

Planning Commission Report
Meeting Date: May 9, 2024

- Application Filed: 04/09/2024
- Review Period (60-day) Deadline: 06/08/2024
- Extension Declared: No
- Extended Review Period Deadline:

Application No. 2024-006
Applicant: C Alan Homes LLC
Location: 6000 Block of Brooklyn Boulevard (6025, 6031, 6037, and 6045 Brooklyn Boulevard)
Request: Preliminary and Final Plat (Re-approval)



Map 1. Subject Property.

REQUESTED ACTION

C Alan Homes LLC (“The Applicant”) is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION (Exhibit A), which was initially approved by City Council under Planning Commission Application No. 2020-004 and City Council Resolution No. 2020-067—refer to Exhibit B. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of seven (7) triplexes and related site improvements on what was formerly land owned by the City of Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6025, 6031, 6037, and 6045 Brooklyn Boulevard (“The Subject Property”).

Although the Applicant successfully purchased the Subject Property in late 2020, and a single Purchase

and Development Agreement was executed for what were two sets of properties intended for a scattered site triplex development, the Applicant and Property Owner ran into delays with the Subject Property, which was the first to go under construction. This was following a request by Hennepin County that certain property contained within the plat be quit claimed to the County for right-of-way purposes. This resulted in the need for a partial release of the Purchase and Development Agreement and Declaration of Restrictive Covenants and Quit Claim Deed for this property in March 2022.

In total, the Subject Property, known as “the South Site” (refer to Planning Commission Application No. 2020-004) and North Site (refer to Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068) were to provide a total of 13 triplexes and 39 dwelling units.

It was during this time frame that the Applicant’s lender stopped funding the project and the Applicant entered into two years of litigation to keep the development afloat. The request for re-approval of the preliminary and final plats is more imminent at this time as the Applicant and Property Owner recently entered into a voluntary foreclosure proceeding with a short redemption period.

The Applicant has indicated that they are now in the process of re-financing the project and have partnered with developer Devean George; however, the preliminary and final plats require a re-approval from the City and the Applicant will also separately require approval of an Amended Development Agreement as they are currently in default given the project was not completed within the timeframe outlined.

It should be noted that, Development Agreement aside, the long overdue re-plat would help address certain issues, including the presence of two triplex buildings on one (1) parcel of land, where there should be one (1) parcel per triplex.



Map 2. Subject Property with Triplexes (Under Construction).

Due to the nature of the requests, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024 (Exhibit C). Mail notifications were sent to those property owners and residents located in vicinity of the Subject Property, and public hearing notice uploaded to the City’s website. A link to the public hearing notice was also published on the City’s website and sent out by email to subscribers of the City’s weekly events bulletin. City staff is in receipt of one public received by email (to date).

Since the original approvals, a new Unified Development Ordinance has been adopted (January 2023). As such, City staff went ahead and reviewed the preliminary and final plats against the updated provisions.

City staff has been in communication with the Applicant’s surveyor, W Brown Land Surveying, who prepared the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION. It should be noted that the attached final plat had already been approved by Hennepin County for filing, but was not recorded within the designated timeframe. In reviewing County filings, City staff further confirmed that the easements vacated in conjunction with the original plat approvals in 2020 were filed with the County (Exhibit B). These include certain sidewalk, maintenance, and utility easements located on three of the four existing parcels.

Site Data

2040 Land Use Plan:	N-MU (Neighborhood Mixed Use)
Neighborhood:	<i>Kylawn</i>
Current Zoning:	MX-N1 (Neighborhood Mixed-Use) District
Site Area:	1.65 acres

Surrounding Area

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	Neighborhood Mixed-Use	MX-N2 (Neighborhood Mixed-Use)	Undeveloped (Under Construction – Wangstad Commons)
South	Low-Density Residential	R1 (Low Density Residential)	Single Family Detached
East	Neighborhood Mixed-Use	MX-N2 (Neighborhood Mixed Use)	Brooklyn Boulevard Commercial
West	Low-Density Residential	R1 (Low Density Residential)	Single Family Detached

Note: The Subject Property is located within the identified Brooklyn Boulevard Overlay District under the 2040 Comprehensive Plan.

PRELIMINARY AND FINAL PLAT (RE-APPROVAL)

The preliminary and final plat for what would be known as *ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION* would subdivide four (4) existing parcels into seven (7) new parcels and an outlet to accommodate the seven (7) triplexes at the Subject Property located south of 61st Avenue North and west of Brooklyn Boulevard.

As noted previously, the Applicant and Property Owner ran into delays both with Hennepin County and with their lender which resulted in their preliminary and final plats, which were approved by City Council

in 2020, being considered void as outlined under Section 35-8107.5 (*Final Plat*).

Although the original 2020 plat request contemplated a proposed outlot, City staff had requested that this be absorbed into proposed lot #7. In reviewing the County approved plat, this has been addressed; however, the preliminary plat of record was not updated to reflect this change. The removal of the outlot was intended to provide clarity in terms of maintenance should the Applicant ever sell the Subject Property and given the shared drive aisle, surface parking, and utilities running along the west side of the Subject Property.

City staff reached out to the Hennepin County Survey Division and they confirmed they still have the plat information on file; however, because two (2) years have passed since the initial approval, they would require updated/current title work, which the City also requires, as well as the most recent copy of the plat.

As part of the 2020 application and review, it was requested that legal descriptions and easement vacations for all existing easements and certain vacations of existing public easements, as determined by the City, be submitted. The Applicant shall also provide and maintain a current abstract of title/title commitment for City Attorney and Hennepin County review.

A 10-foot drainage and utility easement was noted as required for dedication around the entire perimeter of the Subject Property. An additional utility easement shall be dedicated on the plat to allow for any future maintenance of private water mains and sanitary sewer per Development Agreement requirements. The plat approved by the County denotes Drainage and Utility Easements to be dedicated along the west side of the Subject Property for infrastructure, as well as a detailing noting a 10-foot wide easement for adjoining right-of-way (ROW), unless otherwise indicated, and a 5-foot wide easement along the adjoining lot lines.

Former Assistant City Engineer, Andrew Hogg, initially reviewed plans and provided a memorandum and a redlined set of comments, dated August 17, 2020 (Exhibit D). All engineering comments were to be addressed. In reviewing the preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION, as well as County records, it was noted that certain trail easement did not appear to be reflected on the plat. Given the work conducted along Brooklyn Boulevard as part of the Phase II construction, City staff requested that the plats be updated to reflect the dedication of this easement and per construction plans on file.

It should be noted that an as-built survey will be required upon project completion, and inspection for the private site improvements is to be performed by the Applicant's design/project engineer with certification required upon project completion.

CONDITIONS OF APPROVAL

City Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2024-006 for the Subject Property located within the 6000 Block of Brooklyn Boulevard and comprised of 6025, 6031, 6037, and 6045 Brooklyn Boulevard, and for re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION:

1. Re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION are contingent upon the addressing of any remaining comments by Assistant City Engineer Hogg in his memorandum dated August 17, 2020.
 - a. The preliminary and final plat shall be further revised to dedicate certain trail easement.

2. The preliminary plat, final plat, and mylar shall be subject to the provisions as outlined under Chapter 35 (*Unified Development Ordinance*), Section 35-8106 (*Preliminary Plat*) and Section 35-8107 (*Final Plat*).
 - a. The preliminary plat shall be reviewed against the most recent version of the final plat approved by Hennepin County and updated accordingly.
 - b. The preliminary plat shall be updated to reflect the existing zoning classification and total approximate acreage.
3. Any comments and/or requirements as provided by Hennepin County.
4. Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title/title commitment.
5. The successful recording of said plat (mylar) with Hennepin County.

The aforementioned comments are provided based on the information submitted by the Applicant and Property Owner at the time of this review and specifically for the requested preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

RECOMMENDATION

Based on the above noted findings and conditions above, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2024-006 for the requested re-approval of the preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION for the Subject Property located on what is currently known as 6025, 6031, 6037, and 6045 Brooklyn Boulevard, based on the findings of fact and subject to the Applicant complying with the Conditions of Approval as noted above.

Attachments

Exhibit A- Planning Application No. 2024-006 and documentation, submitted by C Alan Homes, LLC, and dated April 9, 2024.

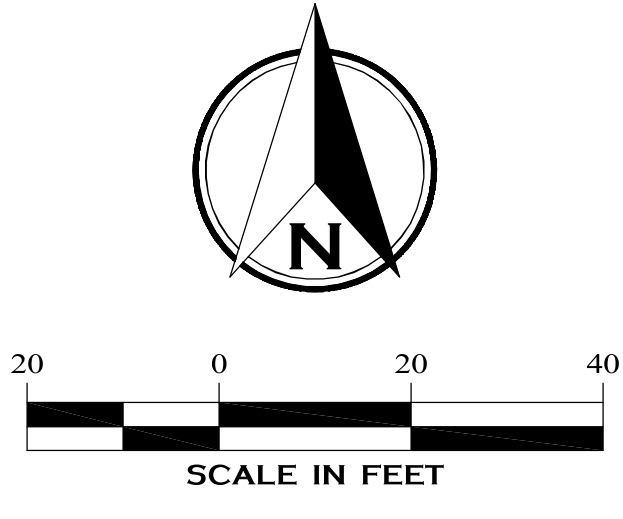
Exhibit B- City Council Resolution Nos. 2020-067 and 2020-091, and Hennepin County Document No. 5773408 for notice of Completion of Vacation Proceedings.

Exhibit C- Public Hearing Notice, dated April 25, 2024, as published in the Brooklyn Center *Sun Post*, and public comments (to date).

Exhibit D- Memorandum and Exhibits, prepared by Assistant City Engineer Andrew Hogg, and dated August 17, 2020 for Planning Commission Application No. 2020-004.

