersections do not warrant these stop signs, made by Councilman Amundson. Seconded by Councilwoman Berndt. Carried viva voce.

Motion that Ms. Margaret Barron be sent a letter inviting her to the next Parks, Recreation and Natural Resources Commission meeting as a prospective member, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that the meeting be adjourned, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

The meeting adjourned at 10:25 P.M.

Respectfully submitted,

Carl F. Meissner

Carl F. Meissner
Clerk Administrator

EXHIBIT A

CITY OF COTTAGE GROVE
NOTICE OF PUBLIC HEARING
ON A PROPOSAL FOR A COMMERCIAL FACILITIES DEVELOPMENT

NOTICE IS HEREBY GIVEN, that the City Council of the City of Cottage Grove Minnesota will meet at the City Hall in the City of Cottage Grove, Minnesota at 7:30 o'clock P.M. on August 20, 1980, to consider the proposal of IA Partnership that the City assist in financing hereinafter described by the issuance of industrial development revenue bonds.

Description of Project

The purchase of land and construction of an approximately 5,000 square foot facility to be used as a Kinder-Care Learning Center within the City of Cottage Grove, Minnesota.

The estimated principal amount of bonds or other obligations to be issued to finance this project is \$325,000.00.

Said bonds or other obligations if and when issued will not constitute a charge, lien or encumbrance upon any property of the City except the project and such bonds or obligations will not be a charge against the City's general credit or taxing powers but are payable from sums to be paid by IA Partnership pursuant to a revenue agreement.

A draft copy of the proposed application to the Commissioner of Securities, State of Minnesota, for approval of the project, together with all attachments and exhibits thereto, is available for public inspection beginning July 24, 1980, from 8:30 o'clock A.M. to 5:00 o'clock P.M., Monday through Friday at City Hall, 7516 80th Street South, Cottage Grove, Minnesota.

At the time and place fixed for said Public Hearing, the City Council of the City of Cottage Grove will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal.

Dated this 16th day of July, 1980.

BY ORDER OF THE COTTAGE GROVE CITY COUNCIL

Carol R. McInnes
Clerk

EXHIBIT "B"

That part of River Drive as dedicated in the plat of House's Island View according to the plat thereof on file and of record in the Office of the County Recorder, Washington County, Minnesota, described as beginning at the intersection of the Northerly extension of the West line of Lot 19, said House's Island View with the centerline of said River Drive; thence Easterly, Southerly and Westerly along the centerline of River Drive to its intersection with a line drawn parallel with and 80 feet West from the Southerly extension of the West line of said Lot 19 and there terminating, except that part of said River Drive lying within a 66 foot strip of land and the centerline which is described as beginning at the intersection of the Northerly extension of the West line of Lot 19, said House's Island View with the centerline of River Drive as dedicated in said plat; thence North $86^{\circ} 40'$ East, assumed bearing, along the centerline of said River Drive 52.10 feet; thence Easterly 49.97 feet along a tangential curve, concave to the North, having a central angle of $4^{\circ} 28' 24''$ and a radius of 640.09 feet; thence North $82^{\circ} 11' 36''$ East tangent to last described curve 135.38 feet; thence Easterly 59.89 feet along a tangential curve, concave to the South, having a central angle of $8^{\circ} 18' 34''$ and a radius of 412.99 feet; thence South $89^{\circ} 29' 50''$ East tangent to last described curve 12.00 feet; thence Southeasterly along a tangential curve, concave to the South, having a central angle of $82^{\circ} 54'$, a radius of 118.89 feet and an arc distance of 172.02 feet to a point of compound curve; thence Southerly 136.42 feet along said compound curve, concave to the West, having a central angle of $21^{\circ} 14'$ and a radius of 368.11 feet; thence South $14^{\circ} 38' 10''$ West tangent to last described curve 21.00 feet; thence Southwesterly along a tangential curve, concave to the Northwest, having a central angle of $75^{\circ} 01'$, a radius of 495.08 feet and an arc distance of 648.20 feet to the centerline of said River Drive; thence South $89^{\circ} 39' 10''$ West along the centerline of said River Drive to its intersection with a line drawn parallel with and 80 feet West from the Southerly extension of the West line of said Lot 19 and there terminating.

