

Notice of the Meeting of the Avon Township/City of Avon Joint Planning Board

This notice is to alert residents that there will be a meeting of the **Avon City / Avon Township Joint Planning Board** on **Thursday, November 8, 2018 at 6:30 PM** at Avon City Hall (140 Stratford Street E, Avon, MN) to consider an application for a Certificate of Compliance and a Transfer of Development Right for Kathleen Yurcyk (33962 180th Ave., Avon (MN), PID 03.01031.0000), and to discuss other business as permitted by law. The public is invited to attend. All Avon Township/City of Avon meetings are handicap accessible.

Stephen Saupe, Clerk
Avon Township

Jodi Austing-Traut, City Administrator
City of Avon

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

**Thursday, November 8, 2018
6:30 pm
Avon City Hall**

Meeting Agenda

- 1) Chair calls Meeting to Order
- 2) Review/Approve Minutes from May 16, 2018
- 3) Approve Agenda
- 4) Consider Request for administrative subdivision of 03.01031.0000 owned by Kathleen Yurczyk (*80 acres to be split into one 10 acre parcel to be retained by Mrs. Yurczyk and one 70 acre parcel for purchase by Lange Properties*)
- 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

May 16, 2018

Avon Township Hall (16881 Queens Rd, Avon)

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

Pledge: The Pledge of Allegiance was recited.

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

Minutes: Meyer moved to approve the minutes from the August 14, 2017 meeting as presented. Linn second. All in favor. Motion carried.

Agenda: Added to the agenda were: (a) a discussion of Resolution 2018-12 (*regarding annexation of the Fischer property*) and (b) bike races. Meyer moved to approve the agenda as amended. Linn second. All in favor. Motion carried.

Business:

- Lange/Copart Annexation** – Jeff Lange appeared to request the annexation of 12.54 acres (PID 03.00989.0010) into the City. The parcel is located south of Copart. The property is in the orderly annexation area. The Avon City Council approves of the request. Mr. Lange is not certain how long he will continue to use the property but is anticipating a September closing date. Linn moved to approve Resolution 2018-10, "Joint Resolution for Orderly Annexation Between the Town of Avon and the City of Avon", annexing the Lange property (PID 03.00989.0010) into the City of Avon. Mergen second. All in favor. Motion carried. The next stage for Mr. Lange is the City Planning Commission. He is working on a drainage plan; the site engineer will be in contact with the City.
- Fischer Property** – Paul & Mary Jane Fischer approached the City about their property (PID 03.01009.0000) that straddles the Wobegon Trail. They went to the County to begin the process of administrative subdivision but the County sent them back because the property is in the orderly annexation area. The Fischer's do not want to be annexed and have not submitted a petition for annexation. The parcel is not contiguous with the City and not serviceable with water and sewer at this time. Also, the proposal has not had City Council approval. Meyer moved to approve Resolution 2018-12, "City of Avon, Avon Township Joint Planning Board Joint Resolution 2018-12," recommending that parcel 03.01009.0000 remain in Avon Township until such time as the requirements for the Orderly Annexation Agreement are met. Mergen second. All in favor. Motion carried.
- Bike Races** – There have been concerns in the Township about the annual spring bike race that uses Co Rd 9, Co Rd 54, Tower Road, and 360th. The pros and cons of the race were discussed. The general agreement was to work with the organizers to reduce complaints and promote the benefits of the event.
- Ditch 25** – work is in progress. The County requested the Township to clear the culvert at Meadowview Road.

Reports/Announcements:

- The wall along I94 is going up and already seems to have decreased residential noise levels.
- There have been no new complaints about the 'hum' noted in the City/Town.
- Most of the units in the new apartment complex in the City have been rented.
- Construction on the 12-acre solar garden on the Gertken property (Smiley Drive) will begin later this year.

Next Meeting Date: The next scheduled meeting is the second Monday in April 2019.

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

Respectfully submitted,

Stephen Saupe, Clerk
Avon Township

Grantor Parcel Identification Number

Grantee Parcel Identification Number

**CERTIFICATE OF TRANSFER OF DEVELOPMENT RIGHTS
AND
DECLARATION OF RESTRICTION**

THIS Certificate of Transfer of Development Rights and Declaration of Restriction is executed this _____ day of _____, 20__ by _____, hereinafter referred to as "Grantor(s)" for the purpose of transferring residential development rights to _____ hereinafter referred to as "Grantee(s)".