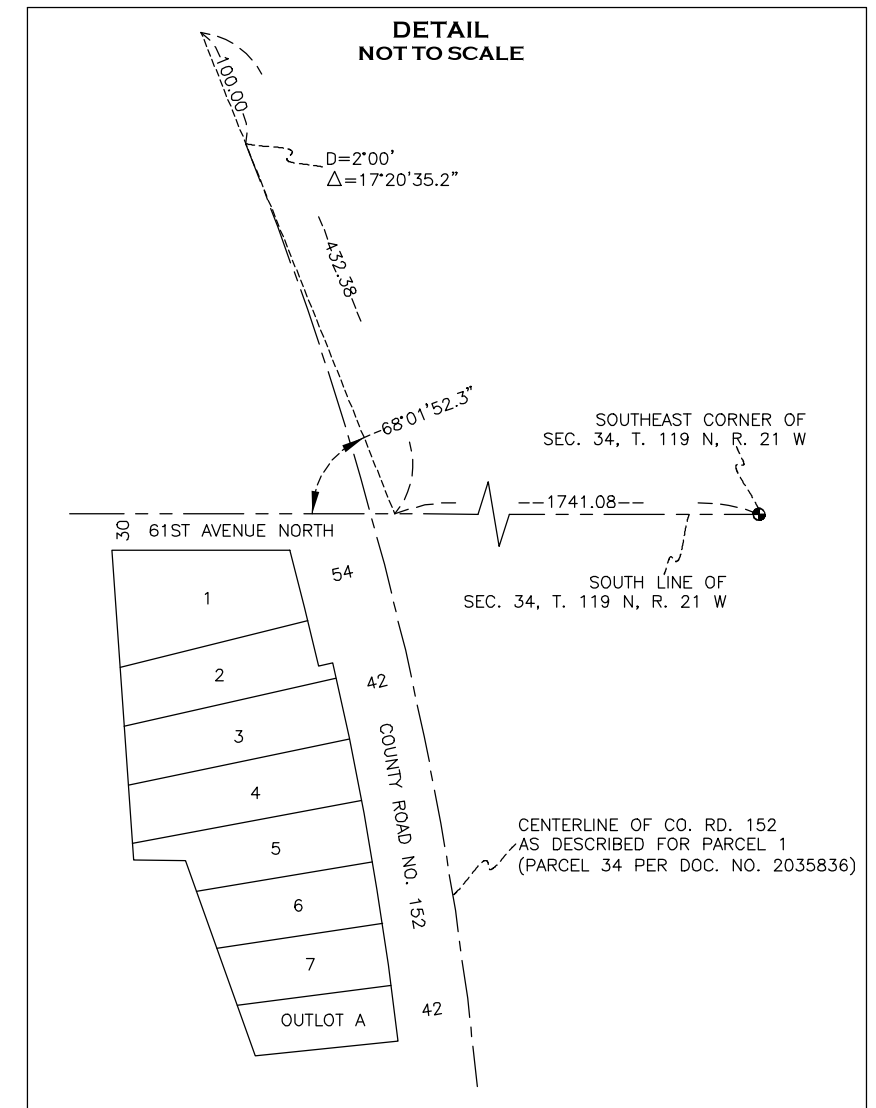
PRELIMINARY PLAT ROBERTSON AND BREKKE'S BROOKLYN BOULEVARD FIRST ADDITION

NOTES:
 - All existing building dimensions are measured to the finished siding and not the building foundation.
 - The location of all utilities shown are from either observed evidence in the field and/or from plans furnished by the utility companies and are approximate. Utility companies should be notified for exact location before doing any excavation.



LEGEND

--- ---	Fence
--- ---	Underground Telephone
--- ---	Storm Sewer
--- ---	Sanitary Sewer
--- ---	Water Main
--- ---	Underground Gas
⊠	Catch Basin
⊞	Catch Basin
⊙	Sanitary Manhole
⊚	Storm Manhole
⊛	Water Manhole
⊜	Light Pole
⊝	Power Pole
⊞	Hydrant
⊟	Gate Valve
⊠	Traffic Sign
x900.0	Existing Elevation
x900.0TC	Top of Curb Elevation
x900.0G	Gutter Elevation
-900-	Existing Contour
⊙	Found Iron Monument
⊙	Set Iron Monument Inscr. R.L.S. 15230
⊙	Deciduous Tree



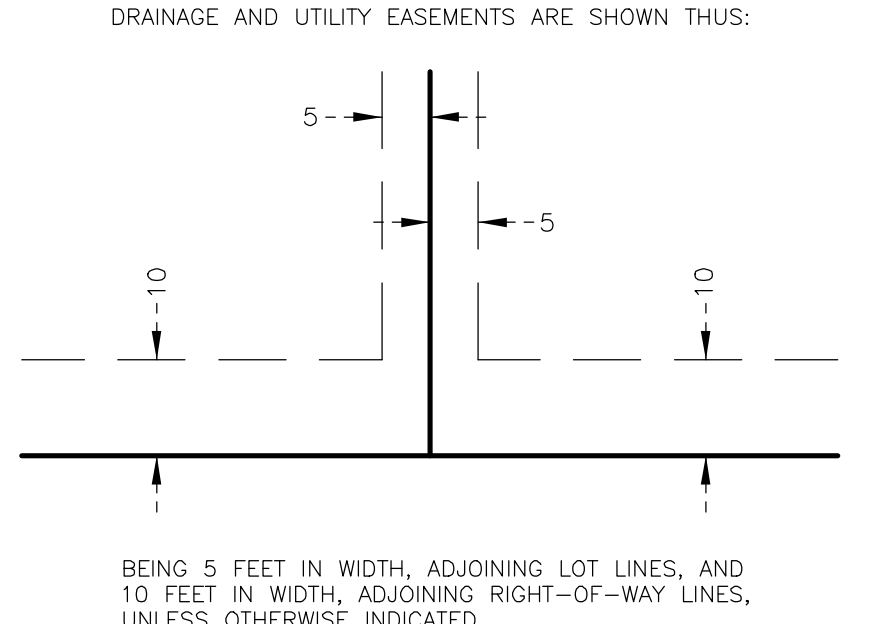
PROPERTY DESCRIPTIONS:

Parcel 1: Lot 1, except that part thereof which lies Northeastly of a line run parallel with and distant 42 feet Southwesterly of the following described line: From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwestly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeastly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition, Hennepin County, Minnesota.
 Torrens Property
 Torrens Certificate No. 1392052.

Parcel 2: Lot 2, Block 1, Pearson's Northport 3rd Addition, except that part described as follows: Beginning at the Southeast corner of said Lot 2; thence run Westerly on the South line of said Lot 2 for 1.72 feet; thence run Northerly on a curve deflecting to the left and having a radius of 2822.79 feet to a point on the North line of said Lot 2, distant 5.20 feet Westerly of the Northeast corner of said Lot 2; thence run Easterly on the north line of said Lot 2 to the Northeast corner of said Lot 2; thence run Southerly on the East line of said Lot 2 to the point of beginning, Hennepin County, Minnesota.
 Torrens Property
 Torrens Certificate No. 1316934.

Parcel 3: That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.
 Torrens Property
 Torrens Certificate No. 1483315.

Parcel 4: That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.
 Torrens Property
 Torrens Certificate No. 1483312.



