

**RESOLUTION NO. 14-37**

**A RESOLUTION APPROVING A SIMPLE SUBDIVISION AND LOT COMBINATION  
ON THE PROPERTY LOCATED AT 89 AND 90 WILDHURST ROAD – PID  
28.117.23.24.0038 AND PID 28.117.23.24.0039**

WHEREAS, the City of Tonka Bay is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Tonka Bay has adopted zoning and subdivision regulations in the Municipal Code to promote orderly development and utilization of land within the city; and

WHEREAS, Michael Maney and Karen Maney (“Applicants”) and (“Property Owners”) submitted an application on September 11, 2014; and

WHEREAS, the Property Owners own the properties located at 89 and 90 Wildhurst Road which are legally described as follows:

(Per Certificate of Title No. 1356464)

The North ½ and the North ½ of the South ½ of Lots 10 and 23, Wild Hurst except the South 9 feet of the West 121.55 feet of said part of Lot 23 and except that part of said Lot 23 described as follows:  
Commencing at a point on the East line of Willow Street as shown on said plat, where the North line of said Lot 23, if produced Easterly, would intersect said East line of said Willow Street; thence Westerly along the North line of said Lot 23 a distance of 153 feet to a point; thence Southerly 183.11 feet to appoint on the East line of said Willow Street distant 100.6 feet South of the point of beginning; thence North along said East line of said Willow Street to the point of beginning.

That part of vacated Willow Street dedicated in the plat of Wild Hurst lying North of the Easterly extension of the south line of the north half of Lot 23, said plat and South of a line drawn from a point on the north line of said lot distant 153 feet West of the point of intersection of the easterly extension of said north line and the east line of Willow Street, to a point on said east line distant 100.6 feet South of said point of intersection.

Also (Per Certificate of Title No. 1346486)

The South 9 feet of the West 121.55 feet of the North ½ of the South ½ of Lot 23, Wild Hurst.

Abstract Portion

The South Half of the South Half of Lot 23, Wild Hurst, and that part of vacated Willow Street adjoining.

WHEREAS, the Property Owners’ Property is located within the R-1A zoning district; and

WHEREAS, the Applicants are requesting the following:

1. A simple subdivision of the southeastern portion of 90 Wildhurst Road; and

2. A lot combination of this southeaster portion of 90 Wildhurst Road with the entire property located at 89 Wildhurst Road.

WHEREAS, Kelsey Johnson, City Planner, and Justin Messner, City Engineer, issued a report dated October 8, 2014 on the application made by the Applicants (Planning Report), analyzing the request made in relation to City Ordinance criteria and made recommendations if the requests were approved by the City Council; and

WHEREAS, the City Council reviewed the requests on October 14, 2014, and held a public hearing, following the required notices and publication; and

WHEREAS, no neighbors spoke on the Applicant's proposal; and

WHEREAS, the Applicants presented to the Council reasons for their proposal; and

WHEREAS, the City Council, following the public hearing and deliberation on the simple subdivision and lot combination request, and having considered the application, the Planning Report, the resolution prepared by staff, makes the following findings of fact and conclusions:

1. The proposed simple lot subdivision and lot combination to allow an additional single-family residential lot is consistent with the City's Comprehensive Plan which guides this property for single-family land use.
2. The simple lot subdivision and lot combination will not result in the creation of more than three (3) lots;
3. The lots to be divided and combined are in locations where conditions are well defined;
4. The proposed simple lot subdivision and lot combination was prepared by a registered land surveyor;
5. The proposed simple lot subdivision and lot combination is consistent with the City's Subdivision Regulations and Zoning Ordinance for property in the R-1A Shoreland District.
6. Granting the simple lot subdivision and lot combination will not alter the essential character of the locality. The property located at 90 Wildhurst Road already visually appears to be two (2) separate lots (one on the west side of the road and one on the east side of the road). This will not change with the proposed simple lot subdivision and lot combination.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the simple subdivision and lot combination request as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED, that the approval of the requested simple subdivision and lot combination shall include the following conditions:

1. The applicant shall obtain all necessary permits and approvals from the City of Tonka Bay and other applicable entities with jurisdiction prior to any construction on any of the lots.

