



118 Central Avenue North, New Prague, MN 56071  
phone: 952-758-4401 fax: 952-758-1149

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## MEMORANDUM

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**CC:** JOSHUA M. TETZLAFF, CITY ADMINISTRATOR  
**FROM:** KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** PLANNING COMMISSION SUMMARY - REQUEST FOR PRELIMINARY AND FINAL PLAT APPROVAL OF TRACKER ADDITION, CONSISTING OF 1 LOT ON APPROXIMATELY 8.31 ACRES IN THE B-3 HIGHWAY COMMERCIAL ZONING DISTRICT, AS PROPOSED JOEL FRIES  
**DATE:** AUGUST 29, 2024

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### **Planning Commission Summary**

The Planning Commission heard the above preliminary and final plat request at their August 28th meeting. The applicant, Joel Fries, is requesting the approval of the preliminary and final plat of Tracker Addition, consisting of 1 lot on 8.31 acres in the B3 Highway Commercial Zoning District. The plat is required to allow a building permit to be issued for a building addition or new building due to the property being unplatted per the requirements of the zoning ordinance.

During the required public hearing, no public comments were received.

The Planning Commission recommended approval of the preliminary and final plat request on a unanimous vote (4-0) based on the findings and conditions listed in the staff report (and attached resolution which approves the preliminary and final plat).

### **Staff Recommendation**

Staff recommends approval of the attached resolution "...Granting Approval of the Preliminary and Final Plat of Tracker Addition...".

**RESOLUTION #24-09-03-02**

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL  
GRANTING APPROVAL OF THE PRELIMINARY AND FINAL PLAT  
OF TRACKER ADDITION, CONSISTING OF ONE LOT ON  
APPROXIMATELY 8.31 ACRES IN THE B-3 HIGHWAY  
COMMERCIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA**

**WHEREAS**, Joel Fries owner of the following real estate in the County of Le Sueur to wit:

Commencing at the West Quarter corner of Section 3, Township 112, Range 23 West; thence North along the West line of Section 3, 460.00 feet; thence deflecting right 90 degrees, 41 minutes, parallel to the South line of the Northwest Quarter of Section 3, 294.20 feet to a point on the Westerly right of way line of Trunk Highway No. 21 and 13, said point being the point of beginning; thence back along the last described line 261.20 feet to a point on the Easterly right of way line of a public road; thence deflecting right 89 degrees, 19 minutes along said Easterly right of way line, parallel to and 33 feet distant from the West line of Section 3, 1065.14 feet, thence deflecting right 91 degrees, 43.7 minutes, 290.60 feet, thence deflecting right 88 degrees, 16.3 minutes, 75.00 feet, thence deflecting left 88 degrees 16.3 minutes 99.82 feet to a point on the Westerly right of way line of said Trunk Highway No. 21 and 13, thence Southwesterly along said Westerly right of way line to the point of beginning, all in Le Sueur County, Minnesota.

is requesting preliminary and final plat approval of Tracker Addition consisting of 1 lot on 8.31 acres, which is located in the above real estate; and,

**WHEREAS**, the New Prague Planning Commission has completed a review of the Preliminary Plat and Final Plat application with a required public hearing on August 28th, 2024 and made a report pertaining to said request, a copy of said report has been presented to the City Council with a recommendation of approval on a unanimous (4-0) vote subject to conditions and findings contained in said meeting minutes; and,

**WHEREAS**, the New Prague City Council finds:

1. The preliminary and final plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirements of the B-3 Highway Commercial Zoning District which it is located.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of New Prague, MN, that the Preliminary and Final Plat of Tracker Addition consisting of 1 lot on 8.31 acres is hereby **approved** with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing dated 8/15/24 and final plat drawing (undated) on file with the New Prague Planning Department.
2. The applicant must comply with the recommendations of the Public Works Director, Utilities General Manager, and City Engineer.
3. The applicant must comply with the recommendations of MnDOT District 7.
4. Development Fees are required to be collected as follows:
  - a. Emergency Warning Siren Fee - \$1,371.15
  - b. Water Area Access Charge - \$23,384.34
  - c. Park Land Dedication – Determined at the time of future building permit application if employees are being added with a land value to be calculated at that time.
5. The final plat must be recorded within 90 days of the date of the City Council granting approval per Chapter 051 (E) of the Subdivision Ordinance.
6. All requirements of the City Attorney’s Plat Opinion must be complied with prior to executing signatures on the final plat.
7. The City of New Prague accepts the proposed conservation easements and the conservation easements around the wetland areas are required to have signage installed per Zoning Ordinance Section 734, Section 4 (E)(12) which states that the signs shall be installed at 200’ intervals along the wetland easement to define its edge. The signs must be at least 12” x 12” in size at least 4’ above grade.

This Preliminary and Final Plat shall become effective immediately upon its passage and without publication.

Passed this 3rd day of September, 2024.

\_\_\_\_\_  
Duane J. Jirik, Mayor

*State of Minnesota* )  
)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur )

Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

ATTEST: \_\_\_\_\_  
Joshua M. Tetzlaff, City Administrator

State of Minnesota )

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur )

Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT DRAFTED BY:

Kenneth D. Ondich

City of New Prague

118 Central Ave. N.

New Prague, MN 56071

(952) 758-4401



118 Central Avenue North, New Prague, MN 56071  
phone: 952-758-4401 fax: 952-758-1149

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**MEMORANDUM**

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**TO:** PLANNING COMMISSION

**FROM:** KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** REQUEST FOR **PRELIMINARY AND FINAL PLAT APPROVAL** OF TRACKER ADDITION, CONSISTING OF 1 LOT ON APPROXIMATELY 8.31 ACRES IN THE B-3 HIGHWAY COMMERCIAL ZONING DISTRICT, AS PROPOSED BY JOEL FRIES.

