

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2024-064**

**RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT
OF "HERITAGE CHURCH" FOR PROPERTY LOCATED AT 13242 BERRYWOOD DRIVE AND THE VACANT
LOT TO THE SOUTH (CITY FILE NUMBER 24-26)**

WHEREAS, Chad Sundberg, representing Heritage Assembly of God ("the applicant") has requested approval of a preliminary and final plat for property located at 13242 Berrywood Drive and the vacant lot to the south, and legally described as follows:

That part of the East Half of the Northwest Quarter of the Southeast Quarter (E1/2-NW1/4-SE1/4), and that part of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2-SW1/4-SE1/4), Section 8, Township 133 North, Range 28 West, Crow Wing County, Minnesota, described as follows: Commencing at the East Quarter corner of said Section 8; thence South 01 degree 10 minutes 11 seconds West, bearing based on City of Baxter Coordinate database NAD 83/88, 808.18 feet along the east line of said Section 8; thence South 88 degrees 01 minute 49 seconds West 931.41 feet; thence southwesterly 380.62 feet along a tangential curve, concave to the southeast, central angle 25 degrees 21 minutes 28 seconds, radius 860.00 feet to a point of reverse curvature; thence southwesterly 42.39 feet along a reverse curve, concave to the northwest, central angle 02 degrees 11 minutes 19 seconds, radius 1109.81 feet to a point of the east line of said E1/2-NW1/4-SE1/4 which is North 0 degrees 49 minutes 44 seconds East 413.16 feet from the southeast corner of said E1/2-NW1/4-SE1/4, the point of beginning of the tract to be described; thence continuing southwesterly 447.92 feet along said 1109.81 foot radius curve, concave to the northwest, central angle 23 degrees 07 minutes 29 seconds; thence South 87 degrees 59 minutes 10 seconds West, tangent to the last described curve, 168.69 feet to the east line of the West 66.0 feet of said E1/2-NW1/4-SE1/4; thence South 0 degrees 39 minutes 33 seconds West 567.56 feet along said east line of the West 66.00 feet of the E1/2-NW1/4-SE1/4 and along the east line of the West 66.0 feet of said E1/2-SW1/4-SE1/4 to the south line of the North 243.00 feet of said E1/2-SW1/4-SE1/4; thence North 87 degrees 56 minutes 31 seconds East 598.46 feet along said south line of the North 243.00 feet to the east line of said E1/2-SW1/4-SE1/4; thence North 0 degrees 49 minutes 44 seconds East 243.31 feet along said east line of the E1/2-SW1/4-SE1/4 to said southeast corner of the E1/2-NW1/4-SE1/4; thence North 0 degrees 49 minutes 44 seconds East 413.16 feet along said east line of the E1/2-NW1/4-SE1/4 to the point of beginning. Subject to other easements, reservations, or restrictions of record, if any.
And

That part of the East Half of the Northwest Quarter of the Southeast Quarter (E1/2-NW1/4-SE1/4), and that part of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2-SW1/4-SE1/4), Section 8, Township 133 North, Range 28 West, Crow Wing County, Minnesota, described as follows: Commencing at the East Quarter corner of said Section 8; thence South 01

degree 10 minutes 11 seconds West, bearing based on City of Baxter Coordinate database NAD 83/88, 808.18 feet along the east line of said Section 8; thence South 88 degrees 01 minute 49 seconds West 931.41 feet; thence southwesterly 380.62 feet along a tangential curve, concave to the southeast, central angle 25 degrees 21 minutes 28 seconds, radius 860.00 feet to a point of reverse curvature; thence southwesterly 490.31 feet along a reverse curve, concave to the northwest, central angle 25 degrees 18 minutes 48 seconds, radius 1109.81 feet; thence South 87 degrees 59 minutes 10 seconds West, tangent to the last described curve, 168.69 feet to the east line of the West 66.00 feet of said E1/2-NW1/4-SE1/4; thence South 0 degrees 39 minutes 33 seconds West 567.56 feet along said east line of the West 66.00 feet of the E1/2-NW1/4-SE1/4 and along the east line of the West 66.00 feet of the E1/2-SW1/4-SE1/4 to the south line of the North 243.00 feet of said E1/2-SW1/4-SE1/4 the point of beginning of the tract to be described; thence North 87 degrees 56 minutes 31 seconds East 598.46 feet along said south line of the North 243.00 feet to the east line of said E1/2-SW1/4-SE1/4; thence South 0 degrees 49 minutes 44 seconds West 392.40 feet along said east line of the E1/2-SW1/4-SE1/4 to the northeast corner of the tract deeded to Walter Stucke by the deed recorded as Document Number 414751 in the Crow Wing County Recorder's Office; thence South 87 degrees 46 minutes 01 seconds West 597.39 feet along the north line of said tract deeded to Walter Stucke and its westerly extension to said east line of the West 66.00 feet of the E1/2-SW1/4-SE1/4; thence North 0 degrees 39 minutes 33 seconds East 394.17 feet along said east line of the West 66.00 feet of the E1/2-SW1/4-SE1/4 to the point of beginning. Subject to easements, reservations, or restrictions of record, if any.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on May 14, 2024, and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their May 21, 2024 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request to approve preliminary and final plat of Brandon Corner, based on the finding that the standards in Title 11 of the Baxter Subdivision Ordinance are met as identified in the staff report dated May 14, 2024. Specifically:

1. The subdivision does not landlock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property.
2. The subdivision does not immediately affect any corridors of any planned or proposed street as shown upon the official map or approved area plans; and
3. The subdivision does not violate any local, state or federally adopted law, ordinance, regulation, plan, or policy.

FURTHER BE IT RESOLVED that the following conditions of approval shall be met:

1. The approval of the preliminary and final plat is based on the application and plans received by the City on April 24, 2024, except as amended by this resolution, based on the finding that all applicable subdivision standards have been met.
2. The preliminary and final plat is contingent on approval of the easement vacation.

3. **Prior to Recording the plat**, the applicant shall:
 - a. Submit plat recording checklist items, such as submittal of a plat check letter, and electronic CAD version of the final plat, as reviewed and approved by city staff.
 - b. Pay park dedication fees for the plat to the City at the current rate identified in the City Fee Schedule prior to recording the plat.
 - c. Enter into a stormwater facilities maintenance agreement.
4. A grading permit is required prior to beginning any construction related to the parking lot expansion.
5. No grading permits shall be issued until the final plat and any agreements and easements are filed and recorded with Crow Wing County.
6. **Prior to Issuance of a Grading Permit**, the applicant shall:
 - a. Submit a landscaping plan to be reviewed and approved by the city based on the applicable requirement of 10-4-8 of the zoning ordinance.
 - b. Final storm water drainage plans shall be reviewed and approved by the city.
 - c. An erosion control plan shall be reviewed and approved by the city.
7. The final plat approval shall expire two years from the date of this approval unless the applicant has recorded the plat or requested an extension in writing.

Whereupon, said Resolution is hereby declared adopted on this 21st day of May 2024.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal