



## Legislation Text

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**File #:** RES 24-578, **Version:** 2

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Approving the Final Plat for United Village Development (Public hearing for the Preliminary Plat held on September 20, 2023).

WHEREAS, Snelling-Midway Redevelopment, LLC, with the written consent of Midway Lot 5 LLC, under Planning and Economic Development Zoning File No. 23-102-060, has submitted for City Council approval the attached United Village Development plat for the subdivision of property located at 1566 University Avenue ( *temporary address*) to create four (4) lots (zoned T4M) and eight (8) outlots (zoned T4M); and

WHEREAS, on September 20, 2023, the City Council, following proper notice of a public hearing duly published in the City's official newspaper and mailed notice to each owner of property situated within 350 feet of the subject property, duly conducted the hearing on the preliminary plat for the subject area where all interested parties were given the opportunity to be heard and the Council, upon closing the said hearing and having considered all the facts and recommendations concerning the preliminary plat, duly moved to approve the preliminary plat, subject to specific conditions, in RES PH-23-227; and

WHEREAS, the approved preliminary plat required, for parkland dedication purposes, land area of 1.25 acres (0.91 acres for Outlot A and 0.34 acres for Outlot H - Outlot H is renamed Outlot F on the final plat); the Council having subsequently reduced the amount of parkland required for Outlot A by 0.19 acres, in RES 23-1649, to 0.72 acres for a total of 1.06 acres, and the final plat provides the required amount of land for parkland dedication purposes; and

WHEREAS, providing private land for public use is a permissible alternative, under Leg. Code § 69.511(c), to dedicating land for public park purposes via platting provided the applicant abides by all the conditions set forth under that section and, to comply with those conditions, the Department of Parks and Recreation and the applicant negotiated Privately Owned Public Space or "POPS" agreements which the City Council approved on October 25, 2023, and both parties have executed, thus fulfilling the parkland dedication requirement for approval of the final plat; and

WHEREAS, along with the POPS agreements, fulfillment of Leg. Code § 69.511(c) requires that the owners, subdividers, or developers include covenants running with the specified land indicating that the land to be developed and maintained for park purposes will revert to the city in the event of a failure to comply with the requirements of Leg. Code § 69.511(c); and

WHEREAS, the POPS agreements specify that once the developer or an affiliate becomes the fee title owner of the land where the Parks are located, the developer or its affiliate will promptly cause the covenants to be executed, delivered, and filed of record; and

WHEREAS, the POPS agreements specify that if the developer or an affiliate does not own the land where the Parks are located, the developer or its affiliate will file and record the POPS agreements to serve as the covenant until the developer or an affiliate has become the fee title owner of the land; and

WHEREAS, Snelling-Midway Redevelopment, LLC and the City anticipate that the rights-of-way dedicated under this final plat are likely to remain unimproved for their intended purposes for some time until development plans require improvements to these rights-of-way to facilitate development, improve street access, and promote public health, welfare and safety and, in recognition of the likely timeline for

development, Snelling-Midway Redevelopment, LLC and the City therefore desire to allow temporary use of such unutilized or unimproved rights-of-ways for other purposes permitted, provided the use of the unutilized or unimproved rights-of-way are duly permitted by the department of public works, pursuant to zoning and permitting regulations then in effect and further provided the use will not result in any permanent obstruction, delay or other impediment to the means to improve these rights-of-way in the future for their intended purposes;

WHEREAS, the appropriate City departments have reviewed the final plat and found, subject to the recommended conditions, that it meets the requirements of Chapter 69 of the Zoning Code; and

WHEREAS, pursuant to Leg. Code § 69.403 requiring an applicant to file its final plat application within one year following the City Council's preliminary plat approval, the applicant, having duly submitted this final plat application on November 22, 2023, which, contains all modifications required in the conditions approving the preliminary plat (RES PH 23-227) as well as the following:

- a. Survey, content of plats, and boundary data in the manner prescribed by Section 505.02, Minnesota Statutes, as amended from time to time.
- b. Certification of dedication by the land owners and surveyor's certification as required in Section 505.03, Minnesota Statutes, as amended from time to time.