**DATE:** AUGUST 28, 2024

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**Background / History**

Joel Fries is the owner of Tracker Trucking that operates at 500 4<sup>th</sup> Ave. SW. Mr. Fries purchased the property and began operating at the site in 2015 and also obtained Conditional Use Permit #C1-2015 that same year. Tracker Trucking's business also includes some light repair and warehousing on the site.

Mr. Fries initially inquired with the City in 2023 about constructing an additional storage building on the site or adding onto an existing building. Staff informed Mr. Fries at this time that Section 401, Subd. 7, states that no building permit for new development shall be issued on land described by metes and bounds. Since the property is described by metes and bounds and not platted, it is required to be platted before a building permit for a new building or addition can be issued.

**Legal Description**

Commencing at the West Quarter corner of Section 3, Township 112, Range 23 West; thence North along the West line of Section 3, 460.00 feet; thence deflecting right 90 degrees, 41 minutes, parallel to the South line of the Northwest Quarter of Section 3, 294.20 feet to a point on the Westerly right of way line of Trunk Highway No. 21 and 13, said point being the point of beginning; thence back along the last described line 261.20 feet to a point on the Easterly right of way line of a public road; thence deflecting right 89 degrees, 19 minutes along said Easterly right of way line, parallel to and 33 feet distant from the West line of Section 3, 1065.14 feet, thence deflecting right 91 degrees, 43.7 minutes, 290.60 feet, thence deflecting right 88 degrees, 16.3 minutes, 75.00 feet, thence deflecting left 88 degrees 16.3 minutes 99.82 feet to a point on the Westerly right of way line of said Trunk Highway No. 21 and 13, thence Southwesterly along said Westerly right of way line to the point of beginning, all in Le Sueur County, Minnesota.

### Addressing

The property is currently addressed as 500 4<sup>th</sup> Ave. SW with no changes proposed.

### Density / Lot Size

In the B-3 Highway Commercial Zoning District, the minimum lot size is 20,000 square feet. The proposed lot would be 361,983 sq. ft. (8.31 acres), thereby meeting the minimum lot size requirement.

The minimum lot width for the B-3 Highway Commercial Zoning District is 80' at the building setback line. Proposed Lot 1, Block 1 has a lot width (261.86') which is larger than the required 80' minimum lot width.

### Easements

The proposed plat does show the required standard drainage and utility easements along public rights of ways (10' on the east and west lot property lines) and also shows the required easements along interior lot lines (5' along interior lot lines – north and south property lines).

In addition to the standard drainage and utility easements, a conservation easement is required for a minimum 25' buffer adjacent to the delineated wetland boundaries as outlined in Section 734 of the Zoning Ordinance for Land and Water Preservation. The plat shows the required conservation easement boundary. The conservation easement must be recorded prior to the final plat so that it is noted with the recorded document number on the plat.

Staff also notes that the easement areas around the wetland areas are required to be signed as wetland areas and have signage installed per Zoning Ordinance Section 734, Section 4 (E)(12) which states that the signs shall be installed at 200' intervals along the wetland easement to define its edge. The signs must be at least 12" x 12" in size at least 4' above grade. The City sells these signs at cost and can determine the placement and number of signs required for the site.



### **Setbacks**

The required building setbacks in the B-3 Highway Commercial Zoning District are 40' front yard along any public right of way (4<sup>th</sup> Ave SW/ TH13 & 21 as well as 5<sup>th</sup> Ave. SW), 10' along side yards (the north and south property lines). The preliminary plat does not show the setback lines, but staff notes that the existing buildings on the site do not meet the 40' front setback to 5<sup>th</sup> Ave. SW, however they are existing buildings and are simply noted as legal-nonconforming structures.

### **Access / Road Layout**

A traffic impact study is not required for the purpose of reviewing the plat as the applicant is only considering constructing a small addition or small new storage building on the site that would not trigger the need for a traffic impact study.

Access to the site is provided from 4<sup>th</sup> Ave NW (TH13/21) which is a road under the jurisdiction of MnDOT. As such, MnDOT permits are required for any changes to driveways/access points to and from the property. MnDOT has been solicited for comments regarding the plat and their comments can be found later in this report.

### **Trails / Sidewalks**

There is an existing sidewalk on the east side of 4<sup>th</sup> Ave SW (TH 13 & 21). No other trails or sidewalks are required or proposed at this time.

### **Drainage / Grading**

The only work proposed would be grading to support a new or building addition on the north portion of the site.

### **Flood Plain**

The subject property contains floodplain as is shown on the preliminary plat. Specifically, the flood areas shown are special flood areas with regulatory floodway, Zone AE, as well as shaded zone X. As outlined in the City's updated floodplain ordinance from 2024, construction is not allowed in any floodplain area as identified on the preliminary plat. The FIRM panel referenced is #2779C0087E effective 7/17/2024.

### **Wetland Conservation Act**

A wetland delineation was completed by Aquatic EcoSolutions, Inc. dated May 20, 2024. The results of the wetland delineation as shown on the final plat drawing with wetlands located as part of Philipps Creek that runs through the property. The wetland delineation was approved by the City on 6/27/2024.

