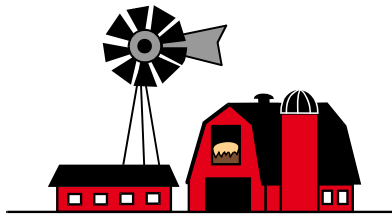


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW Room 10
Rochester, MN 55902
Phone: (507) 529-0774



David H. Meir, Administrator
Jered Staton, Administrator
Ethan Kaske, Assist. Admin.
david@tcpamn.org
jered@tcpamn.org
ethan@tcpamn.org

-TCPA-

Date: 10/30/2024

To: David Derby
Logan Tjossem, Widseth
Oronoco Town Board

Re: Metes and Bounds Subdivision
Section 11 – Oronoco Township

Permit: OTMB-24-07

Meeting: Oronoco Township - Agenda item Wednesday, November 13th, 2024, after 5:30 pm –
Oronoco City Hall

Owner: David Derby – 550 Merrywood Ln NW, Rochester, MN 55901
Applicant: Logan Tjossem, Widseth – 3777 40th Ave NW Ste 200, Rochester, MN 55901

Requested Action: The owner has three (3) tax parcels lying wholly in the East half of Section 11, north of
White Bridge Road NW, totaling 91.3 +/- acres (not including ROW). All parcels are in
the A-2 Agricultural Protection District.

The owner is requesting a reconfiguration of the parcel boundaries to create a total of 4
buildable parcels.

Legal Description: Parcel #s: 841114039721, 841142081535, 841141039732
SEE ATTACHED FOR FULL LEGALS

Zoning: A-2; Agricultural District

Attachments:

1. Application Form
2. Aerial Maps
3. Proposed Lot Line Shift Map
4. Powerline Easement
5. OCPWD Correspondence

Ordinance:

The Oronoco Township zoning ordinance reads as follows;

Section 1.26 BUILDABLE LOTS

A lot that meets the Board of Health regulations and fulfills the criteria specified in one of the following subsections (A) or (B) is a buildable lot. All other lots, including illegally created lots, shall not be considered buildable lots and no building shall be constructed or placed upon such lots.

- A. Buildable Lots for Uses Other than Dwellings: (These other uses would include agricultural uses such as barns and other agricultural buildings but would not include a dwelling.)

Lots of record or newly created lots that meet the lot area, lot width and access requirements of this ordinance. Any newly created lot which does not meet the standards for non-farm dwellings in the zoning district where such lot is located, or the standards for farmstead dwellings, shall be designated as an (N.B.) Non-Buildable Lot for Dwelling Purposes on the Official Zoning Map.

Non-conforming lots of record, providing that such lot has recorded access to a public road and the proposed building complies with the regulations in Section 1.28 (B).

- B. Buildable Lots for a Dwelling Are:

1. A lot that qualifies as a farm.
2. Lots created after the effective date of this ordinance which meet the lot area, lot width, access requirements and either the standards for non-farm lots or dwellings in the zoning district where such lot is located or the standards for farmstead dwellings.
3. Lots of record, providing that such a lot has recorded access to a public road and the proposed building complies with the regulation of Section 1.28 (B).
4. If in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the zoning district lot area, width, or access standards of the zoning district where located, the lots must not be considered as separate parcel of land for purposes of development. The lots must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the lot area, width, or access standards to the extent possible.
5. A lot must comply with all standards of the floodplain provisions of the zoning and subdivision ordinances.

Section 5.02 A-2 AGRICULTURAL PROTECTION DISTRICT:

The purpose of this district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses. The A 2 District does provide a slightly higher density of non-farm dwellings than the A 1 District and is intended to apply to those areas within the comprehensive Plan's "Agricultural Protection Area" and "Agricultural Area" where major agricultural investments, large farms and feedlots are more scattered and greater numbers on non-farm uses or small parcels are present. The definition of a farm for this district is "a lot used for agricultural or horticultural uses and comprised of at least thirty-five (35) acres".

A. Permitted Uses:

1. Uses permitted in Section 5.00 (A) Permitted Uses, of A-1 Agricultural District. The definition of a farm for this district is "a lot used for agricultural or horticultural uses and (1) comprised of at least thirty five (35) acres, or (2) comprised of at least an undivided quarter-quarter section, less no more than five acres, including the abutting public road right-of-way to the centerline. However, if the right of way is owned by the road authority in fee simple, then the abutting public right-of-way shall not be included in determining parcel area."