EXHIBIT "C"

A strip of land 60 feet in width lying within that part of the Southwest quarter of Section 16 and that part of the Southeast quarter of Section 17 and that part of the Northeast quarter of Section 20 all in Township 27, Range 21, Washington County, Minnesota, described as commencing at the Northwest corner of the Northwest quarter of Section 21, Township 27, Range 21; thence South, assumed bearing, along the West line of said Northwest quarter 197 feet, more or less, to the Northeasterly right of way line of Chicago, Milwaukee and St. Paul Railroad Company; thence North $58^{\circ} 13' 38''$ East 593.18 feet, more or less, to the Southwesterly right of way line of United States Highways 10 and 61 as now located and traveled; thence Northwesterly along said Southwesterly right of way 220 feet to the actual point of beginning of the land to be hereinafter described; thence South $58^{\circ} 13' 38''$ West to the Northeasterly right of way line of said Railroad; thence Northwesterly along said Northeasterly right of way line to a point 1569.5 feet Southeasterly from the intersection of the West line of the East 410.5 feet of the Southwest quarter of Section 17 and the Northeasterly right of way line of said Railroad; thence Northerly, parallel with the West line of said Southeast quarter to the Southwesterly right of way line of Highways 10 and 61 as now located and traveled; thence Southeasterly along said Southwesterly right of way line to the point of beginning.

Said 60 foot strip of land lying Southwesterly from and adjacent to the Southwesterly right of way line of United States Highways 10 and 61 as now located and traveled.

Together with a utility easement over, under and across the above-described tract of land, said easement being described as beginning at the intersection of the West line of the above described tract of land with a line drawn at right angles to and 68 feet Southwesterly from the Southwesterly right of way line of United States Highways 10 and 61 as now located and traveled; thence Southeasterly parallel with said Southwesterly right of way line 390 feet; thence Southwesterly deflecting to the right $90^{\circ} 00'$ a distance of 17 feet; thence Southeasterly, parallel with said Southwesterly right of way line, to the Southeasterly line of the above described tract of land; thence Northeasterly along said Southeasterly line to a point being measured at right angles to and 60 feet Southwesterly from the Southwesterly right of way line of United States Highways 10 and 61 as now located and traveled; thence Northwesterly parallel with said Southwesterly right of way line to the West line of the above described tract of land; thence Southerly along said West line to the point of beginning.

Together with all right of access to Trunk Highway No. 61, said access being the right of ingress to and egress from said highway to all of the Respondents' lands, not acquired herein and abutting upon the afore-described tracts, except that the abutting owner shall retain the right of access to a frontage road only. In the event Petitioner does not immediately remove all in-place driveways and allows continued access by Respondents and/or the public, such use shall be temporary in nature; that Respondents shall not acquire any right of continued use of said driveways except by written instrument from Petitioner or its successors that said driveways may be removed at any time by Petitioner, its successors, assigns or agents without payment of further damages to Respondents.

EXHIBIT "D"

Said 60 foot strip of land lying Southwesterly from and adjacent to the Southwesterly right-of-way line of United States Highways 10 and 61 as now located and traveled.

Together with a utility easement over, under and across the above described tracts of land, said easement being 10 feet in width and lying Southwesterly from and adjacent to the above described 60 foot strip of land.

And

A strip of land 60 feet in width lying within that part of the Southeast quarter of Section 17, Township 27, Range 21, Washington County, Minnesota, described as commencing at the intersection of the West line of the East 410.5 feet of the Southwest quarter of said Section 17 and the Southwesterly right-of-way line of the Chicago, Milwaukee and St. Paul Railroad Company; thence Southeasterly along said Southwesterly right-of-way line 1569.5 feet; thence Northerly parallel with the West line of said Southeast quarter to the Northeasterly right-of-way line of said Railroad to the actual point of beginning of the land to be hereinafter described; thence Northerly parallel with the West line of said Southeast quarter to the Southwesterly right-of-way line of United States Highways 10 and 61 as now located and traveled; thence Northwesterly along said Southwesterly right-of-way line to the East line of the West 48 rods of said Southeast quarter; thence Southerly along said East line of the West 48 rods to the Northeasterly right-of-way line of said Railroad; thence Southeasterly along said Northeasterly right-of-way line to the point of beginning.