### **DNR Comments**

The Plat was forwarded to the area DNR Hydrologist for review and comment. Below are their comments:

**From:** Gleisner, Alan (DNR) <Alan.Gleisner@state.mn.us>  
**Sent:** Wednesday, August 28, 2024 9:25 AM  
**To:** Ken Ondich <kondich@ci.new-prague.mn.us>  
**Subject:** RE: Plat Review - Tracker Addition - City of New Prague

Hi Ken,

I reviewed the attached documents and, with no change to land use at this time, I wouldn't have any additional comments.

If/when an addition is added to an existing building, will additional BMPs be incorporated to address any increases to impervious surfaces and/or stormwater volume?

Feel free to reach out with any questions.

Thanks,

Al

**Alan Gleisner**

Area Hydrologist | Division of Ecological and Water Resources

**Minnesota Department of Natural Resources**

20596 HWY 7 West

Hutchinson, MN 55350

Office: 320-753-0344

Cell: 320-895-9116

Email: [alan.gleisner@state.mn.us](mailto:alan.gleisner@state.mn.us)

[mndnr.gov](http://mndnr.gov)

**Park Land Dedication**

Section 066 of the Subdivision Ordinance covers the requirements of Park/Public Land Dedication. Industrial plats require Park Dedication to be collected at 282 sq. ft. per employee. As no new buildings are proposed, the number of new employees that may be working on the site cannot be determined until a building permit for a new building is applied for. For this reason, park land dedication will be deferred until a building permit is applied for and to determine if any new employees might be added which puts additional demand on the City's park system.



For future payments in lieu of land, this is calculated by the Fair Market Value (Estimated Market Value of the land of \$0.54 sq. ft. at the time of writing this report) of the Buildable Unplatted Land x Land Requirement. As an example, if 5 new employees were added when a new building is constructed, the park land dedication would be \$761.40.

### **Water Area Access Charge**

A per acre water area access charge of \$2,814 per acre is collected for previously unplatted land. Since there were 8.31 acres of unplatted land included with this plat, the amount owed is \$23,384.34.

### **Emergency Warning Siren Area Charge**

A per acre charge of \$165 per acre is collected for land not previously platted. The amount owed with this plat is \$1,371.15.

### **Sidewalk Fee**

A sidewalk fee of \$55 per lot is required to be collected when new lots are being created. No new lots are being created, only platted, thus no fee is required.

### **Engineering / Public Works Comments**

The City Engineer, Chris Knutson of SEH, Inc., was solicited for comments. At the time of writing this report, no comments were received.

Public Works Director Rynda and Utilities General Manager Bruce Reimers both did not have any concerns or additional comments regarding the plat.

### **Water Service**

A water service exists to the main building on the site.

### **Sanitary Sewer Service**

The main building on the site is not connected to City Sewer at this time and instead has a private septic system drain field.

### **Electric Service**

Depending on the construction of future buildings, additional electrical infrastructure may be needed pending discussions with the New Prague Utilities Commission staff.

### **County Highway Department Comments**

N/A.

### **State Highway Department Comments**

Comments were solicited from Angela Piltaver, Senior Planner with MnDOT. At the time of writing this report, comments had not yet been received.

### **Environmental Concerns**

Staff has no environmental concerns regarding the plat other than the existing septic system if it going to continue to be used.

The applicant must provide evidence of a report from a qualified septic inspector that the system is in compliance with MPCA requirements. If the intent is to use the existing septic system, the applicant should provide evidence from the certified septic designer and installer and approved by the appropriate agency that the system will serve the intended use of the site. The applicant must provide an inspection report every three (3) years to show that the system is in compliance with state and local ISTS standards while the private system is in use.

### **Public Safety Comments**

Comments were not solicited from Police Chief Tim Applen at this time.

### **Legal Review**

City Attorney Scott Riggs has been provided a copy of the plat and title commitment. At the time of writing this report, comments had not yet been received from the City Attorney. **All recommendations of the plat opinion must be complied with.**

### **Subdivision Agreement**

As there are no public improvements being made nor any city right of way being obtained with the plat, a subdivision agreement is not necessary.

### **Staff Recommendation**

City staff recommends approval of the **preliminary and final plat** of Tracker Addition with the following findings:

1. The preliminary and final plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirements of the B-3 Highway Commercial Zoning District which it is located.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing dated 8/15/24 and final plat drawing (undated) on file with the New Prague Planning Department.
2. The applicant must comply with the recommendations of the Public Works Director, Utilities General Manager, and City Engineer.
3. The applicant must comply with the recommendations of MnDOT District 7.

4. Development Fees are required to be collected as follows:
  - a. Emergency Warning Siren Fee - \$1,371.15
  - b. Water Area Access Charge - \$23,384.34
  - c. Park Land Dedication – Determined at the time of future building permit application if employees are being added with a land value to be calculated at that time.
5. The final plat must be recorded within 90 days of the date of the City Council granting approval per Chapter 051 (E) of the Subdivision Ordinance.
6. All requirements of the City Attorney’s Plat Opinion must be complied with prior to executing signatures on the final plat.
7. The conservation easements around the wetland areas are required to have signage installed per Zoning Ordinance Section 734, Section 4 (E)(12) which states that the signs shall be installed at 200’ intervals along the wetland easement to define its edge. The signs must be at least 12” x 12” in size at least 4’ above grade.

