

**JOINT PLANNING BOARD
CITY OF AVON AND AVON TOWNSHIP**

**Wednesday, May 16, 2018
7:00 pm
Avon Township Hall**

Meeting Agenda

- 1) Chair calls Meeting to Order
- 2) Review/Approve Minutes from August 14, 2017
- 3) Approve Agenda
- 4) Consider Annexation Request for 03.00989.0010 (Lange Gravel Pit)
- 5) Common Interest Issues/General Information Sharing
- 6) Adjourn meeting

Minutes of the Meeting of the Joint Planning Board of Avon Township & the City of Avon

August 14, 2017

Avon Township Hall (16881 Queens Rd, Avon)

Call to Order: The Joint Planning Board meeting was called to order by Vice Chair Mike Linn at 7:00 P.M. in the main chamber of the Avon Township Hall.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present: John Grutsch (City), Mike Linn (Town), Mergen (Town). Absent: Dick Glatzmaier, Jeff Meyer. Also present: Stephen Saupe (Town Clerk) and Jodi Austing-Traut (City Administrator).

Agenda: Mergen moved to approve the agenda as presented. Grutsch second. All in favor. Motion carried.

Minutes: Mergen moved to approve the minutes as presented. Grutsch second. All in favor. Motion carried.

Common Interest Issues/General Information Sharing:

1. **Mitchell/Schleicher Administrative Subdivision:** Mr. Dean Mitchell appeared to request approval for a Certificate of Compliance – Administrative Subdivision to revise boundaries of his property at 18909 Co Rd 54 (03.01050.0005) and his sister (Karen Schleicher) who lives directly to the south 03.010050.0010. He proposes to attach to their existing properties, the adjacent strips of land that are to the east and west. Neither the City nor Township have any concerns about the proposal. Mergen moved to approve an Administrative Subdivision for the Mitchell/Schleicher property. Grutsch second. All in favor. Motion carried. Saupe will send Mr. Mitchell an invoice for \$100 to defray costs for publishing the meeting and for City/Town services. The fee will be split evenly between the City and Town. Saupe will prepare a certificate of Compliance for signatures.
2. **Fees/Forms** – There was some confusion about the forms and fees for requests that appear before the Joint Planning Board. Austing-Traut will prepare a packet of materials to be considered for adoption.

Reports/Announcements:

- Construction of a 24-unit apartment complex has begun. It has the potential to be expanded to 42 units.
- Albany has done an amazing job with their school renovations.
- Midsota is expanding and will likely add more jobs.
- A 12-acre solar garden was approved for the Gertken property (Smiley Drive).

Next Meeting Date: The next scheduled meeting is April 9, 2018 (*second Monday in April*).

Adjournment: Motion by Mergen to adjourn at about 7:30 PM. Second by Grutsch. All in favor. Motion carried.

Respectfully submitted,

Stephen Saupe, Clerk
Avon Township

LANGE PROPERTIES OF AVON LLC
P.O. BOX 70
AVON MN 56310
Phone # 320-356-7976 Fax # 320-356-9231

April 23, 2018

City of Avon
P.O. Box 69
Avon, MN 56310

To Whom It May Concern:

Lange Properties of Avon LLC is requesting 12.54 acres, parcel ID 03.00989.0010 located South of Copart in Avon to be annexed into the City of Avon.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Lange".

Jeff Lange
President

**PETITION FOR ANNEXATION BY ORDINANCE
IN THE MATTER OF THE PETITION OF
CERTAIN PERSONS FOR ANNEXATION PURSUANT
TO MINNESOTA STATUTES 414.033, SUBD.5**

TO: Council of the City of Avon, Minnesota

And

Minnesota Planning
Municipal Boundary Adjustments
658 Cedar Street-Room 300
St. Paul, MN 55155-1603
(651) 284-3383

PETITIONER(S) STATE: The property owner or a majority of the property owners in number are required to commence a proceeding under M.S. 414.033, Subd. 5.

It is hereby requested by:

 X the sole property owner; or
 all of the property owners; or
 a majority of the property owners

of the area proposed for annexation to annex certain property described herein lying in the Town of Avon to the City of Avon, County of Stearns, Minnesota.

The area proposed for annexation is described as follows:

Parcel Identification Number: 03.00989.0010

12.54A S540' OF SW4SE4 LESS THAT PART BEG SW COR-NE ALG W LN 474.03'-S88D E 367.49'-SW 474.05' TO S LN-
N88D W ALG S LN 368.04' TO POB Section 27 Township 125 Range 030
Subject to any easements of record.