JOB NO. 128-20	SCALE 1" = 20'	REVISIONS
BOOK/PAGE 165/32	DRAWN CME	DATE
SHEET 1 of 1	REFERENCE	REMARKS

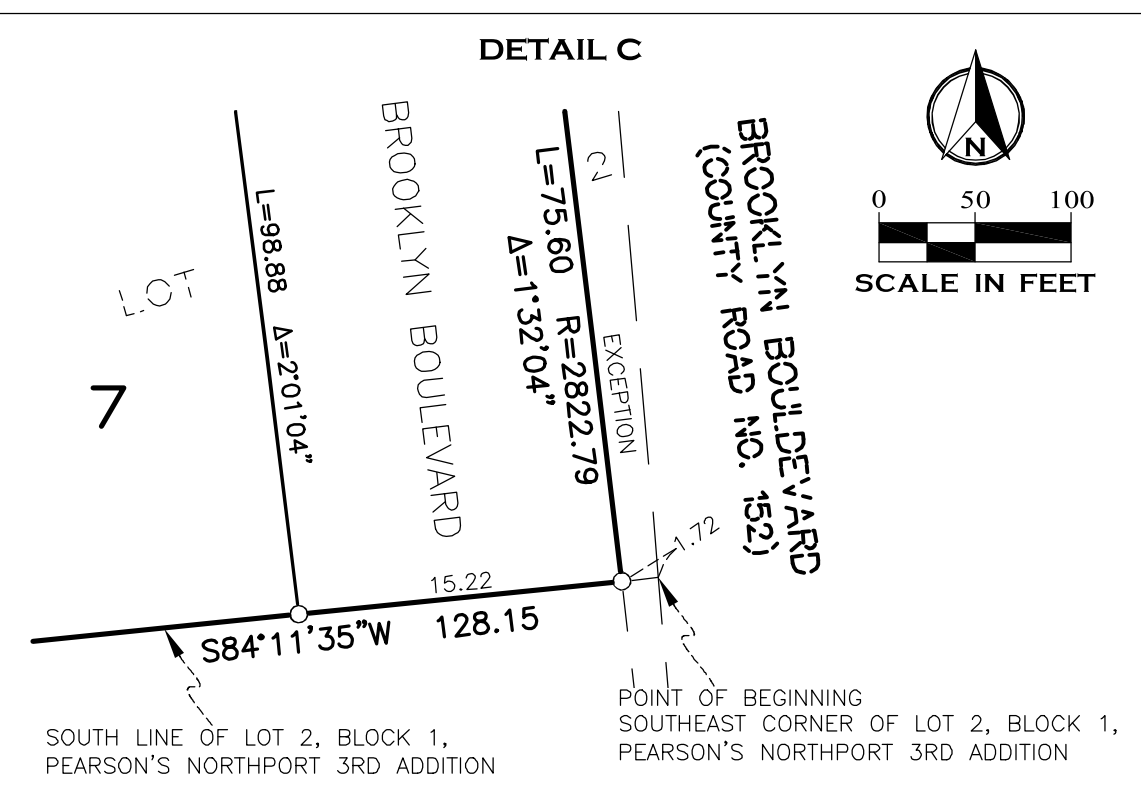
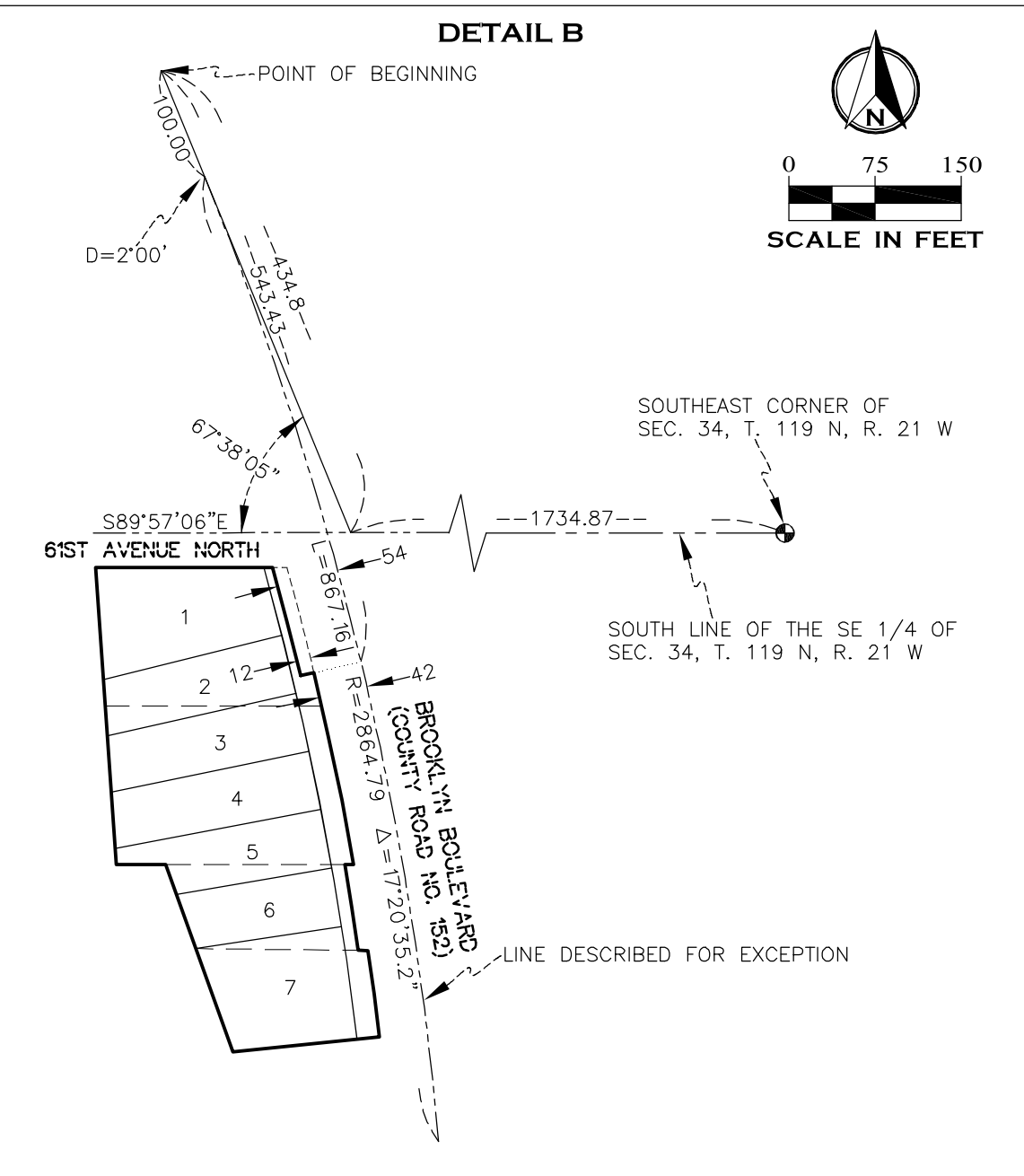
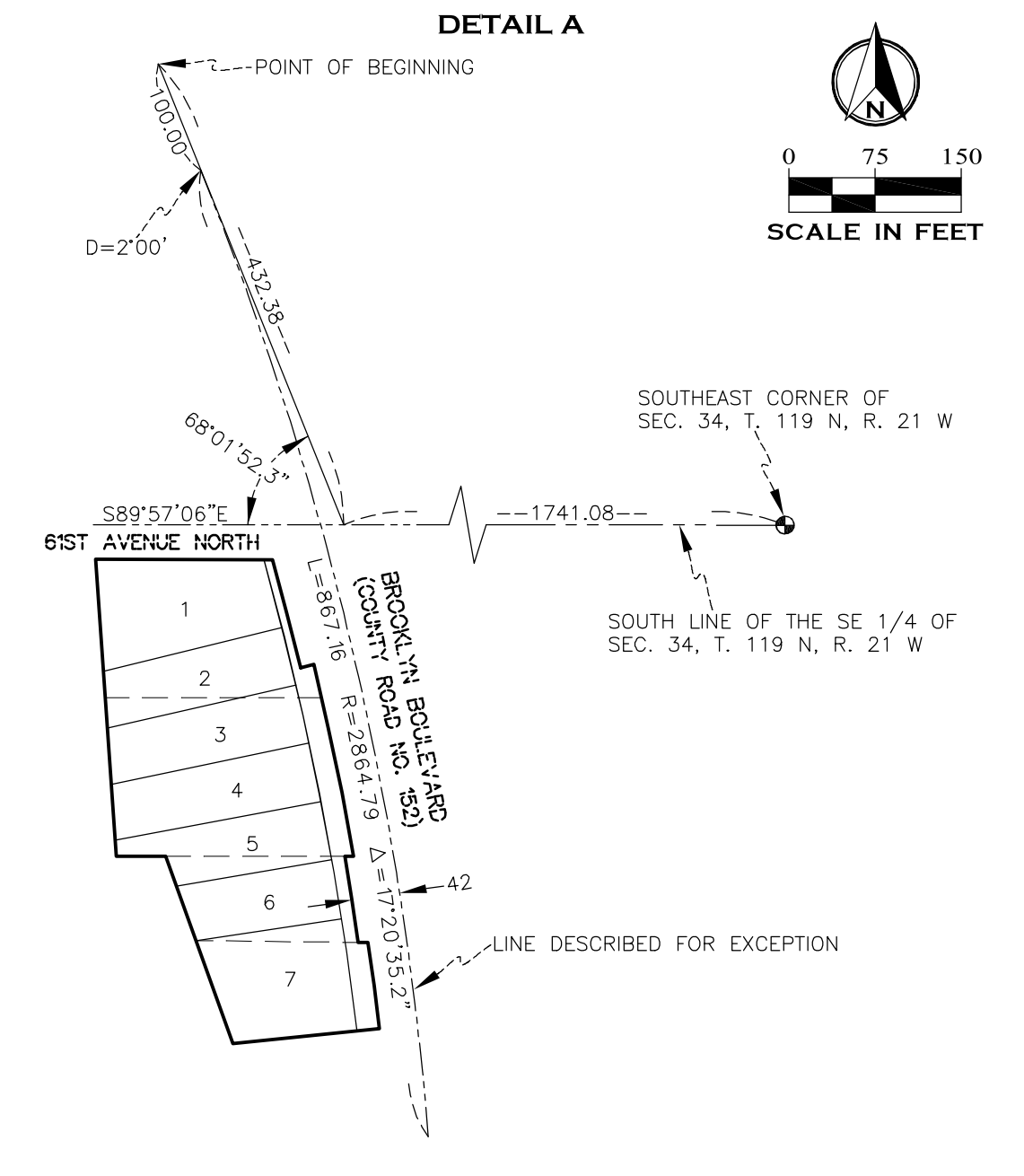
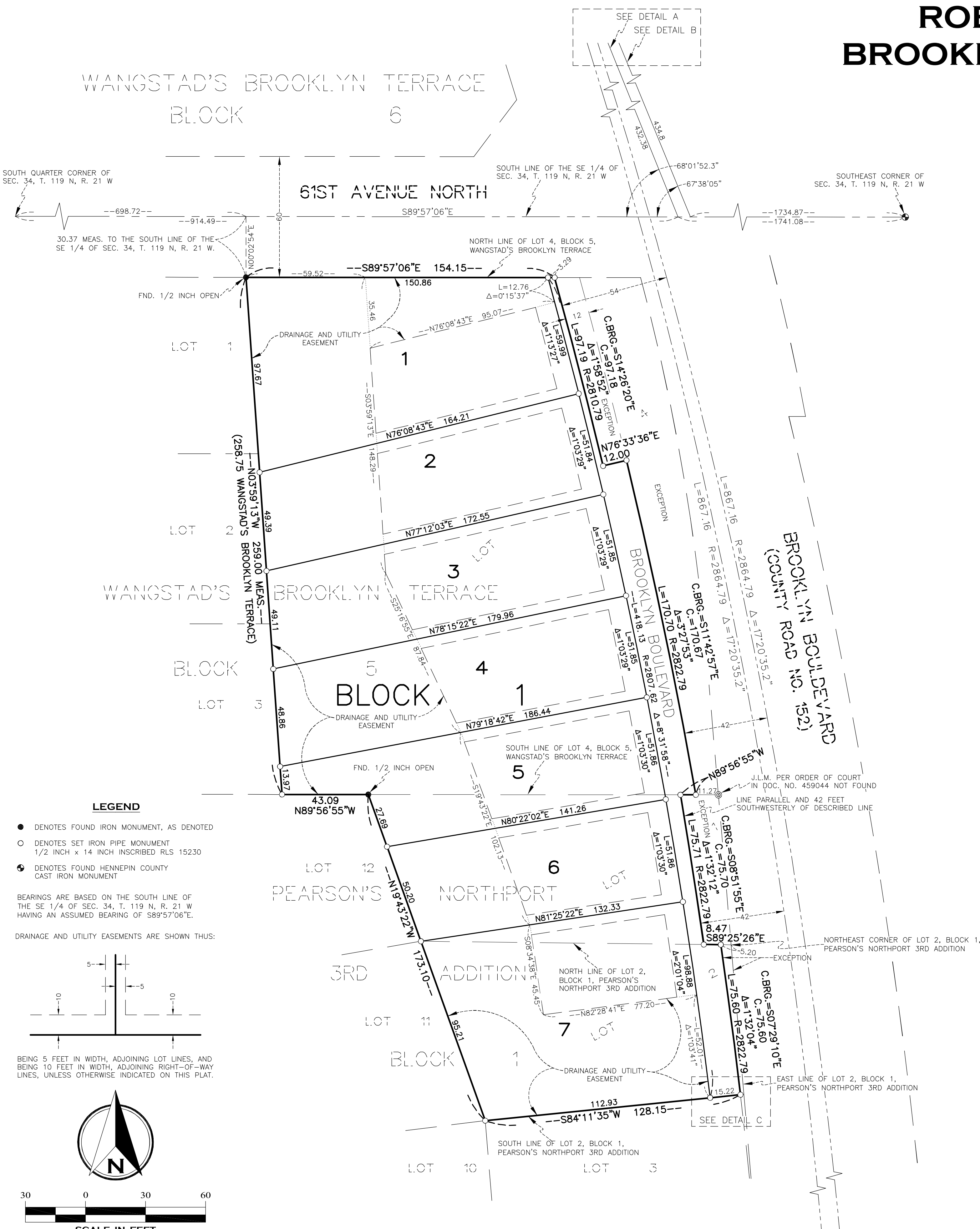
BENCHMARK:
 T.N.H. at the northeast corner of subject property.
 Elevation = 860.77.