**ATTACHMENTS**

Aerial Site Map – Dated 8/16/24

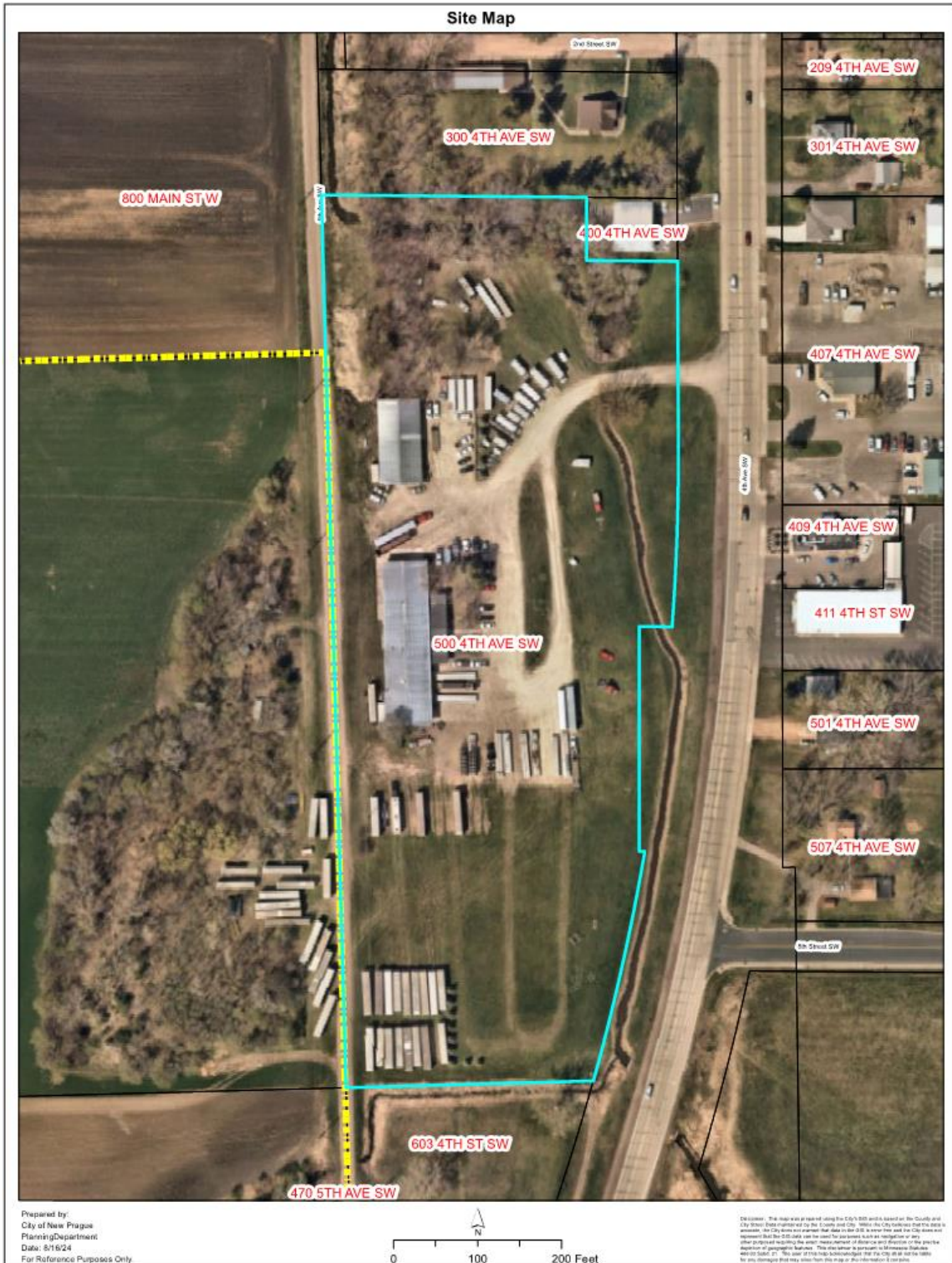
Zoning Map – Dated 8/16/24

Preliminary Plat Drawing – Dated 8/15/24

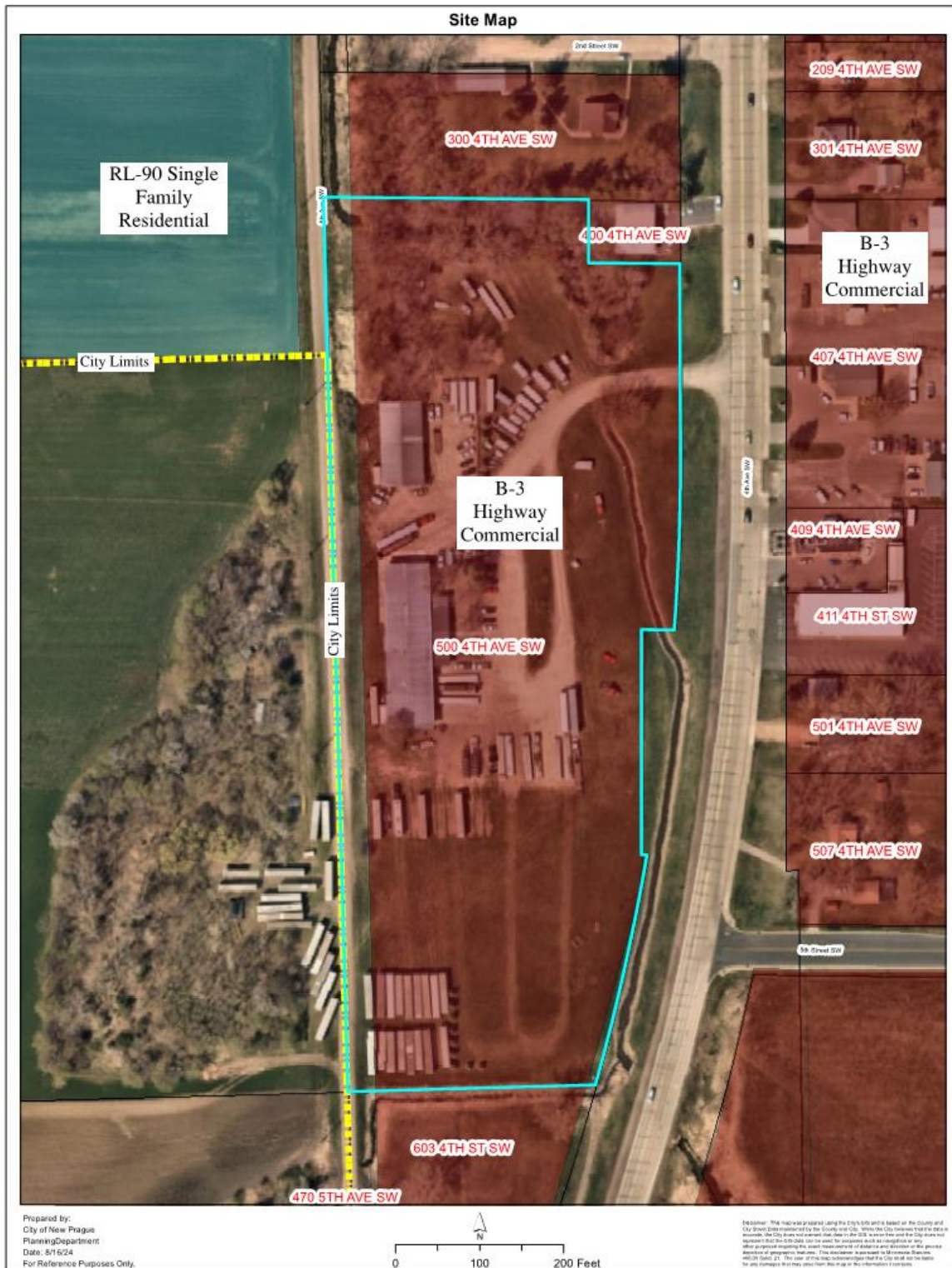
Final Plat Drawing – Undated

Photos – Dated 8/16/24

Google Street View Photos – Dated 2023



Aerial View of Subject Site



Zoning Map of the Subject Site and Neighboring Properties







Looking NW towards south end of the site from TH13/21



Looking SW towards south end of the site from TH13/21





Looking NW towards north end of the site from TH13/21



Looking West towards main building from TH13/21



## CONSERVATION EASEMENT

This Conservation Easement (this “Conservation Easement”) is made by Joel Fries (“Grantor”) to the CITY OF NEW PRAGUE, a Minnesota municipal corporation (“Grantee”).

### WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of certain real property situated in New Prague, Le Sueur County, Minnesota, legally described in Exhibit A attached hereto and made a part hereof and depicted in Exhibit B attached hereto and made a part hereof (the “Easement Area”);

WHEREAS, in accordance with City of New Prague Zoning Ordinance 734 (the “Ordinance”), certain sensitive physical land features such as bluff land, ravines, wetlands and natural waterways located in the City of New Prague are protected in accordance therein;

WHEREAS, the Easement Areas are located adjacent to wetlands and therefore, Grantor is required to provide Grantee this Conservation Easement to serve as a buffer in accordance with the terms of the Ordinance;

WHEREAS, Grantee is willing to accept this Conservation Easement, subject to the reservations and to the terms and conditions and obligations set out herein; and

NOW, THEREFORE, for and in consideration of the premises and the foregoing recitations, and other good and valuable consideration in hand paid, and in further consideration of the mutual purposes, covenants, terms, conditions, and restrictions hereinafter set forth, Grantor does hereby grant, give, and convey unto Grantee, its successors and assigns, a

Conservation Easement of the nature and character and to the extent hereinafter set forth, in, upon, and over the Easement Areas, for the purposes set forth herein.