1. There is/are 1 owner(s) in the area proposed for annexation.
2. The property owner(s) has/have signed this petition.
3. Said property is unincorporated, abuts on the city's southeast boundary, and is not included within any other municipality.
4. The area of land proposed for annexation, in acres, is:

<u>12.54</u>	Unplatted	<u>0</u>	Platted	<u>12.54</u>	Total
--------------	-----------	----------	---------	--------------	-------
5. The reason for the requested annexation is the property is about to be used as an industrial business/urban in character.
6. The area proposed for annexation will be zoned Industrial.
7. The petitioners have:

<u> </u>	complied with M.S. 414.033, Subd. 13; or
<u>X</u>	waived any notice concerning M.S. 414.033, Subd. 13
8. All of the area proposed for annexation is or is about to become urban or suburban in character.
9. The area to be annexed is not included in any other boundary adjustment proceeding pending before Minnesota Planning, Municipal Boundary Adjustments.
10. The area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to M.S. 414.0325.
11. A map showing the proposed area of annexation AND where the property abuts the city is attached.

PETITIONERS REQUEST: That pursuant to M.S. 414.033, the property described herein be annexed to and included within the City of Avon, Minnesota.

Dated: 4-25-2018

Signature: Jeff Dange

ANNEXATION APPLICATION

- Fee \$500 (this includes application fee, recording fees, publication fees, and administrative fee)
- Additional legal fees and engineering fees, if necessary, may be charged separately.

General Information:

Property Owner(s): Lange Properties of Avon, LLC

Owner Address: 111 Dorado Ave. PO Box 70 Avon, MN 56310

Applicant: Lange Properties of Avon, LLC

Applicant Address: 111 Dorado Ave. PO Box 70 Avon, MN 56310

Telephone: 320-356-7976 **Email:** langetrenching@gmail.com

Address of Property Involved: _____

Property Identification Number: 03.00989.0010

Current Zoning: 4B4 Residential Non-Homestead / 3A Commercial/Industrial

Is the property located in the “orderly growth area” per the joint annexation agreement? YES

Description of Request: _____

Number of Acres being annexed: 12.54

Certified Land Survey and Site Plan Requirements

The City of Avon requires the submittal of a certified land survey and site plan(s) for all development projects in the City. The City requires **Three (3)** large scale copies (add three (3) copies if the property abuts a State highway; one (1) copy if it abuts a Stearns County highway; and another (1) copy if it abuts a DNR protected wetland) plus **twenty-five (25)** 11" x 17" reductions with an accurate scale for review by staff, the Joint Powers board, the Planning Commission and the City Council. *The applicant is responsible for contacting Stearns County and/or the DNR and providing the appropriate submittals for any required permits.*

True and accurate representation of the following requirements is the responsibility of the applicant. In all cases, the survey and site plan shall contain:

- | | | |
|--------------------------|--------------------------|--------------------------|
| Complete | Incomplete | N/A |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- General Information:**
- FULL Legal Description
 - Petition for Annexation (attached)
 - North point and graphic scale
 - Benchmark Information
 - Date of Survey
 - Name of surveyor and registration number

Project Information:

- Name of project
- Location of project and assigned site address
- Name and address of owner/developer
- A separate written statement describing the intended use of the property and why the City should approve the request.

Site/Building Plan Information:

- Boundary lines of project site including dimensions at a scale of not less than (1) inch to fifty (50) feet (Iron monuments must be shown)
- Existing and proposed topographic information at two (2) foot intervals extending 100 feet from the exterior boundary
- Adjacent streets and rights-of-way
- Principal building location(s), dimensions and setbacks
- Preliminary annotated exterior elevations and building floor plans drawn to a minimum scale of 1/8"=1'
- Accessory building location(s), dimensions, and setbacks
- Driveway and sidewalk location with materials noted
- Fences and retaining wall locations

Environmental Information:

- Shoreland boundary (including official OHW elevation)
 - Wetland boundary (including a copy of the delineation report)
 - Floodplain/floodfringe boundary including elevations at building and lot corners
- NOTE: The lowest floor elevation (including basement) must be included

Easement Information:

- Private and public easement locations and dimensions
- Utilities and rights-of-way easements including man-hole elevations, pipe elevations and sizes

Utilities and Infrastructure Information:

Grading plan. Existing and proposed contours shall be provided in two (2) foot contours.
 Traffic study including traffic flow and existing and projected volumes in and around the subject property. NOTE: Information must be prepared by a professional engineer.