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.
W. BROWN LAND SURVEYING, INC.
 DATED: 06-15-2020
WOODROW A. BROWN, R.L.S., MN REG 15230

W. BROWN LAND SURVEYING, INC.
 8030 CEDAR AVENUE SO., SUITE 228.
 BLOOMINGTON, MN 55425
 BUS: (952) 854-4055
 FAX: (952) 854-4268
 EMAIL: INFO@WBROWNLANDSURVEYING.COM

ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION

R.T. DOC. NO. _____



KNOW ALL PERSONS BY THESE PRESENTS: That C. Alan Homes, LLC, a Minnesota limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to-wit:

Lot 1, except that part thereof which lies Northeastly of a line run parallel with and distant 42 feet Southwesterly of the following described line:
 From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeastly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating, Block 1, PEARSON'S NORTHPORT 3RD ADDITION.

Lot 2, Block 1, PEARSON'S NORTHPORT 3RD ADDITION, except that part described as follows: Beginning at the Southeast corner of said Lot 2; thence run Westerly on the South line of said Lot 2 for 1.72 feet; thence run Northery on a curve deflecting to the left and having a radius of 2822.79 feet to a point on the North line of said Lot 2, distant 5.20 feet Westerly of the Northeast corner of said Lot 2; thence run Easterly on the north line of said Lot 2 to the Northeast corner of said Lot 2; thence run Southerly on the East line of said Lot 2 to the point of beginning.

Lot 4, Block 5, WANGSTAD'S BROOKLYN TERRACE, except that part which lies Northeastly of a line run parallel with and distant 42 feet Southwesterly of the following described line:
 From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1734.87 feet west of the Southeast corner thereof, run Northwesterly at an angle of 67 degrees 38 minutes 05 seconds with said South section line for 434.8 feet to the point of beginning of the line to be described; thence run Southeastly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minute curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating, also excepting therefrom, a strip 12 feet in width adjoining and Southwesterly of the above described strip. Beginning opposite a point on the above described line, distant 543.43 feet Southeastly of its point of beginning (when measured along said line) and extending Northwesterly to the North line of the above described tract.

Has caused the same to be surveyed and platted as ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION and does hereby dedicate to the public, for public use, the public ways, and the drainage and utility easements as created by this plat.

In witness whereof, said C. Alan Homes, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

Signed: C. Alan Homes, LLC

Terry Robertson, President

STATE OF MINNESOTA
 COUNTY OF HENNEPIN
 This instrument was acknowledged before me this _____ day of _____, 20____, by Terry Robertson, President of C. Alan Homes, LLC, a Minnesota limited liability company, on behalf of the company.

Signature _____ Printed Name _____

Notary Public, _____ County, Minnesota
 My Commission Expires _____

I, Woodrow A. Brown, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01 Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
 Dated this _____ day of _____, 20____.

Woodrow A. Brown, Licensed Land Surveyor
 Minnesota License No. 15230

STATE OF MINNESOTA
 COUNTY OF HENNEPIN
 This instrument was acknowledged before me this _____ day of _____, 20____, by Woodrow A. Brown.

Signature _____ Printed Name _____

Notary Public, _____ County, Minnesota
 My Commission Expires _____

CITY COUNCIL, CITY OF BROOKLYN CENTER, MINNESOTA
 This plat of ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION was approved and accepted by the City Council of the City of Brooklyn Center, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03 Subd. 2.

CITY COUNCIL, CITY OF BROOKLYN CENTER, MINNESOTA
 By: _____ Mayor By: _____ Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota
 I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

Mark V. Chapin, County Auditor By: _____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota
 Pursuant to MN. STAT. Sec. 383B.565(1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor By: _____

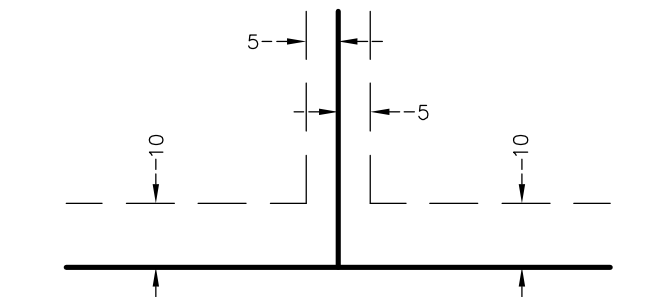
REGISTRAR OF TITLES, Hennepin County, Minnesota
 I hereby certify that the within plat of ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION was filed in this office this _____ day of _____, 20____, at _____ o'clock _____ M.

Amber Bougie, Registrar of Titles By: _____ Deputy

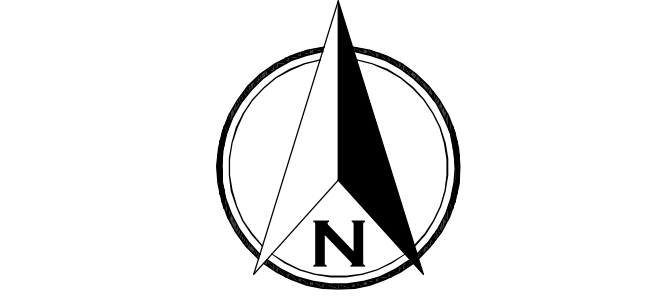
- LEGEND**
- DENOTES FOUND IRON MONUMENT, AS DENOTED
 - DENOTES SET IRON PIPE MONUMENT 1/2 INCH x 14 INCH INSCRIBED RLS 15230
 - ⊙ DENOTES FOUND HENNEPIN COUNTY CAST IRON MONUMENT

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SE 1/4 OF SEC. 34, T. 119 N, R. 21 W HAVING AN ASSUMED BEARING OF S89°57'06"E.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH, ADJOINING LOT LINES, AND BEING 10 FEET IN WIDTH, ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THIS PLAT.



To: City Council Members
From: Terry Robertson
With: C Alan Homes, LLC
Re: Development Agreement

City Council Members,

We wanted to reach out to you to request having our Developer Agreement extended to allow our company to finish the Development located at 61st and Brooklyn Blvd and 69th and Brooklyn Blvd. Our Development was derailed by the lender when they stopped funding our project under the guise of claiming they did not know there was infrastructure on the project. The City staff at the time quickly exposed them for being less than honest. Infrastructure is on all the plans, the proforma, they paid the infrastructure bills, convinced us to do the infrastructure in a piece meal fashion instead of finishing all the work at once and they monitored the project on a weekly basis. Thus overseeing the infrastructure. What followed was 2 years of litigation where we spent over \$200,000 fighting to keep our Development from being taken from us. We fought because we did not do anything to be in default. Ultimately, after a prolonged fight they agreed to give the project back to us. We are now in the process of getting it refinanced. We signed a voluntary foreclosure in order to stop the bleeding. But it gave us additional time to get the project funded and beat the foreclosure timeline of June 15th, 2024.

I have secured a successful developer and friend of mine (Devean George) to partner with us in order to get funded and help push the project through to the finish line. We feel he is a tremendous addition to our team.

When funded this will allow us to pay off subs, pay off the lender and finish the infrastructure at both sites in the first phase. This should take 3-4 weeks. The second phase will involve finishing the items remaining to get the certificate of occupancy on the two buildings/6 apartments that are currently constructed. We project this will take approximately a month. We will then start construction on the remaining 5 buildings/15 apartments on 61st and Brooklyn Blvd. We will start three of the five and when we get to interior rough in we will start the remaining two buildings. Building the 5 buildings/15 apartments will take approximately 1 year. We will try and start construction on the 6900 Block site right after we get the remaining two buildings at the first site framed. Our excavators, concrete crews and framers will be scheduled to move from the first site immediately after digging, concrete work and framing down to the second site to start the 6900 site in that order. If we plan it right, we should be able to button up the complete development (39 Luxury apartments) within 18-20 months.

Our team is prepared to get the final plats signed off on as soon as we can get the Council's approval to move forward on finishing the project. We feel with the addition of Devean George to our team it will bring an added expertise to the project. Also, the lenders we are interviewing now have all been vetted better than we did before with the previous lender. So, we don't anticipate any problems from the new lender.

We have fought with our time and money to try and see this project (our vision) through to the end. We believe this will help give the City of Brooklyn Center a higher profile around the Twin Cities. We look forward to seeing this project to completion.