THE TERMS, CONDITIONS, AND RESTRICTIONS OF THIS CONSERVATION EASEMENT ARE AS HEREINAFTER SET FORTH:

1. The Easement Areas shall serve as a buffer to the adjacent wetlands in accordance with the requirements of the Ordinance. Grantor shall have the right to access and utilize the Easement Areas except as otherwise provided in Paragraph 2 hereof.
2. No alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application shall be permitted by Grantor within the Easement Area. Notwithstanding anything contained herein to the contrary, noxious vegetation, such as European buckthorn, purple loosestrife and reed canary grass, may be removed in the Easement Area. Permitted alterations to the Easement Area would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards, unless otherwise agreed to by Grantee.
3. The following activities shall be permitted within the Easement Area and shall not constitute a prohibited alteration as set forth in Paragraph 2 herein:
  - a. Use and maintenance of an unimproved access strip through the Easement Area, no more than twenty (20) feet in width, for recreational access to the watercourse or wetland and the exercise of riparian rights;
  - b. Placement, maintenance, repair or replacement of public roads, and utility and drainage systems that exist as of the date of this Conservation Easement or are required to comply with any subdivision approval or building permit obtained from Grantee or Le Sueur County, so long as any adverse impacts of public road, utility and drainage systems on the function of the Easement Area have been avoided or minimized to the extent practical;
  - c. Construction, maintenance, repair, reconstruction or replacement of existing and future public roads within the Easement Area, so long as any adverse impacts of the road on the function of the Easement Area have been avoided or minimized to the extent practical; and
  - d. Clearing, grading and seeding is permitted if part of an approved wetland replacement plan.
4. Grantor shall place signs on the Easement Area in accordance with the terms of the Ordinance.

