



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, December 13, 2022
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	DG Marshall - 1) Public Hearing on Preliminary Plat and Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat.
Background Information:	<p>Attached please find a copy of the preliminary plat of DG Marshall in Marshall, Minnesota.</p> <p>Attached please find a copy of the preliminary plat of DG Marshall and the Engineer's Report of Preliminary Plat Review.</p> <p>Dollar General has purchased two lots for development of their retail store. The building that is being constructed sits atop the lot line that separates the two lots. City of Marshall Zoning Ordinance requires property line setbacks, therefore, a building cannot be constructed over top of a lot line. Due to an error in property descriptions, Lyon County is not allowing for the two lots to be combined into one lot to resolve the lot line issue. To resolve the issue, Dollar General is going through a platting process to resolve description concerns and to combine the existing two lots.</p> <p>Copies of the proposed subdivision has been sent to the local utility companies for their review and comments.</p> <p>The preliminary plat was presented at the Planning Commission meeting on November 9, 2022. Following discussion, DEUTZ MADE A MOTION, SECOND BY STONEBERG, to recommend approval of the preliminary plat to the City Council. ALL VOTED IN FAVOR.</p> <p>The preliminary plat was then introduced at the November 22, 2022 City Council meeting and a hearing on the preliminary plat scheduled for the December 13, 2022 City Council meeting.</p> <p>Attached please find a copy of the Final Plat of DG Marshall and the Final Plat Checklist.</p>
Fiscal Impact:	The applicant will be billed for all direct costs relating to the platting process.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1 that the Council close the public hearing and approve the Preliminary Plat of DG Marshall.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION NUMBER 22-091, which is the Resolution Approving the Final Plat of DG Marshall, contingent upon City attorney review and approval of the abstract of title and title opinion.</p>

RESOLUTION NUMBER 22-091

**RESOLUTION APPROVING THE FINAL PLAT OF
DG MARSHALL**

WHEREAS, DGOGMarshallmn02092022 LLC of West Plains, Missouri, has filed with the Common Council, a Preliminary Plat identified as DG MARSHALL situated in the City of Marshall, County of Lyon, State of Minnesota, described as follows, to-wit:

DG MARSHALL BLOCK 1 LOT 1

and more particularly described as attached Exhibit A.

AND WHEREAS, the Final Plat of DG MARSHALL was presented to the Common Council on December 13, 2022.

NOW THEREFORE BE IT FURTHER RESOLVED, that said Final Plat of DG MARSHALL has been duly found to be in conformity with Chapter 66 of the Code of Ordinances and State Statutes.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes and directs the City Clerk to certify his approval on the plat.

NOW THEREFORE BE IT FURTHER RESOLVED THAT this resolution shall become void 90 days after adoption and fulfillment of all contingencies of approval, if any, unless the plat is filed for record within such time.

Passed and adopted by the Common Council this 13th day of December, 2022.

ATTEST:

City Clerk

Mayor of the City of Marshall, MN

This Instrument Drafted By: Jason R. Anderson, P.E.; Director of Public Works/City Engineer

EXHIBIT A

All that part of the Northeast Quarter of Section 4, Township 111 North of Range 41 West of the 5th P.M., Lyon County, Minnesota, contained within the following boundary lines, to wit:

Beginning at a point 2 rods (33 feet) North and 9.41 chains (621.06 feet) West from the Southeast corner of said Northeast Quarter of Section 4, and running thence North a distance of 5 chains (330 feet); thence East and at right angles to last line a distance of 75 feet; thence South and at right angles to last line a distance of 5 chains (330 feet); thence West a distance of 75 feet to the point of beginning.

Together with a tract of land located in the Northeast Quarter of Section 4, Township 111 North of Range 41 West of the 5th P.M., Lyon County, Minnesota, described as follows:

Commencing 2 rods (33 feet) North from a point 11.40 chains (752.4 feet) West from Southeast corner of Northeast Quarter of said Section 4 and running thence North 5 chains (330 feet);

thence East 2 chains (132 feet); thence South 5 chains (330 feet); thence West 2 chains (132 feet) to the place of beginning.

Excepting therefrom a tract of land located in the Northeast Quarter of Section 4, Township 111 North of Range 41 West of the 5th P.M., Lyon County, Minnesota, described as follows:

Commencing at a point 332 feet North and 365 feet East of the intersection of the East line of Whitney Street with the North line of T.H. #19 in the City of Marshall, Minnesota, and running thence East and parallel with the North line of T.H. #19, a distance of 396 feet; thence North at right angles to last line a distance of 5 feet;

thence Westerly at right angles to last line and parallel with the North line of T.H. #19 a distance of 396 feet; thence South at right angles to last line a distance of 5 feet to point of beginning.

And also excepting therefrom the property conveyed to the City of Marshall in Warranty Deed dated December 28, 2016, recorded December 29, 2016, as Document No. 211566, described as follows: That part of the Northeast Quarter of Section 4, Township 111 North of Range 41 West of the 5th P.M., Lyon County, Minnesota, being more particularly described as follows:

Commencing at the Southeast corner of said Northeast Quarter; thence South $89^{\circ} 49' 01''$ West, bearing based on Lyon County Coordinate System (1996 Adj.), along the South line of said Northeast Quarter, a distance of 752.40 feet; thence North $00^{\circ} 49' 41''$ West a distance of 33.00 feet, to the Point of Beginning; thence continuing North $00^{\circ} 49' 41''$ West a distance of 330.00 feet; thence North $89^{\circ} 49' 01''$ East a distance of 41.04 feet, to the Southwest corner of Lot 4, Block 2 of EASTSIDE ADDITION, as filed and recorded in the office of the County Recorder in and for said Lyon County; thence South $23^{\circ} 24' 13''$ West a distance of 35.18 feet to a point 60 feet East, measured at right angles, of the West line of North Hill Street as shown on LANOUE'S 2ND ADDITION, as filed and recorded in the office of said County Recorder; thence South $00^{\circ} 34' 19''$ East, parallel to said West line, a distance of 297.74 feet, to a point 33 feet North of the South line of said Northeast Quarter; thence South $89^{\circ} 49' 01''$ West, parallel to said South line, a distance of 25.27 feet, to the point of beginning.