Terry Robertson
President
C Alan Homes, LLC
763-228-1785

Member Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-067

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2020-004 FOR PRELIMINARY AND FINAL PLAT AND SITE AND BUILDING PLAN APPROVALS AND THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT FOR THE SUBJECT PROPERTIES LOCATED IN THE 6000 BLOCK OF BROOKLYN BOULEVARD AND KNOWN AS 6025, 6031, 6037, and 6045 BROOKLYN BOULEVARD

WHEREAS, Planning Commission Application No. 2020-004, submitted by C Alan Homes (“the Applicant”), requests review and consideration for approval of a preliminary plat, final plat, and site and building plan, and establishment of a Planned Unit Development (PUD) for four properties currently owned by the Economic Development Authority (EDA) of Brooklyn Center, Minnesota, located just south of 61st Avenue North and west of Brooklyn Boulevard, and known as 6025, 6031, 6037, and 6045 Brooklyn Boulevard (“the Subject Property”); and

WHEREAS, the Subject Property is currently a mix of C1 (Service/Office), R5 (Multiple Family Residence), and R1 (One Family Residence) District properties under the City’s Zoning Code; and

WHEREAS, the Applicant appeared before the City Council of Brooklyn Center, Minnesota on May 11, 2020 for a concept plan review of their proposed development of seven (7) triplexes and related site improvements on the Subject Property, in conjunction with a second proposal from the Applicant to construct another six (6) triplexes and related improvements to the north of the Subject Property at 6921, 6927, 6933, and 6939 Brooklyn Boulevard, and submitted for separate consideration under Planning Commission Application No. 2020-005; and

WHEREAS, on June 22, 2020, the City Council of Brooklyn Center, Minnesota approved a Preliminary Development Agreement with C Alan Homes, LLC for the two aforementioned sets of properties located along Brooklyn Boulevard to allow the Applicant time to review the properties, obtain financing, work through City land use approvals, and negotiate with the EDA on the purchase of the properties pending approval of the aforementioned Planning Commission Application No. 2020-004; and

WHEREAS, a public hearing for Planning Commission Application No. 2020-004 was initially scheduled for July 9, 2020; however, City staff exercised its rights under Minnesota Statutes Section 15.99, Subd. 3(f) to extend the review period for an additional sixty (60) days to allow the Applicant additional time to reconcile adjustments necessary to the site plan for additional easements and determine the ability for driveway access off Brooklyn Boulevard from Hennepin County; and

WHEREAS, on August 13, 2020, the Planning Commission of the City of Brooklyn Center, Minnesota received and reviewed a planning report on the proposed preliminary plat, final plat, site and building plan, and Planned Unit Development proposals for the proposed new construction of seven (7) triplexes and related site improvements on the approximately 1.65 acre site; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on August 13, 2020, whereby a planning staff report was presented and public testimony regarding the proposal were received. Notice of such public hearing was published in the official newspaper and notices were mailed to adjacent property owners as required by City Code, and notification signage was installed on the Subject Property; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota considered the requests in light of all testimony received, the guidelines and standards for evaluating the preliminary and final plat under Chapter 15 (*Platting*), site and building plans under Chapter 35 (*Zoning*) and specifically Section 35-230 (*Plan Approval*), and Planned Unit Developments as contained in Section 35-355 (*Planned Unit Development*) of the City's Zoning Code, including compliance with the guidelines for re-zoning properties, and the request complies with the general goals and objectives of the City's 2040 Comprehensive Plan; and

WHEREAS, the Subject Property would be re-zoned from a mix of C1 (Service/Office), R5 (Multiple Family Residence), and R1 (One Family Residence) Districts to PUD-N/MU (Planned Unit Development-Neighborhood/Mixed Use) District, which is consistent with the density allowed under the 2040 Comprehensive Plan and reconciles the Subject Property density allowances, as the Subject Property is currently a mix of Neighborhood-Mixed Use, High Density Residential, and Low Density Residential future land uses designations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2020-004, submitted by C Alan Homes, be approved based upon the findings of fact in the August 13, 2020, planning report and submitted plans, as amended by the following conditions of approval:

Anticipated Permitting

1. The Applicant shall apply for and receive a City Land Disturbance permit prior to commencing any grading or land clearance activities on the site.
2. The Applicant shall apply for and receive an NPDES permit from the MPCA.
3. The Applicant shall obtain any required permits from Hennepin County for work in the County right-of-way.
4. The Applicant shall meet all requirements of the Shingle Creek Watershed Commission, as specified by the City.
5. The Applicant shall apply for and receive all applicable City building permits prior to commencing construction of any work.
6. Other permits not listed may be required and is the responsibility of the developer to obtain and warrant.
7. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.

8. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

Plat Review

9. Approval of the preliminary and final plats are contingent upon the addressing of comments by Assistant City Engineer Hogg in his memorandum dated August 4, 2020 and revised August 17, 2020, consolidation of the south outlot to proposed lot #7, and updating of the title block per City staff comments.
 - a. The Applicant shall complete the vacation of any identified easements and ensure notice of completion of vacation is recorded with Hennepin County prior to recording of final plat and mylar.
10. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting*).
11. Any comments and/or requirements as provided by Hennepin County.
12. Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.
13. The successful recording of said plat (mylar) with Hennepin County.

PUD / Site Plan Review

14. Any significant changes or modifications made to this request can only be made by an amendment to the approved Planned Unit Development and site and building plan as approved by the City Council.
15. The Applicant shall enter into a Purchase Agreement with the Economic Development Authority of Brooklyn Center prior to the execution of the Final Plat.
16. The Applicant shall enter into a PUD Agreement with the City of Brooklyn Center prior to the execution of the Final Plat.
17. The Applicant shall distribute Section 8 units through each of the identified three floors of triplex buildings identified for Section 8 voucher holders so as to prevent designating a particular level for such units.
18. The Applicant shall execute a Performance Agreement with supporting financial guarantee approved by the City prior to the issuance of any permits.
19. The Applicant shall enter into a Construction Management Plan and Agreement, and supporting escrow deposited, prior to the issuance of a Land Disturbance Permit.
20. The Applicant shall enter into a Public Improvement Agreement prior to the issuance of a Land Disturbance Permit.
21. The Applicant shall enter into a Utility Facilities Easement Agreement prior to the issuance of a Land Disturbance Permit.

Engineering Review

22. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated August 4, 2020.
 - a. Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer for City site and building plan approval and prior to the issuance of permits.

Fire Inspector/ Building Official Review

23. The Applicant shall work to ensure all applicable 2015 Minnesota Fire Code requirements have been met as part of any plan approval.
24. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
25. The Applicant shall apply for a SAC determination from the Metropolitan Council. Said determination shall be forwarded to the City and paid for upon issuance of any City permits.
26. The Applicant shall work with the Building Official to address all minimum requirements for accessibility as they relate to units, parking, accessible routes, etc.

August 24, 2020

Date



Mayor

ATTEST:



City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member Ryan

and upon vote being taken thereon, the following voted in favor thereof:

Butler, Elliott, Graves, Lawrence-Anderson, Ryan

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Member Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-091

A RESOLUTION VACATING CERTAIN EASEMENTS WITHIN LOT 4, BLOCK 5, WANGSTAD'S BROOKLYN TERRACE, HENNEPIN COUNTY, MINNESOTA AND LOT 1, BLOCK 1, PEARSON'S NORTHPORT 3RD ADDITION, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the Planning Commission has recommended approval for the plat entitled Robertson and Brekke's Brooklyn Boulevard First Addition (the "Plat") based on certain conditions as set forth in the City Council Resolution No. 2020-067 and Planning Commission Resolution No. 2020-005; and

WHEREAS, the Plat includes certain real property situated in Hennepin County located at 6031 Brooklyn Blvd; 6037 Brooklyn Blvd; and 6045 Brooklyn Blvd all located within the City of Brooklyn Center and as legally described on the attached Exhibit A (the "Properties");

WHEREAS, certain public easements currently exist on the Properties which as a result of the Plat are either no longer needed, or are being replaced by new easements covering the Properties within the Plat; and

WHEREAS, the specific easements proposed to be vacated are as legally described on the attached Exhibit B and as depicted on the attached Exhibit C (collectively the "Vacated Easements"):

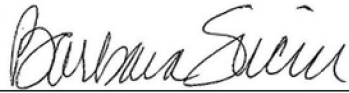
WHEREAS, after due notice and public hearing, the City Council has determined that the Vacated Easements will be no longer needed once the Plat is recorded; and the vacation of the Vacated Easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that:

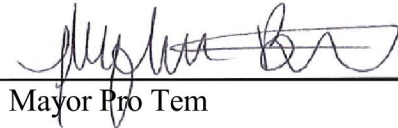
1. The City hereby declares that the Vacated Easements described in the attached Exhibit B and as depicted on the attached Exhibit C are hereby vacated.
2. The City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings and to record it with the Hennepin County Recorder or Hennepin County Registrar of Titles, as appropriate; provided, that this resolution will only take effect upon the release and filing of the final plat of Robertson and Brekke's Brooklyn Boulevard First Addition, execution and filing of associated and separate rededicated easements, and upon execution and filing the subdivision agreement for said associated development.

Adopted this 12th day of October, 2020

ATTEST:



City Clerk



Mayor Pro Tem

The motion for the adoption of the foregoing resolution was duly seconded by member Ryan

and upon vote being taken thereon, the following voted in favor thereof:

Butler, Graves, Lawrence-Anderson, Ryan

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Exhibit A
Legal description of the Properties

Parcel 1:

Lot 1, except that part thereof which lies Northeasterly of a line run parallel with and distant 42 feet Southwesterly of the following described line:

From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition.

Torrens Property
Torrens Certificate No. 1392052.
PID: 0311821120015

Parcel 3:

That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace.

Torrens Property
Torrens Certificate No. 1483315.
PID: 0311821120098

Parcel 4:

That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace.

Torrens Property
Torrens Certificate No. 1483312.
PID: 0311821120087

Exhibit B

Legal description of the Vacated Easements

Vacated Easement over Parcel 1:

Lot 1, Block 1, Pearson's Northport Third Addition, according to the duly recorded plat thereof, situate in Hennepin County, Minnesota, except State Highway, which lies northeasterly of a line run parallel with and distant 46 feet southwesterly of the following described line:

From a point on the south line of Section 34, Township 119 north, Range 21 west, distant 1741.08 feet west of the southeast corner thereof, run northwesterly at an angle of $68^{\circ} 01' 52.3''$ with said south section line for 432.38 feet to the point of beginning of the line to be described; thence run southeasterly along the last described course for 100 feet; thence deflect to the right on a $2^{\circ} 00'$ curve (delta angle $17^{\circ} 20' 35.2''$) for 867.16 feet and there terminating.