5. Except as specifically set forth herein, this Conservation Easement shall be deemed perpetual and shall run with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective successors, successors-in-title, and assigns. This Conservation Easement is enforceable by the City of New Prague acting through its City Council.
6. All notices required or permitted to be given to the parties hereto shall be given in writing by depositing the same in the United States mail, postage prepaid, marked "Certified Mail, Return Receipt Requested," or overnight express mail and addressed to the party for which such notice is intended, at the address hereinafter specified, or at such other address as either party may hereinafter designate by notice to the other:  
  
To Grantor:                    Joel Fries  
   500 4<sup>th</sup> Ave. SW  
   New Prague, Minnesota 56071  
  
To Grantee:                     City of New Prague  
   118 Central Avenue North  
   New Prague, Minnesota 56071
7. This Conservation Easement may be amended only with the written consent of Grantee and Grantor.
8. Nothing contained in this Conservation Easement shall give or grant to the public a right to enter upon the Easement Area or any portion thereof where no such right existed in the public immediately prior to the execution of this Conservation Easement.
9. This Conservation Easement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
10. This Conservation Easement is intended to be performed in accordance with and only to the extent permitted by all applicable laws, ordinances, rules and regulations of the State of Minnesota. If any portion of this Conservation Easement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portion of this Conservation Easement shall not in any way be affected or impaired thereby.
11. This Conservation Easement shall be construed in accordance with the laws of the State of Minnesota. Any dispute arising from this Conservation Easement shall be heard in the State or federal courts of Minnesota, and all parties waive any objection to the jurisdiction thereof, whether based on convenience or otherwise.

12. The Grantor warrants that it is the owner of the Easement Area as described above and has the right, title and capacity to convey to the Grantee the Conservation Easement herein.
13. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the Conservation Easement or Easement Area prior to, or subsequent to, the date of this Conservation Easement, except to the extent arising from the actions of Grantee or its employees, agents, representatives or contractors.

*The Remainder of the Page Intentionally Left Blank*

IN WITNESS WHEREOF, Grantor has hereunto set its hand at New Prague, Minnesota, this \_\_\_\_\_ day of September, 2024.

**GRANTOR:**

By: \_\_\_\_\_  
Joel Fries

STATE OF MINNESOTA    )  
  )    SS:  
COUNTY OF SCOTT        )

Before me, a Notary Public in and for said County and State, personally appeared Joel Fries, who acknowledged that he did sign the foregoing instrument.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at New Prague, Minnesota this \_\_\_\_\_ day of September, 2024.

\_\_\_\_\_  
Notary Public  
My Commission Expires:\_\_\_\_\_

ACCEPTANCE

The undersigned does hereby consent to and accept the within Conservation Easement.

IN WITNESS WHEREOF, the undersigned have executed and delivered this ACCEPTANCE this \_\_\_\_\_ day of August, 2024.

Signed in the presence of:

GRANTEE:

CITY OF NEW PRAGUE

By: \_\_\_\_\_  
Duane J. Jirk  
Its: Mayor

By: \_\_\_\_\_  
Joshua M. Tetzlaff  
Its: City Administrator

STATE OF MINNESOTA        )  
  )  
COUNTY OF SCOTT         )

SS:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 2024, by Duane J. Jirk and Joshua M. Tetzlaff, the mayor and city administrator, respectively, of the City of New Prague, Minnesota, on behalf of the City.

\_\_\_\_\_  
Notary Public

My Commission Expires:

THIS INSTRUMENT DRAFTED BY:  
Kenneth D. Ondich  
City of New Prague  
118 Central Ave. N.  
New Prague, MN 56071  
(952) 758-4401



## EXHIBIT A

### LEGAL DESCRIPTION OF EASEMENT AREAS

#### CONSERVATION EASEMENT #1

A conservation easement over and across that part of the Northwest Quarter of Section 3, Township 112, Range 23 West, Le Sueur County, Minnesota, described as follows:

Commencing at the West Quarter corner of Section 3, Township 112, Range 23 West; thence North 01 degrees 27 minutes 03 seconds West, along the West line of said Section 3, a distance of 460.00 feet; thence North 89 degrees 13 minutes 57 seconds East, parallel to the South line of the Northwest Quarter of Section 3, a distance of 294.86 feet to the westerly Right of Way line of the Minnesota Department of Transportation Right of Way Plat No. 40-8 and the point of beginning of the easement to be described; thence South 89 degrees 13 minutes 57 seconds West, a distance of 261.86 feet to the Easterly right of way line of a public road; thence North 01 degrees 27 minutes 03 seconds West, along said Easterly right of way line, parallel to and 33 feet distant from the West line of Section 3, a distance of 26.63 feet; thence North 85 degrees 17 minutes 14 seconds East, a distance of 36.14 feet; thence North 88 degrees 30 minutes 45 seconds East, a distance of 135.24 feet; thence South 86 degrees 40 minutes 30 seconds East, a distance of 74.09 feet; thence North 10 degrees 23 minutes 00 seconds East, a distance of 28.91 feet; thence North 16 degrees 25 minutes 52 seconds East, a distance of 126.31 feet; thence North 09 degrees 31 minutes 57 seconds East, a distance of 198.64 feet to the westerly right of way line of the Department of Transportation Right of Way Plat No. 40-8; thence South 00 degrees 06 minutes 31 seconds West, along said westerly line a distance of 94.93 feet; thence South 89 degrees 18 minutes 43 seconds East, along said westerly right of way line a distance of 6.19 feet; thence southwesterly along said westerly right of way line, along a non-tangential curve, concave to the west, having a radius of 2789.79, a central angle of 5 degrees 48 minutes 36 seconds, an arc length of 282.90 feet, a chord bearing of South 12 degrees 46 minutes 19 seconds West, a chord distance of 282.78 feet to the point of beginning.