2. Eight (8) foot easements for utilities and drainage along each side and rear line of each lot, and an easement ten (10) feet wide adjacent to street-right-of way shall be shown on the certificate of survey and a legal description of these areas must be provided prior to the recording of the document at Hennepin County.
3. Future building of structures shall not occur within any existing or proposed easements on the property.
4. The certificate of survey is updated to place an easement over the delineated wetland and a legal description of this area is provided prior to recording of the documents at Hennepin County.
5. The tennis court on the proposed NORTHEAST PARCEL AND THE proposed SOUTHEAST PARCEL shall be removed and grounds restored by not later than November 1, 2015. In the event the tennis court is not removed by November 1, 2015, the City shall have the authority to enter upon the property, remove the tennis court and charge and assess the owner for all costs, including reasonable attorney's fees, incurred by the City for said removal.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:

Ayes –

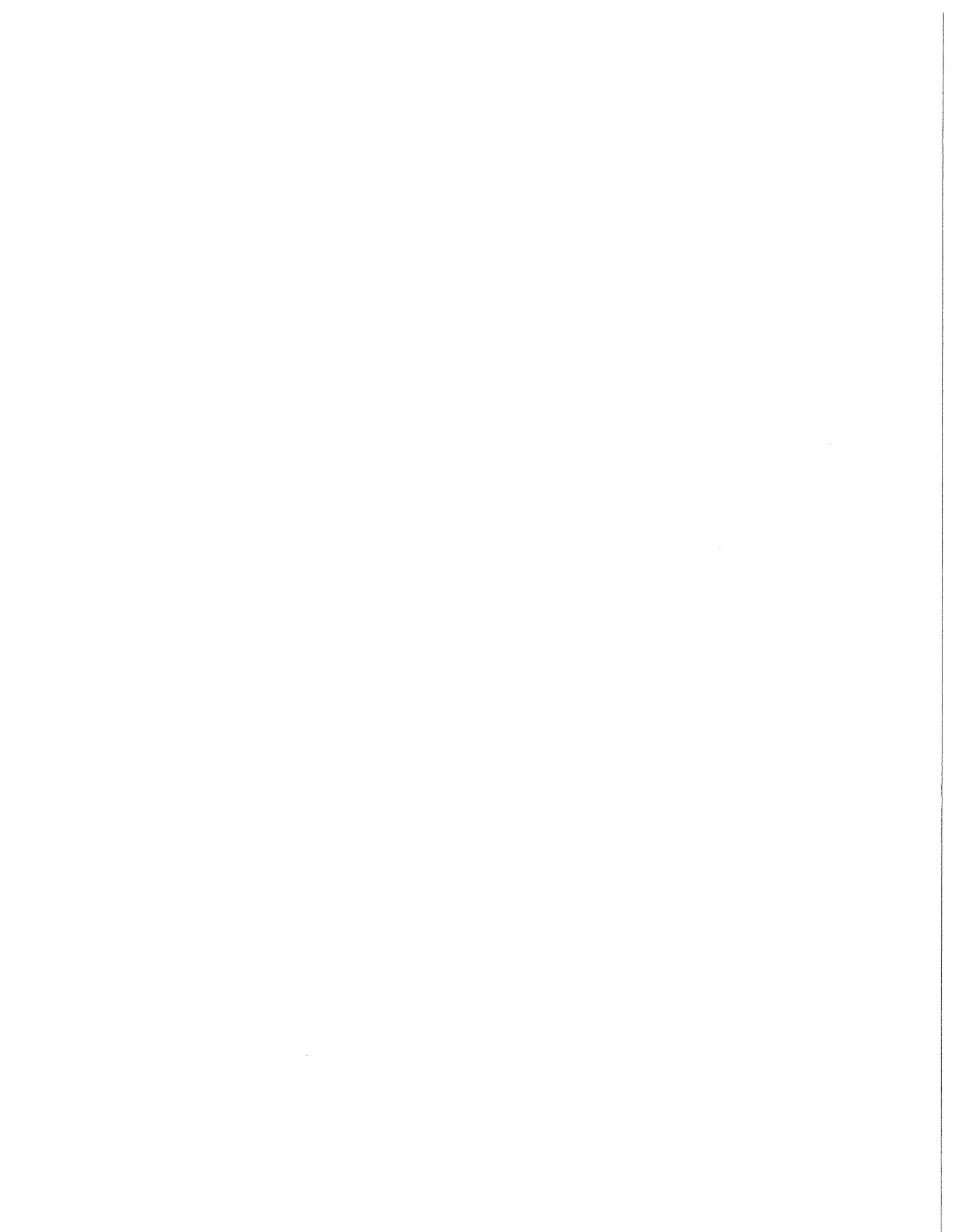
Nays –

Absent –

\_\_\_\_\_  
Gerry De La Vega, Mayor

ATTEST:

\_\_\_\_\_  
Joseph Kohlmann, Clerk/Administrator



## PROPOSED DRAINAGE AND UTILITY EASEMENTS

### WEST PARCEL

An easement for drainage and utility purposes over, under and across the southerly, westerly and northerly 8 feet, and the easterly 10 feet of the following described property:

The North 1/2 and the North 1/2 of the South 1/2 of Lot 10, Wild Hurst

### NORTHEAST PARCEL

An easement for drainage and utility purposes over, under and across the westerly 10 feet, and the northerly, northeasterly, easterly and southerly 8 feet of the following described property:

That part of Lot 23, Wild Hurst lying North of the South 75 feet of said Lot, except that part of said Lot 23 described as follows: Commencing at a point on the East line of Willow Street as shown on said plat, where the North line of said Lot 23, if produced Easterly, would intersect said East line of said Willow Street; thence Westerly along the North line of said Lot 23 a distance of 153 feet to a point; thence Southerly 183.11 feet to a point on the East line of said Willow Street distant 100.6 feet South of the point of beginning; thence North along said East line of said Willow Street to the point of beginning,

ALSO