Vacated Easement over Parcel 3:

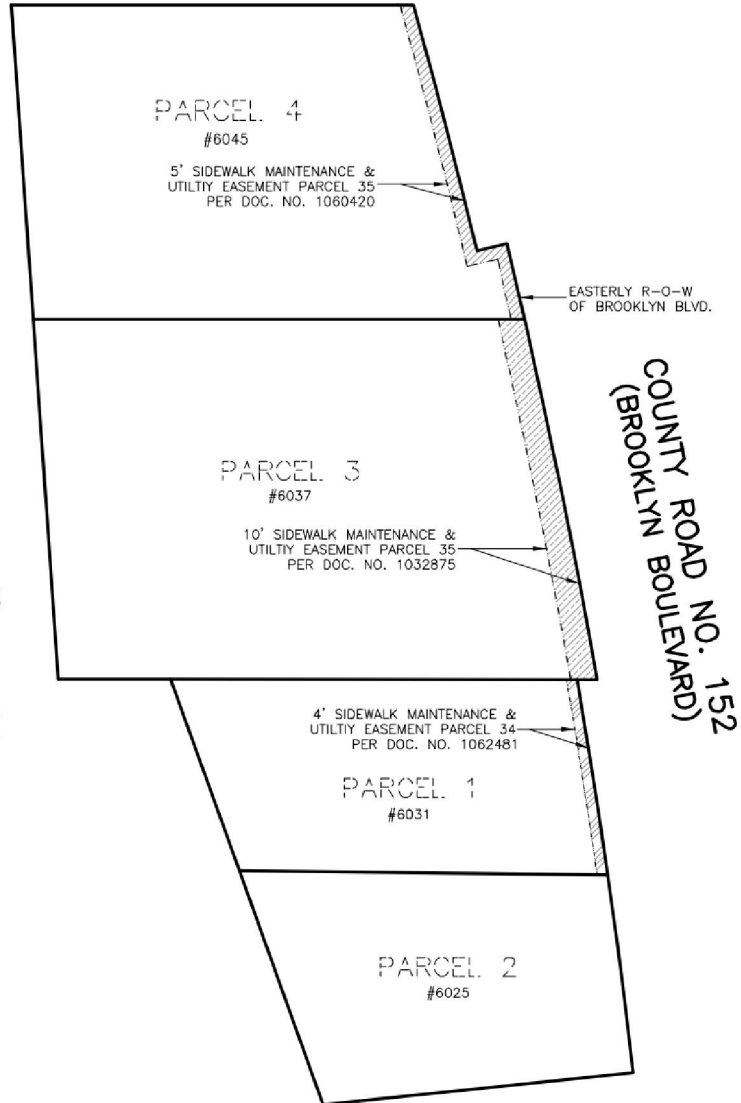
The south 138 feet of Lot 4, Block 5, Wangstad's Brooklyn Terrace Addition, according to the title of record, Office of the Registrar of Titles, Hennepin county, Minnesota, which lies within a distance of 10 feet southwesterly of the southwesterly boundary of State Highway No. 152 as now located and traveled.

Vacated Easement over Parcel 4:

That part of Lot 4, Block 5, Wangstad's Brooklyn Terrace Addition; lying north of a line drawn parallel with and 138 feet north of as measured at right angles to the south line of said Lot 4, according to the duly recorded plat thereof, office of the Registrar of Titles, Hennepin county, Minnesota, which lies within a distance of 5 feet southwesterly of the southwesterly boundary of State Highway No. 152 as now traveled and located.

Exhibit C
Depiction of the Vacated Easements

EXHIBIT



PROPERTY DESCRIPTIONS

PARCEL 1:

Lot 1, except that part thereof which lies Northeasterly of a line run parallel with and distant 42 feet Southwesterly of the following described line: From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1392052.

PARCEL 3:

That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1483315.

PARCEL 4:

That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1483312.

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.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown

DATED: 08-28-2020

WOODROW A. BROWN, R.L.S. MN REG 15230



W. BROWN LAND SURVEYING, INC.

8030 CEDAR AVENUE So., SUITE 228.

BLOOMINGTON, MN 55425

Bus: (952) 854-4055

Fax: (952) 854-4268

EMAIL: INFO@WBROWNLANDSURVEYING.COM

Certificate of Title

Certificate Number: 1392052

Created by Document Number: 5196899

Transfer from: 1323697

Originally registered April 22, 1955 Volume: 764, Certificate No: 232063, District Court No: 12294

State of Minnesota

County of Hennepin



S.S.

Registration

This is to certify that

Economic Development Authority of Brooklyn Center, Minnesota, whose address is 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, 55430;

is now the owner of an estate in fee simple

In the following described land situated in the County of Hennepin and State of Minnesota:

Lot 1, except that part thereof which lies Northeasterly of a line run parallel with and distant 42 feet Southwesterly of the following described line:

From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition.

Subject to restrictions created by the record found in Book 2034 of Deeds, page 506;

Subject to drainage, emergency water and utility easements as described in the plat;

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes

chapter 508, namely:

1. Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

Memorials				
Document Number	Document Type	Date of Filing Month Day, Year Time	Amount	Running in Favor Of
T459044	Order of Court	May 5, 1955 8:00 AM		Directing that Judicial Landmark be shown as placed at the Northeast corner of said lot
T1062481	Easement	Feb 22, 1973 10:55 AM		City of Brooklyn Center. Granting an easement for sidewalk purposes over pt of above land (See Inst)
T1809325	Mortgage	Mar 4, 1987 9:00 AM	\$58,750.00	Residential Financial Corp (a NJ corp) 1445 Valley Road, Wayne, NJ



In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office this 2nd day of September, 2014.

Martin McCormick

Registrar of Titles,

In and for the County of Hennepin and State of Minnesota.

Certificate of Title

Certificate Number: 1483315

Created by Document Number: 5609800

Transfer from: 1325024

Originally registered May 17, 1955 Volume: 769, Certificate No: 233667, District Court No: 12479

State of Minnesota

County of Hennepin



S.S.

Registration

This is to certify that

Economic Development Authority of Brooklyn Center, Minnesota, a MN public body corporate and politic, whose address is 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, 55429;

is now the owner of an estate in fee simple

In the following described land situated in the County of Hennepin and State of Minnesota:

That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace

Part of the boundaries of the above plat have been determined and Judicial Landmarks have been set, all pursuant to Torrens Case No 8655;

Subject to utility easements as shown on the plat;

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes

chapter 508, namely:

1. Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application, petition, or other proceeding affecting the title, as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

Memorials				
Document Number	Document Type	Date of Filing Month Day, Year Time	Amount	Running in Favor Of
T625441	Declaration	May 4, 1960 12:00 PM		Creating restrictions & conditions & covenants (See Inst)
T661790	Agreement	Jul 5, 1961 12:00 PM		Between Homedale Builders, Inc., Fred William Ames & Ben Holmes & Carol J. Holmes, hus & wf. Amending set-back requirement as contained in Doc No. 625441 (See Inst)
T662452	Order of Court	Jul 12, 1961 11:15 AM		Directing that the setback provision contained in Doc No. 625441 has been modified by agreement contained in Doc No. 661790.
T692814	Agreement	Jun 4, 1962 3:10 PM		Between Homedale Builders, Inc. & Ben Holmes & Carol J. Holmes, hus & wf. Amending Par 5 in Doc No. 625441 (See Inst)
T914924	Final Certificate	Jul 17, 1968 2:00 PM		State of Minnesota: Acquiring certain easements and rights for trunk highway purposes over part of above land. Parcel 25

Memorials

Document Number	Document Type	Date of Filing Month Day, Year Time	Amount	Running in Favor Of
T1032875	Easement	Jun 2, 1972 11:10 AM		City of Brooklyn Center. Granting an easement for sidewalk purposes &c over pt of above land. (See Inst)
T1484376	Amendment	Oct 7, 1982 10:00 AM		State of Minnesota. For highway purposes Parcel No. 35. Amending Doc No. 914924.
T2035836	Quit Claim Deed	Aug 29, 1989 10:00 AM		County of Hennepin from State of Minnesota for highway purposes Land in Doc No. 1484376.
T5609799	Memorial Plat	May 2, 2019 9:00 AM		Regarding location of judicial landmarks.

Indexes Verified through 8/11/2020



In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office this 2nd day of May, 2019.

Martin McCormick
Registrar of Titles,

In and for the County of Hennepin and State of Minnesota.

Certificate of Title

Certificate Number: 1483312

Created by Document Number: 5609800

Transfer from: 1314308

Originally registered May 17, 1955 Volume: 769, Certificate No: 233667, District Court No: 12479

State of Minnesota

County of Hennepin



S.S.

Registration

This is to certify that

Economic Development Authority of Brooklyn Center Minnesota a Minnesota body corporation and politic, whose address is 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, 55430

is now the owner of an estate in fee simple

In the following described land situated in the County of Hennepin and State of Minnesota:

That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace

Part of the boundaries of the above plat have been determined and Judicial Landmarks have been set, all pursuant to Torrens Case No 8655;

Subject to utility easements as shown on plat;

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes

chapter 508, namely:

1. Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application, petition, or other proceeding affecting the title, as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

Memorials				
Document Number	Document Type	Date of Filing Month Day, Year Time	Amount	Running in Favor Of
T914924	Final Certificate	Jul 17, 1968 2:00 PM		State of Minnesota. For highway purposes Parcel No 36
T1060420	Easement	Jan 26, 1973 3:30 PM		City of Brooklyn Center. Granting an easement for sidewalk purposes over pt of above land (See Inst)
T2035836	Quit Claim Deed	Aug 29, 1989 10:00 AM		County of Hennepin from State of Minnesota for highway purposes. Land in Doc No 1484376
T5609799	Memorial Plat	May 2, 2019 9:00 AM		Regarding location of judicial landmarks.



In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office this 2nd day of May, 2019.

Martin McCormick

Registrar of Titles,

In and for the County of Hennepin and State of Minnesota.



LAND TYPE Torrens (T)

DOC NUM 5773408

Certified, filed and/or recorded on
Nov 24, 2020 8:00 AM

Office of the Registrar of Titles
Hennepin County, Minnesota
Martin McCormick, Registrar of Titles
Mark Chapin, County Auditor and Treasurer

Deputy 26	Pkg ID 2116343E
Document Recording Fee	\$46.00
Multiple Certificates Affected Fee	\$40.00
<i>Document Total</i>	\$86.00

Existing Certs

1392052, 1483315, 1483312

**CITY OF BROOKLYN
CENTER HENNEPIN COUNTY, MINNESOTA**

NOTICE OF COMPLETION OF VACATION PROCEEDINGS

The undersigned City Clerk of the City of Brooklyn Center does hereby certify:

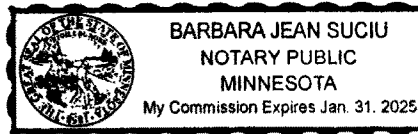
1. That the City Council of the City of Brooklyn Center held a public hearing on October 12, 2020, regarding the vacation of certain easements, located on Lot 4, Block 5, WANGSTAD'S BROOKLYN TERRACE, Hennepin County, Minnesota and Lot 1, Block 1, PEARSON'S NORTHPORT 3RD ADDITION, Hennepin County, Minnesota (the "**Easements**").
2. That due notice of the public hearing was given to all affected property owners as required by state law at the time of the vacation.
3. That due notice was published in the City's official newspaper and posted at least two weeks prior to the date of the public hearing as required by state law at the time of the vacation.
4. That following the public hearing, the City Council approved a resolution vacating the Easements (the "**Vacation Resolution**").
5. That a true and correct copy of the Vacation Resolution adopted by the City Council is attached hereto as Exhibit A.
6. That the vacation proceedings complied in all respects with the procedures specified by the City Charter and state law at the time of the vacation.