Said 60 foot strip of land lying Southwesterly from and adjacent to the Southwesterly right-of-way line of United States Highways 10 and 61 as now located and traveled.

Together with a utility easement over, under and across the above described tract of land, said easement being 10 feet in width and lying Southwesterly from and adjacent to the above described 60 foot strip of land.

Together with all right of access to trunk Highway No. 61, said access being the right of ingress to and egress from said highway to all of the party of first part's lands not acquired herein and abutting upon the afore-described tracts, except that the abutting owner shall retain the right of access to a frontage road only. In the event party of second part does not immediately remove all in-place driveways and allows continued access by party of the first part and/or the public, such use shall be temporary in nature; that party of the first part shall not acquire any right of continued use of said driveways except by written instrument from party of second part or its successors; that said driveways may be removed at any time by party of second part, its successors, assigns or agents without payment of further damages to party of first part.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 24 1980

Joan Anderson Howe
Secretary of State

22935 0.1D.

EXHIBIT "D" cont.

A strip of land 60 feet in width lying within all that part of the Southeast quarter of the Northwest quarter and of the Northeast quarter of the Southwest quarter and of the Northwest quarter of the Southeast quarter Section 17, Township 27, Range 21, Washington County, Minnesota described as follows: Commencing at the intersection of the East and West quarter Section line of Section 17, Township 27, Range 21, Washington County, Minnesota and the Northeasterly right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence East along said East-West Quarter Section line for 631 feet to the point of beginning of this description; thence North $40^{\circ} 15'$ East for 207.5 feet to the Southwesterly right-of-way of United States and Minnesota Highways 10 and 61; thence in a Southeasterly direction along said Southwesterly right-of-way for 547.5 feet; thence South $37^{\circ} 22'$ West for 645.5 feet to said Northeasterly right-of-way of Chicago, Milwaukee, St. Paul and Pacific Railroad; thence North $50^{\circ} 58'$ West along said Northeasterly right-of-way for 577.8 feet; thence North $40^{\circ} 15'$ East for 396.5 feet to the point of beginning.

Said 60 foot strip of land lying Southwesterly from and adjacent to the Southwesterly right-of-way line of United States Highways 10 and 61 as now located and traveled.

Together with a utility easement over, under and across the above described tracts of land, said easement being 25 feet in width and lying Southwesterly from and adjacent to the above described 60 foot strip of land.

And

A strip of land 60 feet in width lying within that part of the West half of the East half of Section 17, Township 21, Range 21, Washington County, Minnesota described as follows: The West 48 rods thereof, lying North of the North line of Chicago, Milwaukee and St. Paul right-of-way and South of the public highway.

and:

All that part of the Northeast quarter of the Southwest quarter of said Section 17, Township 27, Range 21, Washington County, Minnesota, lying North of the right-of-way of said Railroad Company except those parts lying within the Northeast quarter of the Southwest quarter within the Southeast quarter of the Northwest quarter and within the Northwest quarter of the Southeast quarter described as follows: Beginning at the intersection of the North line of said Northeast quarter of the Southwest quarter and the Northeasterly right-of-way line of Chicago, Milwaukee and St. Paul Railroad Company thence East along said North line of the Northeast quarter of Southwest quarter 631 feet; thence North $40^{\circ} 15'$ East 207.5 feet; more or less, to the Southwesterly right-of-way line of United States Highways 10 and 61; thence Southeasterly along said Southwesterly right-of-way 547.5 feet; thence South $37^{\circ} 22'$ West 645.5 feet more or less to the Northeasterly right-of-way line of said Railroad Company; thence Northwesterly along said Northwesterly right-of-way line to the point of beginning.

#32935