That part of vacated Willow Street dedicated in the plat of Wild Hurst lying North of the Easterly extension of the North line of the South 75 feet of Lot 23, said plat and South of a line drawn from a point on the north line of said lot, distant 153 feet West of the point of intersection of the easterly extension of said north line and the east line of Willow Street, to a point on said east line distant 100.6 feet South of said point of intersection.

### SOUTHEAST PARCEL

An easement for drainage and utility purposes over, under and across the southerly and northerly 8 feet, and the westerly 10 feet of that part of the following described property:

That part of the following described property:

The North 1/2 and the North 1/2 of the South 1/2 of Lot 23, Wild Hurst except that part of said Lot 23 described as follows: Commencing at a point on the East line of Willow Street as shown on said plat, where the North line of said Lot 23, if produced Easterly, would intersect said East line of said Willow Street; thence Westerly along the North line of said Lot 23 a distance of 153 feet to a point; thence Southerly 183.11 feet to a point on the East line of said Willow Street distant 100.6 feet South of the point of beginning; thence North along said East line of said Willow Street to the point of beginning,

ALSO that part of vacated Willow Street dedicated in the plat of Wild Hurst lying North of the Easterly extension of the South line of Lot 23, said plat and South of a line drawn from a point on the north line of said lot, distant 153 feet West of the point of intersection of the easterly extension of said north line and the east line

of Willow Street, to a point on said east line distant 100.6 feet South of said point of intersection.

ALSO The South Half of the South Half of Lot 23, Wild Hurst, and that part of vacated Willow Street adjoining,

Which lies southerly of the North line of the South 75 feet of said Lot 23 and its easterly extension,

Which lies westerly of "Line A", said "Line A" being a line drawn from a point on the northerly line of said above described property distant 189.00 feet westerly, as measured along said northerly line, from the northeast corner of said above described property, to a point on the southerly line of said above described property distant 225.00 feet westerly, as measured along said southerly line, from the southeast corner of said above described property,

ALSO

An easement for drainage and utility purposes over, under and across that part of the above described property which lies easterly of the above described "Line A".