#### CONSERVATION EASEMENT #2

A conservation easement over and across that part of the Northwest Quarter of Section 3, Township 112, Range 23 West, Le Sueur County, Minnesota, described as follows:

Commencing at the West Quarter corner of Section 3, Township 112, Range 23 West; thence North 01 degrees 27 minutes 03 seconds West, along the West line of said Section 3, a distance of 460.00 feet; thence North 89 degrees 13 minutes 57 seconds East, parallel to the South line of the Northwest Quarter of Section 3, a distance of 294.86 feet to the westerly Right of Way line of the Minnesota Department of Transportation Right of Way Plat No. 40-8; thence South 89 degrees 13 minutes 57 seconds West, a distance of 261.86 feet to the Easterly right of way line of a public road; thence North 01 degrees 27 minutes 03 seconds West, along said Easterly right of way line, parallel to and 33 feet distant from the West line of Section 3, a distance of 26.63 feet; thence North 85 degrees 17 minutes 14 seconds East, a distance of 36.14 feet; thence North 88 degrees 30 minutes 45 seconds East, a distance of 135.24 feet; thence South 86 degrees 40 minutes 30 seconds East, a distance of 74.09 feet; thence North 10 degrees 23 minutes 00 seconds East, a distance of 28.91 feet; thence North 16 degrees 25 minutes 52 seconds East, a distance of 126.31 feet; thence North 09 degrees 31 minutes 57 seconds East, a distance of 198.64 feet to the westerly right of way line of the Department of Transportation Right of Way Plat No. 40-8; thence North 00 degrees 06 minutes 31 seconds East, along said westerly Right of Way line, a distance of 135.20 feet to the point of beginning of the easement to be described; thence North 15 degrees 36 minutes 24 seconds West, a distance of 87.29 feet; thence North 09 degrees 50 minutes 14 seconds West, a distance of 135.82 feet; thence North 24 degrees 21 minutes 35 seconds West, a distance of 38.11 feet; thence North 17 degrees 20 minutes 18 seconds West, a distance of 35.65 feet; thence North 10 degrees 39 minutes 29 seconds East, a distance of 41.47 feet; thence South 88 degrees

02 minutes 22 seconds East, a distance of 54.51 feet; thence South 04 degrees 19 minutes 07 seconds East, a distance of 31.34 feet; thence South 31 degrees 34 minutes 43 seconds East, a distance of 37.17 feet; thence South 15 degrees 39 minutes 53 seconds East, a distance of 31.26 feet; thence South 09 degrees 44 minutes 37 seconds East, a distance of 94.88 feet; thence South 01 degrees 10 minutes 19 seconds West, a distance of 25.97 feet; thence South 13 degrees 18 minutes 03 seconds East, a distance of 31.36 feet to the westerly right of way line of Minnesota Department of Transportation Right of Way Plat No. 40-8; thence southerly, along said westerly line, along a non-tangential curve concave to the west, having a radius of 2789.79 feet; a central angle of 0 degrees 54 minutes 59 seconds, an arc distance of 44.62 feet; a chord bearing of South 03 degrees 51 minutes 21 seconds West, a chord distance of 44.62, to a jog in said westerly right of way line; thence North 89 degrees 18 minutes 43 seconds West, along said westerly right of way line, a distance of 39.05 feet to a jog in said westerly right of way line; thence South 00 degrees 06 minutes 31 seconds West, along said westerly right of way line, a distance of 38.47 feet to the point of beginning.

### CONSERVATION EASEMENT #3

A conservation easement over and across that part of the following described property:

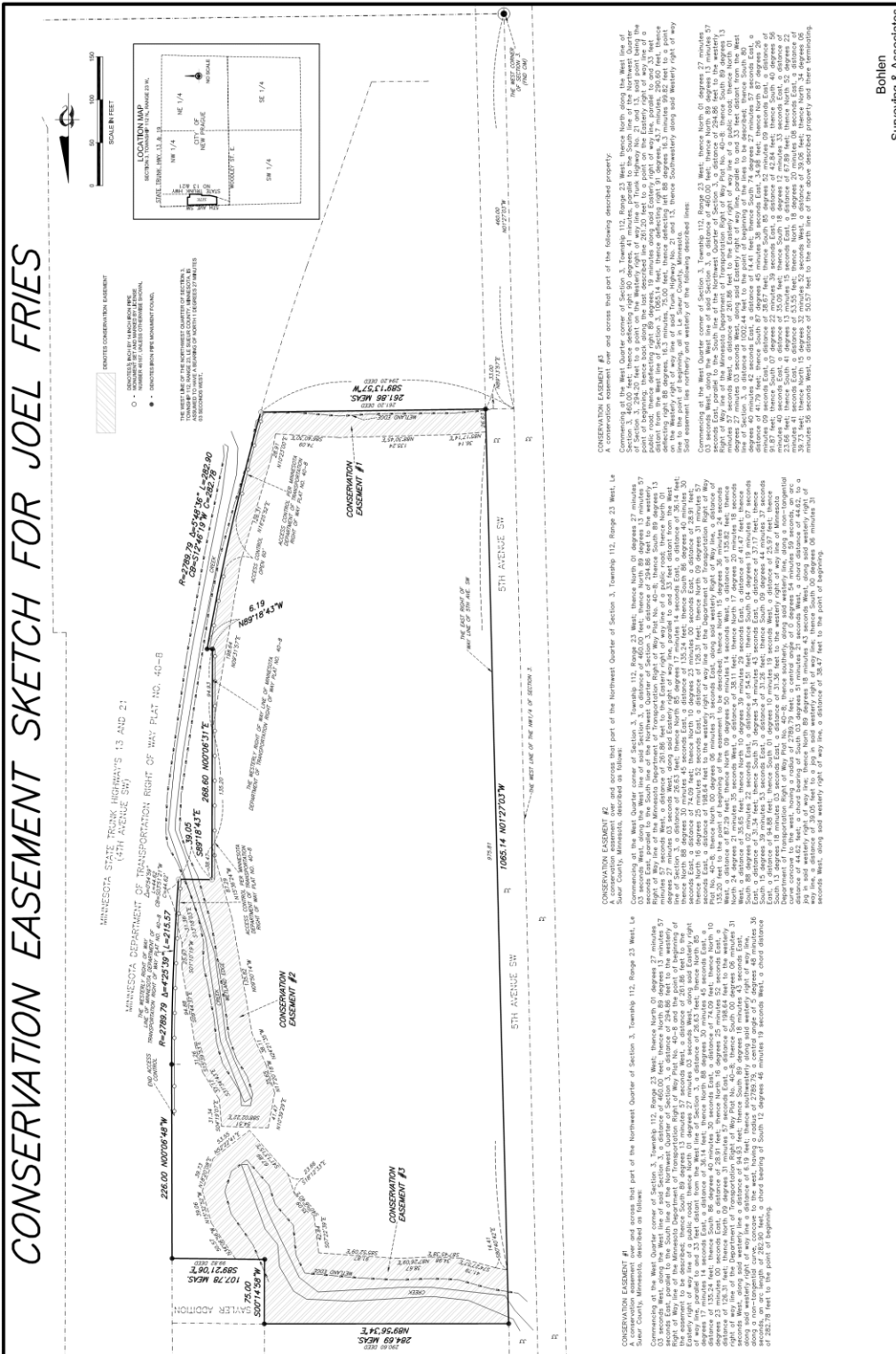
Commencing at the West Quarter corner of Section 3, Township 112, Range 23 West; thence North along the West line of Section 3, 460.00 feet; thence deflecting right 90 degrees, 41 minutes, parallel to the South line of the Northwest Quarter of Section 3, 294.20 feet to a point on the Westerly right of way line of Trunk Highway No. 21 and 13, said point being the point of beginning; thence back along the last described line 261.20 feet to a point on the Easterly right of way line of a public road; thence deflecting right 89 degrees, 19 minutes along said Easterly right of way line, parallel to and 33 feet distant from the West line of Section 3, 1065.14 feet, thence deflecting right 91 degrees, 43.7 minutes, 290.60 feet, thence deflecting right 88 degrees, 16.3 minutes, 75.00 feet, thence deflecting left 88 degrees 16.3 minutes 99.82 feet to a point on the Westerly right of way line of said Trunk Highway No. 21 and 13, thence Southwesterly along said Westerly right of way line to the point of beginning, all in Le Sueur County, Minnesota.

Said easement lies northerly and westerly of the following described lines:

Commencing at the West Quarter corner of Section 3, Township 112, Range 23 West; thence North 01 degrees 27 minutes 03 seconds West, along the West line of said Section 3, a distance of 460.00 feet; thence North 89 degrees 13 minutes 57 seconds East, parallel to the South line of the Northwest Quarter of Section 3, a distance of 294.86 feet to the westerly Right of Way line of the Minnesota Department of Transportation Right of Way Plat No. 40-8; thence South 89 degrees 13 minutes 57 seconds West, a distance of 261.86 feet to the Easterly right of way line of a public road; thence North 01 degrees 27 minutes 03 seconds West, along said Easterly right of way line, parallel to and 33 feet distant from the West line of Section 3, a distance of 1002.44 feet to the point of beginning of the lines to be described; thence South 80 degrees 40 minutes 42 seconds East, a distance of 14.41 feet; thence South 74 degrees 27 minutes 57 seconds East, a distance of 41.79 feet; thence South 87 degrees 45 minutes 38 seconds East, 34.98 feet; thence North 87 degrees 26 minutes 09 seconds East, a distance of 38.67 feet; thence South 85 degrees 52 minutes 09 seconds East, a distance of 91.87 feet; thence South 07 degrees 22 minutes 39 seconds East, a distance of 42.84 feet; thence South 40 degrees 56 minutes 40 seconds East, a distance of 35.09 feet; thence South 18 degrees 12 minutes 33 seconds East, a distance of 23.66 feet; thence South 41 degrees 13 minutes 15 seconds East, a distance of 67.89 feet; thence North 52 degrees 22 minutes 41 seconds East, a distance of 53.55 feet; thence North 18 degrees 20 minutes 08 seconds East, a distance of 39.73 feet; thence North 15 degrees 32 minutes 52 seconds West, a distance of 39.06 feet; thence North 34 degrees 06 minutes 56 seconds West, a distance of 50.57 feet to the north line of the above described property and there terminating.

EXHIBIT B

MAP OF EASEMENT AREA



Bohlen  
Surveying & Associates