Dated this ___ day of October 2020.


Barb Suciu, City Clerk

STATE OF MINNESOTA)
 SS.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 21st day of October 2020, by Barb Suciu, the City Clerk of the City of Brooklyn Center, Minnesota, a municipal Corporation under the laws of the State of Minnesota.



Drafted By:

Kennedy & Graven, Chartered
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

EXHIBIT A
Certified Copy of the Vacation Resolution

Member Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-091

A RESOLUTION VACATING CERTAIN EASEMENTS WITHIN LOT 4, BLOCK 5, WANGSTAD'S BROOKLYN TERRACE, HENNEPIN COUNTY, MINNESOTA AND LOT 1, BLOCK 1, PEARSON'S NORTHPORT 3RD ADDITION, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the Planning Commission has recommended approval for the plat entitled Robertson and Brekke's Brooklyn Boulevard First Addition (the "Plat") based on certain conditions as set forth in the City Council Resolution No. 2020-067 and Planning Commission Resolution No. 2020-005; and

WHEREAS, the Plat includes certain real property situated in Hennepin County located at 6031 Brooklyn Blvd; 6037 Brooklyn Blvd; and 6045 Brooklyn Blvd all located within the City of Brooklyn Center and as legally described on the attached Exhibit A (the "Properties");

WHEREAS, certain public easements currently exist on the Properties which as a result of the Plat are either no longer needed, or are being replaced by new easements covering the Properties within the Plat; and

WHEREAS, the specific easements proposed to be vacated are as legally described on the attached Exhibit B and as depicted on the attached Exhibit C (collectively the "Vacated Easements"):

WHEREAS, after due notice and public hearing, the City Council has determined that the Vacated Easements will be no longer needed once the Plat is recorded; and the vacation of the Vacated Easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that:

1. The City hereby declares that the Vacated Easements described in the attached Exhibit B and as depicted on the attached Exhibit C are hereby vacated.
2. The City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings and to record it with the Hennepin County Recorder or Hennepin County Registrar of Titles, as appropriate; provided, that this resolution will only take effect upon the release and filing of the final plat of Robertson and Brekke's Brooklyn Boulevard First Addition, execution and filing of associated and separate rededicated easements, and upon execution and filing the subdivision agreement for said associated development.

Adopted this 12th day of October, 2020

ATTEST: Barbara Seem
City Clerk

[Signature]
Mayor Pro Tem

The motion for the adoption of the foregoing resolution was duly seconded by member Ryan

and upon vote being taken thereon, the following voted in favor thereof:

Butler, Graves, Lawrence-Anderson, Ryan

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Exhibit A
Legal description of the Properties

Parcel 1:

Lot 1, except that part thereof which lies Northeasterly of a line run parallel with and distant 42 feet Southwesterly of the following described line:

From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating. Block 1, Pearson's Northport 3rd Addition.

Torrens Property
Torrens Certificate No. 1392052.
PID: 0311821120015

Parcel 3:

That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace.

Torrens Property
Torrens Certificate No. 1483315.
PID: 0311821120098

Parcel 4:

That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace.

Torrens Property
Torrens Certificate No. 1483312.
PID: 0311821120087

Exhibit B
Legal description of the Vacated Easements

Vacated Easement over Parcel 1:

Lot 1, Block 1, Pearson's Northport Third Addition, according to the duly recorded plat thereof, situate in Hennepin County, Minnesota, except State Highway, which lies northeasterly of a line run parallel with and distant 46 feet southwesterly of the following described line:

From a point on the south line of Section 34, Township 119 north, Range 21 west, distant 1741.08 feet west of the southeast corner thereof, run northwesterly at an angle of $68^{\circ} 01' 52.3''$ with said south section line for 432.38 feet to the point of beginning of the line to be described; thence run southeasterly along the last described course for 100 feet; thence deflect to the right on a $2^{\circ} 00'$ curve (delta angle $17^{\circ} 20' 35.2''$) for 867.16 feet and there terminating.

Vacated Easement over Parcel 3:

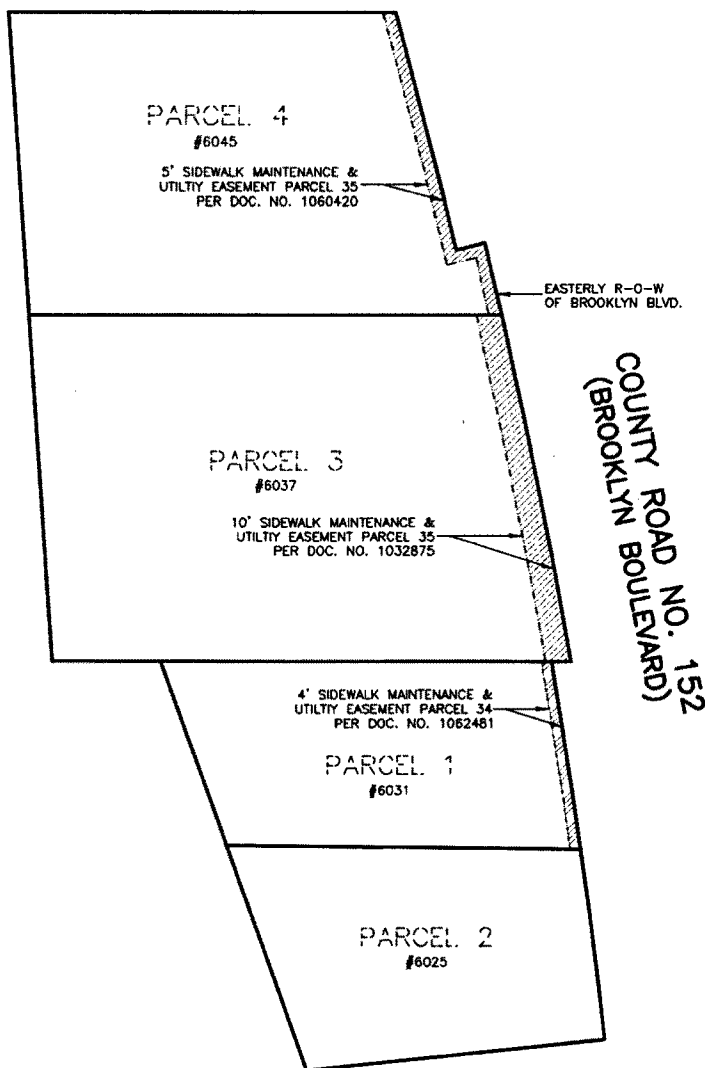
The south 138 feet of Lot 4, Block 5, Wangstad's Brooklyn Terrace Addition, according to the title of record, Office of the Registrar of Titles, Hennepin county, Minnesota, which lies within a distance of 10 feet southwesterly of the southwesterly boundary of State Highway No. 152 as now located and traveled.

Vacated Easement over Parcel 4:

That part of Lot 4, Block 5, Wangstad's Brooklyn Terrace Addition; lying north of a line drawn parallel with and 138 feet north of as measured at right angles to the south line of said Lot 4, according to the duly recorded plat thereof, office of the Registrar of Titles, Hennepin county, Minnesota, which lies within a distance of 5 feet southwesterly of the southwesterly boundary of State Highway No. 152 as now traveled and located.

Exhibit C
Depiction of the Vacated Easements

EXHIBIT



PROPERTY DESCRIPTIONS

PARCEL 1:

Lot 1, except that part thereof which lies Northeastly of a line run parallel with and distant 42 feet Southwestly of the following described line: From a point on the South line of Section 34, Township 119 North, Range 21 West, distant 1741.08 feet West of the Southeast corner thereof, run Northwestly at an angle of 68 degrees 01 minutes 52.3 seconds with said South section line for 432.38 feet to the point of beginning of the line to be described; thence run Southeastly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degree 20 minutes 35.2 seconds) for 867.16 feet and there terminating, Block 1, Pearson's Northport 3rd Addition, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1392052.

PARCEL 3:

That part of Lot 4, Block 5, lying South of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1483315.

PARCEL 4:

That part of Lot 4, Block 5 lying North of a line drawn parallel with and distant 138 feet North of, measured at right angles to, the South line of said Lot 4, Wangstad's Brooklyn Terrace, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1483312.

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.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown
WOODROW A. BROWN, R.L.S. MN REG 15230

DATED: 08-28-2020



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CITY OF
BROOKLYN CENTER
NOTICE OF
PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold an in-person public hearing on **Thursday, May 9, 2024** at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.brooklyncentermn.gov/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST:

Preliminary and Final Plat

APPLICANT | PROPERTY

OWNER: C Alan Homes LLC

PROPERTY ADDRESSES

IPIDS:

6025, 6031, 6037, and 6045
Brooklyn Boulevard, Brooklyn
Center, MN 55429 |
03-118-21-12-0016,
03-118-21-12-0015,
03-118-21-12-0096, and
03-118-21-12-0087

BRIEF STATEMENT OF CONTENTS OF PETITION:

The Applicant and Property Owner is requesting a review and consideration of certain preliminary and final plats approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin County within one (1) year following City Council approval, the final plat is considered void and re-approval of the plat is required per Section 35-8000 (Subdivisions and Planned Unit Developments).

Comments and questions may be forwarded to gmcintosh@brooklyncentermn.gov up until 4:30 pm on the day of the meeting, or by contacting Ginny McIntosh at (763) 569-3319. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code):
2630 082 8737
Password: BCPC05092024
By Phone: 1 (312) 535-8110
(Enter Access Code)

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,
Ginny McIntosh
Planning Manager

Published in the
Sun Post
April 25, 2024
1389661

From: Luba Evarts [REDACTED]
Sent: Thursday, May 9, 2024 5:57 AM
To: Ginny McIntosh
Subject: C Alan homes

Council members

I would like to open this letter by reminding our Mayor of an article dated Nov. 2023 about how frustrated she was with the planning process and was quoted as saying

"It doesn't feel like you've listened"

to Mike Lindberg of MNDOT.