NOW, THEREFORE, BE IT RESOLVED, that the City Council accepts and approves the attached United Village Development final plat for 1566 University Avenue (*a temporary address*) with four (4) lots and eight (8) outlots as compliant with the provisions of Minn. Stat.

§ 505.03, subject to the following conditions:

1. Per zoning code § 69.404(e) the final plat shall be assigned a number by the city clerk and shall be filed by the applicant with the county recorder and/or registrar of titles within sixty (60) days of the adoption of this council resolution.
2. The executed Privately Owned Public Space (POPS) agreements for Outlot A and Outlot F, which are required to comply with the parkland dedication requirement for platting, shall be filed by the applicant with the county recorder or registrar of titles at the same time as the final plat is filed with the county recorder or registrar of titles.
3. The applicant, who is now the fee owner of Outlot A, private land being provided for public use, record a covenant running with Outlot A, indicating the purposes for which the Park may be used and that ownership of the Park will transfer to the City in the event of failure to maintain the Park for public use in accordance with the terms of the Privately Owned Public Space (POPS) agreement and Leg. Code § 69.511(c). The covenant shall be submitted to the city for approval as required by Leg. Code § 69.511. The applicant shall file the covenant with the county recorder or register of titles at the same time as the final plat is filed with the county recorder or register of titles, and provide a copy of such recorded covenant to the City's Department of Parks and Recreation promptly thereafter.
4. All new easement documents associated with this final plat are authorized by the council and shall be executed and filed with the office of the county recorder and/or the registrar of titles of Ramsey County at the same time the final plat is recorded. All easements shall be derived from the legal descriptions created by the final plat. Easement documents to be filed include, but are not limited to, the following pedestrian easements:
  - That part of Outlot A, United Village Development, lying northerly of a line and its westerly extension that is 8.00 feet south of the most northerly line of said Outlot A; The most northerly 8.00 feet of Outlot A United Village Development;
  - The northerly 8.00 feet of Outlot B United Village Development;

- That part of Outlot C, United Village Development, lying easterly of a line and its northerly extension that is 8.00 feet west of the most easterly line of said Outlot C;
  - The easterly 8.00 feet of Outlot D United Village Development;
  - The easterly 8.00 feet of Outlot E United Village Development;
  - The easterly 8.00 feet of Outlot G United Village Development;
  - The most northerly 8.00 feet and the southerly 4.00 feet of Lot 1, Block 2 United Village Development;
  - The northerly 4.00 feet of Lot 1, Block 3 United Village Development;
  - The north 4.00 feet of Outlot C, MLS Soccer Redevelopment.
5. Pursuant to City Council Resolution RES 19-1246 establishing the Snelling-Midway Infrastructure Stormwater Management District, and establishing connection and ongoing operation and maintenance charges for property and uses to be served by the district's stormwater infrastructure, development parcels must connect to the District's Green Infrastructure Stormwater Management System and must, pursuant to Leg. Code 81.08.2(a), pay concurrently with the issuance of a building permit a one-time connection charge. Parcels within the District must also pay an additional annual operation and maintenance surcharge per Leg. Code 81.08.02(b).
6. All Public Works Sewer Division ("Sewers" or "Division") review comments for all future developments within the plat area must be satisfactorily remedied by the developer during the site plan review process.
7. Existing system capacity improvements and design requirements for the proposed United Village site, as reported in the Snelling-Midway Superblock Sanitary Sewer Analysis study currently being completed, shall be incorporated into the current phase and any future phases of the developments.
8. The amended versions of two existing easement documents associated with the plat, Doc. No. T02634499 and Doc. No. T02634500, are authorized by the council and shall be executed by the deputy mayor, city clerk, and director of the office of financial services and filed with the office of the county recorder and/or the registrar of titles of Ramsey County at the same time the final plat is recorded.