C. Standards for Non-Farm Lots or Dwellings: Non farm lots or dwellings shall be permitted only when they comply with all of the following standards:

1. No more than one non-farm lot per quarter-quarter section. Should a quarter-quarter section contain a buildable non-farm lot, no additional dwelling shall be permitted.
2. Any non-farm lot shall contain at least one (1) acre of non-prime agricultural soils with a crop equivalent rating of 55 or less. When a dwelling, which is not a mobile home, existed in its present location prior to April 16, 1983, this standard shall not apply.
3. No non-farm dwelling shall be permitted in areas identified as wetlands or floodplain.
4. No non-farm dwelling shall be located within one-fourth (1/4) mile of an animal feedlot or manure storage facility not located on the same non-farm lot.

Analysis: The applicant's request meets all zoning criteria to be considered for a metes & bounds subdivision. The non-farm parcels created by this subdivision meet all zoning criteria listed above.

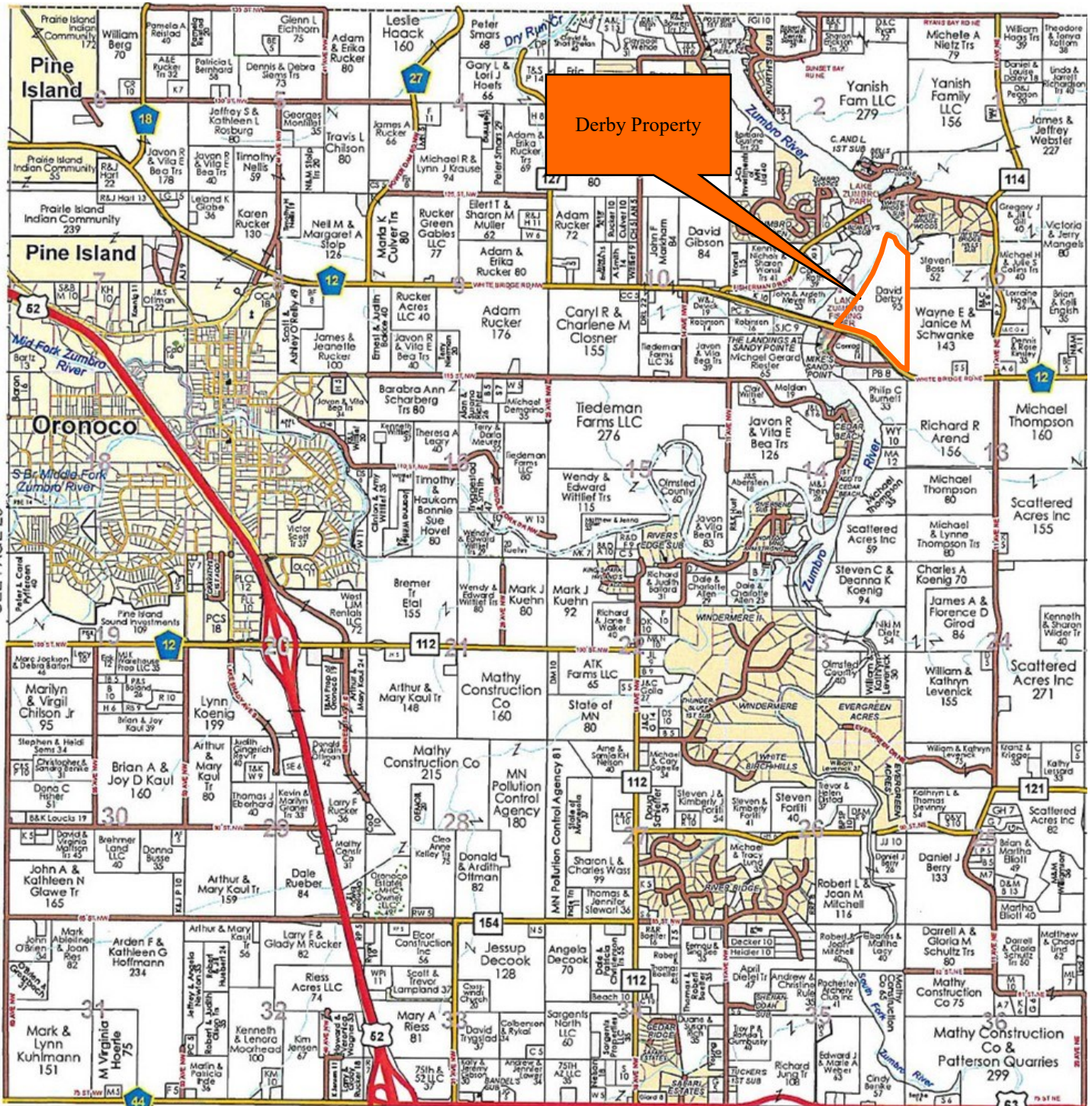
Access: The owner or applicant has already reached out to Olmsted County Public Works Department regarding access to the property. This subdivision will require the construction of a private road and an access permit, but will not require the construction of a turn lane.