Grantor(s) hereby transfer to the Grantee(s) the residential development rights for _____ residential dwelling sites from the following described property which shall be referred to as the "Grantor Site":

The residential development rights are transferred to the following described property which shall be referred to as the "Grantee Site":

DECLARATION

WHEREAS, Section _____ Stearns County Zoning Ordinance Number 439, or successor ordinances requires that the Grantor Site area of _____ acres be restricted from additional residential development.

NOW, THEREFORE, the Grantors make the following Declaration of Restrictions. The restrictions described below shall apply to the Grantor Site and shall run with the land and shall be binding on all parties and all persons claiming under them:

1. That use of the property described herein as the Grantor Site, or any part thereof, for a residential dwelling site shall be prohibited.
2. That use of the property, described herein as the Grantor Site, for the determination of additional residential dwelling site density under the provisions of Stearns County Zoning Ordinance Number 439; or successor ordinances, shall be prohibited.

BE IT FURTHER RESOLVED that:

1. This Declaration of Restriction shall remain in effect so long as Stearns County Land Use and Zoning Ordinance Number 439, or successor ordinances, is not amended to affect the status of the Grantor Site for use as a residential building site.
2. This Declaration of Restriction shall be enforced by Stearns County.

IN WITNESS WHEREOF, the Grantors have executed this Transfer of Development Rights and Declaration of Restriction on the date and year above written.

GRANTORS
(name of grantor typed here)

Signature

State of Minnesota }
County of Stearns } ss

The foregoing instrument was acknowledged before me this _____ day of _____, 20__
by (name of grantor being acknowledged typed here).



Signature of Notary

(name of 2nd grantor typed here)

Signature

State of Minnesota }
County of Stearns } ss

The foregoing instrument was acknowledged before me this ____ day of _____, 20__
by (name of 2nd grantor being acknowledged typed here).



Signature of Notary

This instrument drafted by:

03.01031.0000



Legend

Parcels (aerial overlay)



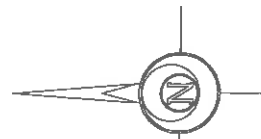
Data is as represented in Stearns County Databases. It is NOT Intended for Locational Use and Stearns County waives all liability from this product.

This map is made available on an "as is" basis, without express or implied warranty of any sort including, specifically, any implied warranties of fitness for a particular purpose, accuracy or completeness of the data.

Auditor/Treasurer
Division of Land Management
October 29, 2018



WITNESS CORNER
ON N LINE OF NE1/4
OF SEC. 29, T.125, R.30.



SCALE IN FEET

- Legend
- INDICATES IRON MONUMENT PLACED
 - INDICATES IRON MONUMENT FOUND
 - INDICATES STEARNS COUNTY CAST IRON MONUMENT
 - ◆ INDICATES SOIL BORING
 - ⊕ INDICATES WELL
 - ▨ INDICATES BITUMINOUS SURFACE
 - ▩ INDICATES CONCRETE SURFACE
 - ▧ INDICATES GRAVEL SURFACE