When this was first proposed I was very against the overcrowding (as I see it) of my neighborhood, still am. Please understand that I am not against the development of this property, I am against the overcrowding, the lack of parking, the lack of green space that would be available to the residents. It was proposed to have 30 parking spaces available for 18 residences. I believe the city of Brooklyn center requires 2 parking spaces per residence. You, city of Brooklyn center council members has rejected other housing proposals because of parking issues. This was an office building to change into an apartment building, but was rejected for concerns of parking. And a couple other things.

Yet you council members passed this ridiculousness. You city council members, shut us down - you did not take into consideration our concerns.

It doesn't feel like you've listened.

Hmmmm

C Alan homes seems to be having a difficult time finishing the first two (of seven) buildings at 60th and Brooklyn Blvd. It has been 4 YEARS since it has begun and but not yet completed or opened for rent. Their reliability is questionable. This is such a disservice to our community. I really don't want to live in a continuous construction zone. If it takes 4 + years to complete 2 triplexes, how long will it take to complete 7? Or 13?

And why can't I attend a meeting

IN PERSON????

A concerned 30+ year resident

Luba Evarts

MEMORANDUM

DATE: August 17, 2020
TO: Ginny McIntosh, City Planner/Zoning Administrator
FROM: Andrew Hogg, Assistant City Engineer
SUBJECT: Preliminary Site Plan & Plat Review – **Revised**
Brooklyn Boulevard 6000 Brooklyn Blvd Tri-plexes

Public Works staff reviewed the following documents submitted for review for the proposed 6000 Brooklyn Blvd Tri-plexes (Planning Commission Application No. 2020-004):

- Preliminary Plans and plat submitted 07/24/2020

Subject to final staff Site Plan approval, the referenced plans must be revised in accordance with the following comments/revisions and approved prior to issuance of Land Alteration permit.

C000 Title Sheet

1. No comments.

C100 Removals Plan

2. Right of Way along Brooklyn Blvd is owned by Hennepin County. Obtain necessary permits prior to work with in Hennepin County Right of Way.
3. Protect existing bus stop sign along Brooklyn Blvd. Coordinate with Metro Transit to maintain bus service.
4. Remove the existing sidewalk from bus stop to south end of property.
5. Remove curb for proposed concrete drive to Brooklyn Blvd.
6. Remove existing service stubs to back of curb along Brooklyn Blvd.
7. Removal for utility connections in street shall extent curb to curb or to drive lane, no partial width removals.

C200, 202 and 202 – SWPPP Plans

8. No comments.

C210 and 211 – Erosion Control Plans

9. No comments.

C300 – Site Plan

10. Need to provide parallel sidewalk along back side of new curb.
11. All utilities and storm water management facilities to be within a drainage & utility easement.
12. Remove curb bump outs or relocate to property lines.
13. Add No Right Turn sign on Brooklyn Blvd for south exit.
14. Show location of ADA stalls & access routes.
15. Only 40 stalls shown on plans (lost 2 for trash) – should provide 2.5 stalls per unit.
16. Reduce width of exit to 1 lane of traffic (12’-15’ or 20’ if part of emergency access route).
17. Eliminate southern lot (incorporate into most southern building lot).
18. Site triangles at entrance/exits of development shall be free and clear of any obstructions.

19. Provide detailed vehicle turning and tracking movement diagrams for delivery vehicles and garbage trucks demonstrating specific and actual routes.
20. Use City Detail for City driveway aprons.
21. Developer removes the existing sidewalk and installs a 1.5" bituminous trail to ensure that their grading and elevations work. There is approximately 375' of trail from the south property line to the bus stop pull off. The City Brooklyn Blvd Project will then install the final 1.5" bituminous lift on the trail and the pedestrian curb ramp at 61st Avenue with the road project.

C400 – Grading and Drainage Plan

22. All city roadway embankment material installed within pavement patching areas of existing roadways shall be placed in lifts not to exceed 8-inches and compacted to a minimum of 100 percent of maximum density regardless of depth below the final pavement surface. The Engineer shall take a minimum of three (3) compaction tests at varying elevations within the pavement patch area.
23. Provide retaining wall elevations/grades.
24. Retaining walls over 3' in height need to be certified by engineer and must include a safety railing/fence.
25. Verify constructability of OCS4, CBMH5 & CBMH6 with 36" pipe.
26. Verify that OCS4 to CBMH6 can be constructed without encroaching on adjacent property.
27. Storm sewer & infiltration areas to be privately owned & maintained.
28. Elevations on OCS8 are not correct/match up with detail.
29. Adjust elevations of the FES's to match basin bottom elevations.
30. There appears to be a number of typos in the spot elevations & slopes, please review & adjust accordingly.

C500 – Utility Plan

31. 8" watermain to be looped out to Brooklyn Blvd.
32. Provide separate service line to each bldg. or provide joint maintenance agreements for service lines.
33. They don't make 2" DIP, adjust water main notes accordingly.
34. All on-site utility lines to be privately owned and maintained.
35. Verify water service sizes.
36. Provide on-site fire hydrant.
37. They don't make a 12.5 degree watermain bend.
38. Minimum sanitary sewer service pipe size to be 4".
39. Extend sanitary line and move Sanitary Manhole #10 overtop of existing main for connection location.
40. All improvements installed within public rights of way shall be constructed to City specifications/details.

C900, 901, 902 and 903 – Details

41. All work performed and materials used for construction of utilities must conform to the City standard specifications and details. The City's standard details must be included in the plan.
42. Update to use current City plates.

Preliminary Plat/Final

43. Drainage & Utility easements shall be adjusted to cover all shared/common utility lines (sanitary sewer, watermain, storm sewer) along with any storm water management features.
44. City & County will review permanent rights of way and easement needs along Brooklyn Blvd (Plats to be reviewed by Hennepin County Engineer).
45. Provide required separate cross access/cross parking easements.
46. Provide required separate trail & sidewalk easements.
47. Change Bloomington to Brooklyn Center in signature areas.
48. It appears that all property is Torrens, adjust Document block and signature blocks accordingly
49. Combine Outlot A with Lot 7.
50. Label & dimension proposed rights of way dedications
51. Change dedication language to include rights of way dedications
52. Need working copy of the preliminary plat to show all vacated easements, proposed easements, existing and proposed utilities and provide all easement documents for the City for review. A 10' drainage and utility easement must be dedicated on the plat around the entire perimeter of the site. An additional utility easement must be dedicated on the plat for the private water main and sanitary to allow for maintenance access per the Developers Agreement.
53. Legal descriptions and easement vacation documents must be obtained for all existing easements. Existing public easements as determined by the City must be vacated, and proposed easements must be dedicated as part of the preliminary and final platting process. The formal vacation document must contain an easement vacation description and depiction exhibit signed by a professional surveyor.
54. An updated certified abstract of title or registered property report must be provided to the City Planner and City Attorney for review at the time of the preliminary plat application (within 30 days of preliminary plat application). Additionally, this will need to stay current and be updated through the approval process as required to maintain and be current within 30 days of the release of final plat.
55. The applicant is responsible for coordinating site development plans with Xcel Energy, CenterPoint Energy, Qwest Communications and other private utility companies. Any further easements necessary to provide utility service to the proposed site development shall be dedicated to the public for public use with the final plat.
56. Provide right-out only at southern property line. This access must be documented in the PUD agreement for this parcel and the necessary cross access agreements will be required. This access is to be limited to right-out only with future Brooklyn Blvd reconstruction project that will include a raised center median.

Miscellaneous

57. See redlines for additional site plan comments.
58. Provide landscape and irrigation plan.
59. Provide share access agreement and easement at south property line incase properties south of plan are redeveloped.

60. Upon project completion, the applicant must submit an as-built survey of the property, improvements and utility service lines and structures; and provide certified record drawings of all project plan sheets depicting any associated private and/or public improvements, revisions and adjustments prior to issuance of the certificate of occupancy. The as-built survey must also verify that all property corners have been established and are in place at the completion of the project as determined and directed by the City Engineer.
61. Inspection for the private site improvements must be performed by the developer's design/project engineer. Upon project completion, the design/project engineer must formally certify through a letter that the project was built in conformance with the approved plans and under the design/project engineer's immediate and direct supervision.(see attached template letter) The engineer must be certified in the State of Minnesota and must certify all required as-built drawings (which are separate from the as-built survey).
62. The total disturbed area exceeds one acre; an NPDES permit is required. In addition, the total disturbed area is less than five acres. The applicant has submitted plans to the City of Brooklyn Center for project review on behalf on the Shingle Creek Watershed Commission. Provide an updated storm water plan that meets the requirements of the Shingle Creek Watershed Commission by revising the proposed 100yr storm event to below the existing run-off rate. Basin/storage must drain down in 48 hours.
63. The City has submitted the plans to Hennepin County for review. Applicant must meet requirements from Hennepin County's review.
64. Utility Facilities Easement Agreement required.

Prior to issuance of a Land Alteration

65. Final construction/demolition plans and specifications need to be received and approved by the City Engineer in form and format as determined by the City. The final plan must comply with the approved preliminary plan and/or as amended by the City Engineer.
66. A letter of credit or a cash escrow in the amount of 100% of the estimated cost as determined by City staff shall be deposited with the City.
67. During construction of the site improvements, and until the permanent turf and plantings are established, the developer will be required to reimburse the City for the administration and engineering inspection efforts. Please submit a deposit of \$2,500 that the City can draw upon on a monthly basis.
68. A construction management plan and agreement is required that addresses general construction activities and management provisions, traffic control provisions, emergency management provisions, storm water pollution prevention plan provisions, tree protection provisions, general public welfare and safety provisions, definition of responsibility provisions, temporary parking provisions, overall site condition provisions and non-compliance provisions. A separate \$2,500 deposit will be required as part of the non-compliance provision.

Anticipated Permitting:

69. A City of Brooklyn Center Land Disturbance Permit is required.

70. Applicant to obtain required permits to work in County right-of-way.
71. A MPCA NPDES permit is required.
72. Conditions specified by the City to meet the requirements of the Shingle Creek Watershed Commission must be met.
73. Other permits not listed may be required and is the responsibility of the developer to obtain and warrant.
74. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.
75. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.