Utilities plan—sizes and locations:
_____ Sanitary sewer & water main
_____ Natural gas & electrical load
_____ Storm sewer design, catch basin inverts and locations, pond dimensions
_____ Surface water collection and conveyance features including arrows indicating the direction of surface water flow over the map of proposed contours
_____ Surface water ponds, drainage ditches and wetlands.
_____ Drainage (storm water) calculations, including curve numbers for the property

Complete/Incomplete Applications

An incomplete application will delay the processing of annexation requests. The application review period commences and an application is considered officially filed when the City Clerk has received and examined the application and determined that the application is complete.

Payment of Fees and Filing Requirements

The undersigned acknowledges that she/he understands that before this request can be considered, the required application fee must be paid to the City in advance. *If additional fees are required to cover costs incurred by the City, the City Clerk has the right to require additional payment from one or more of the undersigned, who shall be liable for such fees.* Such expenses may include (but are not limited to) consultant review of the application by the City Attorney, City Engineer or other professionals, special meeting expenses (see below).

Meeting Schedule

Resolution 2018-10
JOINT RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWN OF AVON AND THE CITY OF AVON

Property Owner's Name: Lange Properties of Avon, LLC
Property Identification Number: 03.00989.0010

RECITALS

- A. The Township of Avon ("Town") and the City of Avon ("City"), both of Stearns County, Minnesota, agree on the orderly annexation of certain real property described in this Resolution for orderly and planned services to the community.
- B. The property proposed to be annexed (as described on Exhibit A and set forth on the map as Exhibit B) is subject to orderly annexation under and pursuant to Minnesota statutes, Section 414.0325. The property to be annexed is part of an Orderly Annexation Area between the City and Town which Agreement was executed by the City on August 11, 2005 and executed by the Township on August 17, 2005.
- C. All owners of the property proposed to be annexed have petitioned the City and the Town for annexation.
- D. The Joint Planning Board of the City of Avon and the Township of Avon have reviewed this annexation request and affirm that the annexation is in compliance with the Orderly Annexation Agreement between the City and Town.

RESOLUTION

1. **Designation of Property.** The Town and City designate the area set forth in the legal description of the properties attached as Exhibit A and set forth on the map attached as Exhibit B as subject to orderly annexation pursuant to Minnesota Statutes §414.0325.
2. **Department of Administration, Municipal Boundary Adjustment Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Department of Administration, Municipal Boundary Adjustments to approve annexation of the designate property pursuant to Minnesota Statutes §414.0325.
3. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Department of Administration, Municipal Boundary Adjustments of the designated property's stated boundaries is appropriate.
4. **Department of Administration, Municipal Boundary Adjustments Review and Comment.** The Town and City agree and state that this Joint Resolution sets forth all the conditions for annexation of the designated property, and no consideration by the Department of Administration, Municipal Boundary Adjustments is necessary. The Department of Administration, Municipal Boundary Adjustments may review and comment, but shall order the annexation of the designated property according to this Joint Resolution's terms within 30 days of the Department of Administration, Municipal Boundary Adjustment's receipt of this Joint Resolution.
5. **Planning and Land Use Control Authority.** Upon the annexation's effective date, the City's zoning regulations and land use controls shall govern the designated property. The property will be brought into the city with the zoning classification of "Industrial".
6. **Acreage and Population.** The designated property consists of 12.54 acres and has a current population of zero (0).
7. **Revenue Sharing.** In respect to the annexed property, the City shall for six years following the annexation of the property rebate to the Township an amount equal to the property taxes collected by the Town for the property in the year of annexation. This fixed amount will then be paid each year during the six-year term.
8. **Authority of Joint Planning Board.** The Joint Planning Board may review and comment on drainage plans, concept plans, sewer and water lines, utility locations, and traffic/roadway access issues.
9. **Authorizations.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.
10. **Modification.** The Town and City may modify, amend, and terminate this Joint Resolution only by a mutually signed, written agreement.

11. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution is invalid, illegal, or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is inapplicable to any person or circumstances, it shall still remain applicable to all other persons or circumstances.
12. **Effective Date.** This Joint Resolution shall be effective from the date of the Department of Administration, Municipal Boundary Adjustment's order calling for the designated property's annexation to the City.
13. **Governing Law.** Minnesota law will govern this Agreement.