LEGAL DESCRIPTION

OVERALL EXISTING LEGAL DESCRIPTION

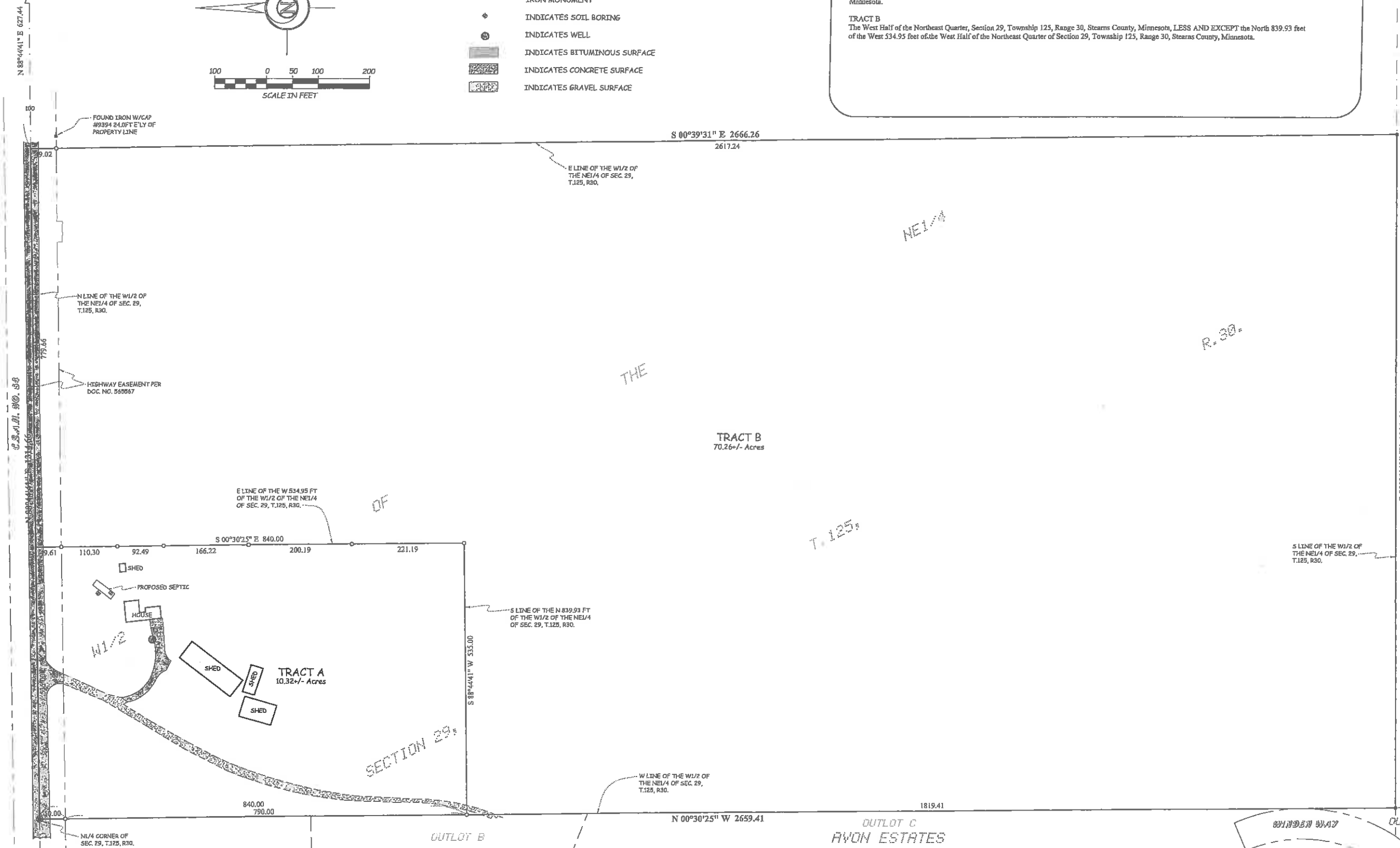
(Per Client)
The West Half of the Northeast Quarter, Section 29, Township 125, Range 30, Stearns County, Minnesota.

TRACT A

The North 839.93 feet of the West 534.95 feet of the West Half of the Northeast Quarter of Section 29, Township 125, Range 30, Stearns County, Minnesota.

TRACT B

The West Half of the Northeast Quarter, Section 29, Township 125, Range 30, Stearns County, Minnesota, LESS AND EXCEPT the North 839.93 feet of the West 534.95 feet of the West Half of the Northeast Quarter of Section 29, Township 125, Range 30, Stearns County, Minnesota.



NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

340 CHAPEL HILL RD.
COLD SPRING, MN 56320
PH. 320-685-5905
FAX 320-685-3056

CERTIFICATE OF SURVEY PREPARED BY:
O'MALLEY & KRON
LAND SURVEYORS, INC.

1004 2nd ST. SE
WILLMAR, MN 56201
PH. 320-235-4012
FAX 320-685-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DANIEL M. KRON
MINNESOTA REGISTRATION NO. 42621
DATE: 10-23-18

SHEET 1 OF 1

CERTIFICATE OF SURVEY PREPARED FOR:
LANGE PROPERTIES, LLC
JOB NO: 2018-524
FILE NAME: 2018-524.DWG
LOCATION: 29-125-30