The Township of Avon Board of Supervisors adopts this Joint Resolution on the _____ day of _____, 2018.

TOWNSHIP OF AVON

Town Chair

ATTEST:

Town Clerk

The Avon City Council adopts this Joint Resolution on the _____ day of _____, 2018.

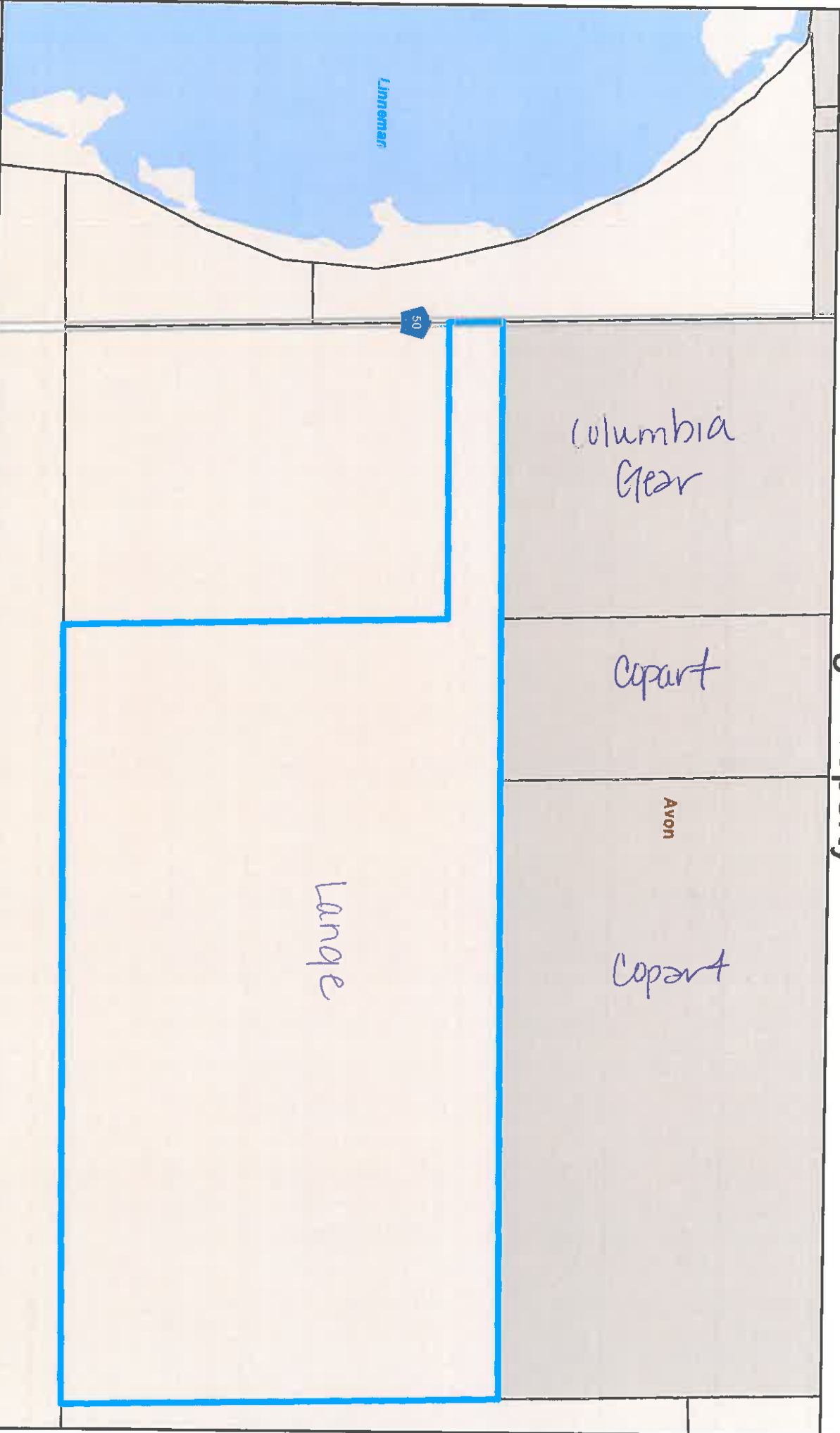
CITY OF AVON

Mayor

ATTEST:

City Clerk/Administrator

Lange Property



Parcel ID 03.00989.0010
Acreage 12.54
Sec/Twp/Rng 27-125-30
Legal Plat

Property Address Unassigned

Owner Address LANGE PROPERTIES OF AVON LLC
111 DORADO AVE PO BOX 70
AVON MN 56310-0070

0 40 80 160 240 320 Feet

District Class 0306 AVON TWP 745
Brief Tax Description 3A-Commercial/Industrial/Public Utility, 4B4-Residential nonhome
12.54A S540' OF SW4SE4 LESS THAT PART BEG SW COR-NE ALG W LN 474.03'

Auditor/Treasurer
Division of Land Management
April 24, 2018



Data is as represented in Stearns County Databases. It is NOT intended for Locational Use and Stearns County waives all liability from this product.

827.64 10-22-14

30m

NO DELINQUENT TAXES AND
TRANSFER ENTERED

DATE Oct. 22, 2014

AUDITOR [Signature]

DEPUTY [Signature]

03 . 00989 . 0010

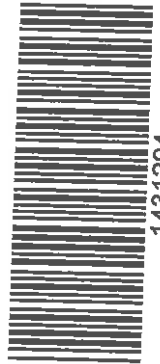
OFFICE OF COUNTY RECORDER
STEARNS COUNTY, MINNESOTA

Document: A1431294

Certified, Filed, and/or Recorded on

October 22, 2014 2:00 PM

DIANE GRUNDHOEFER
STEARNS COUNTY RECORDER



WARRANTY DEED

(Individual to Limited Liability Company)

eCRV # 275583

STATE DEED TAX DUE HEREON: \$827.64

Date: October 15, 2014

FOR VALUABLE CONSIDERATION, **Kenneth Schmitt and Sharon Schmitt**, husband and wife, Grantors, hereby convey and warrant to **Lange Properties of Avon, LLC**, a Minnesota limited liability company, Grantee, real property in Stearns County, Minnesota, described as follows:

✓ The South 540 feet of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 27, Township 125, Range 30, less that part of the SW1/4SE1/4 of Section 27, Township 125, Range 30 described as follows: Beginning at the Southwest corner of said SW1/4SE1/4; thence North 00° 13' 04" East (assumed bearing) along the West line of said SW1/4SE1/4 a distance of 474.03 feet; thence South 88° 59' 34" East, parallel with the South line of said SW1/4SE1/4 a distance of 367.49 feet; thence South 00° 09' 05" West a distance of 474.05 feet to said South line; thence North 88° 59' 34" West along said South line a distance of 368.04 feet to the point of beginning.

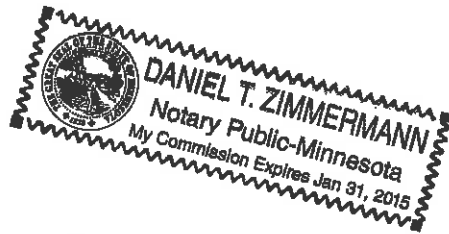
together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: easements, restrictions and reservations of record, if any. Also subject to all encumbrances suffered by Grantee since that Contract for Deed dated 10/7/04, recorded 10/12/04 as Document No. 1129883. This deed is given in fulfillment of said Contract for Deed. ✓

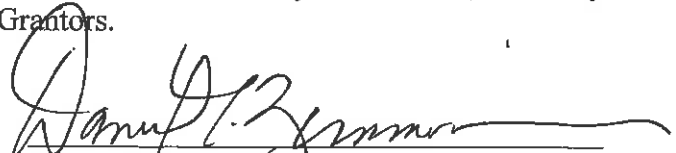
[Signature]
Kenneth Schmitt

[Signature]
Sharon Schmitt

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

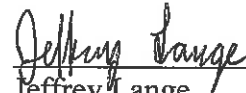
The foregoing instrument was acknowledged before me this 15th day of October, 2014 by Kenneth Schmitt and Sharon Schmitt, husband and wife, Grantors.




Notary Public

Grantee hereby certifies that Grantee is not aware of any wells on the above described premises.

LANGE PROPERTIES OF AVON, LLC

By: 
Jeffrey Lange
Its: President

THIS INSTRUMENT DRAFTED BY:
WILLENBRING, DAHL,
WOCKEN & ZIMMERMANN, PLLC
✓ Daniel T. Zimmermann (141835)(bak)
318 Main Street - PO Box 417
Cold Spring, MN 56320
Telephone (320) 685-3678
File No. 9179-001

Tax statements should be sent to:
Lange Properties of Avon, LLC
PO Box 70
Avon, MN 56310