Open Wells: There *may* be open unused wells on the property which the County may require to be capped and sealed before the County Environmental Department will approve the final survey.

Conclusion: Staff recommends approval of the proposed subdivisions with the following conditions;

1. That the applicant provides a survey that meets the lot area and access requirement of the ordinance.
2. That the applicant work with Olmsted County, as Road Authority, regarding access for the proposed use.
3. Before any building permits are issued for the newly configured parcels, the private road must be constructed and reviewed/inspected by Township Officials.

PLAT MAP

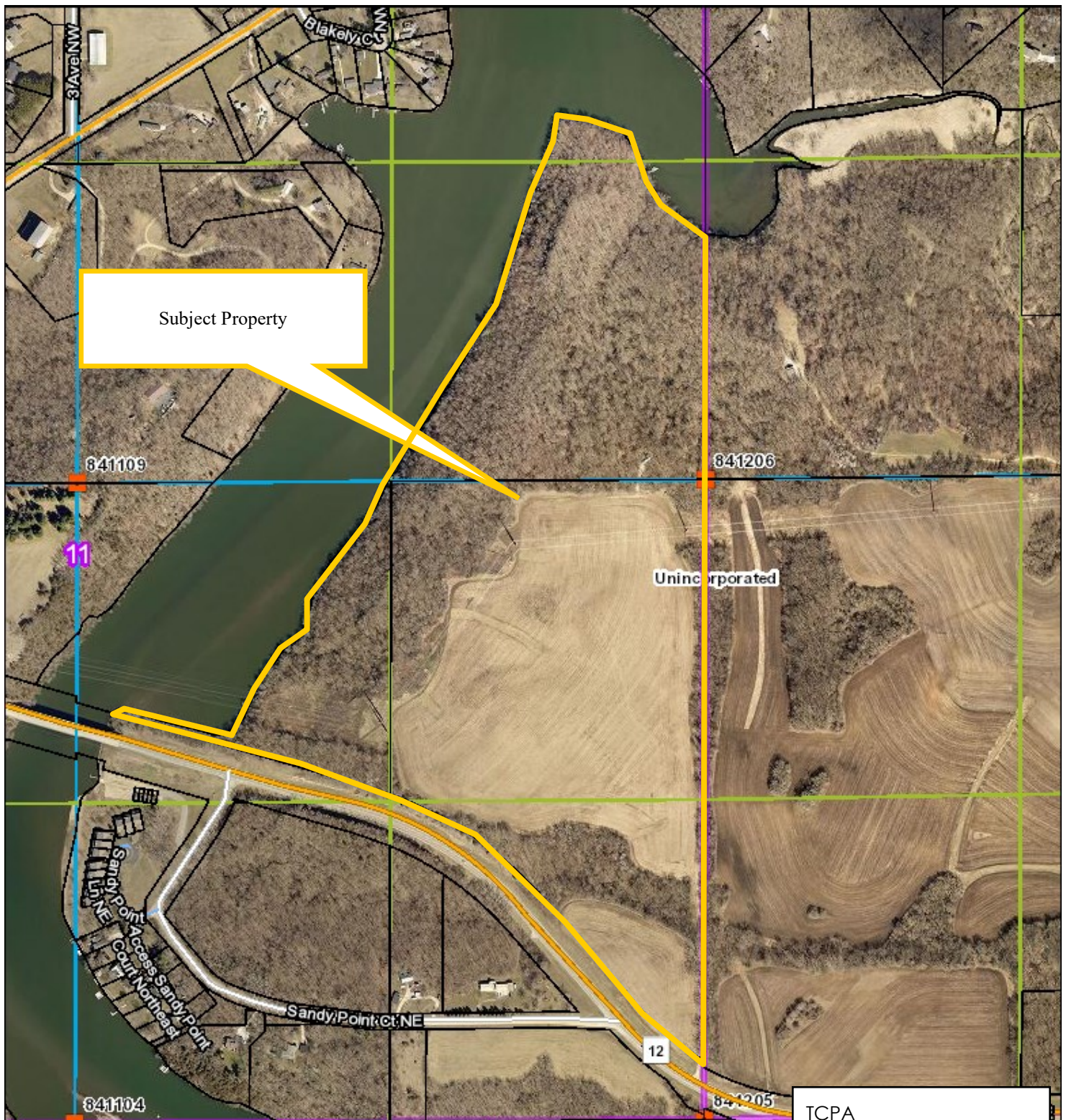


LEGAL DESCRIPTION:

Parcel #: 841141039732
841142081535
841114039721

TCPA
4111 11th Avenue SW
Rochester, MN 55902
www.tcpamn.org
507-529-0774

AERIAL PHOTO MAP

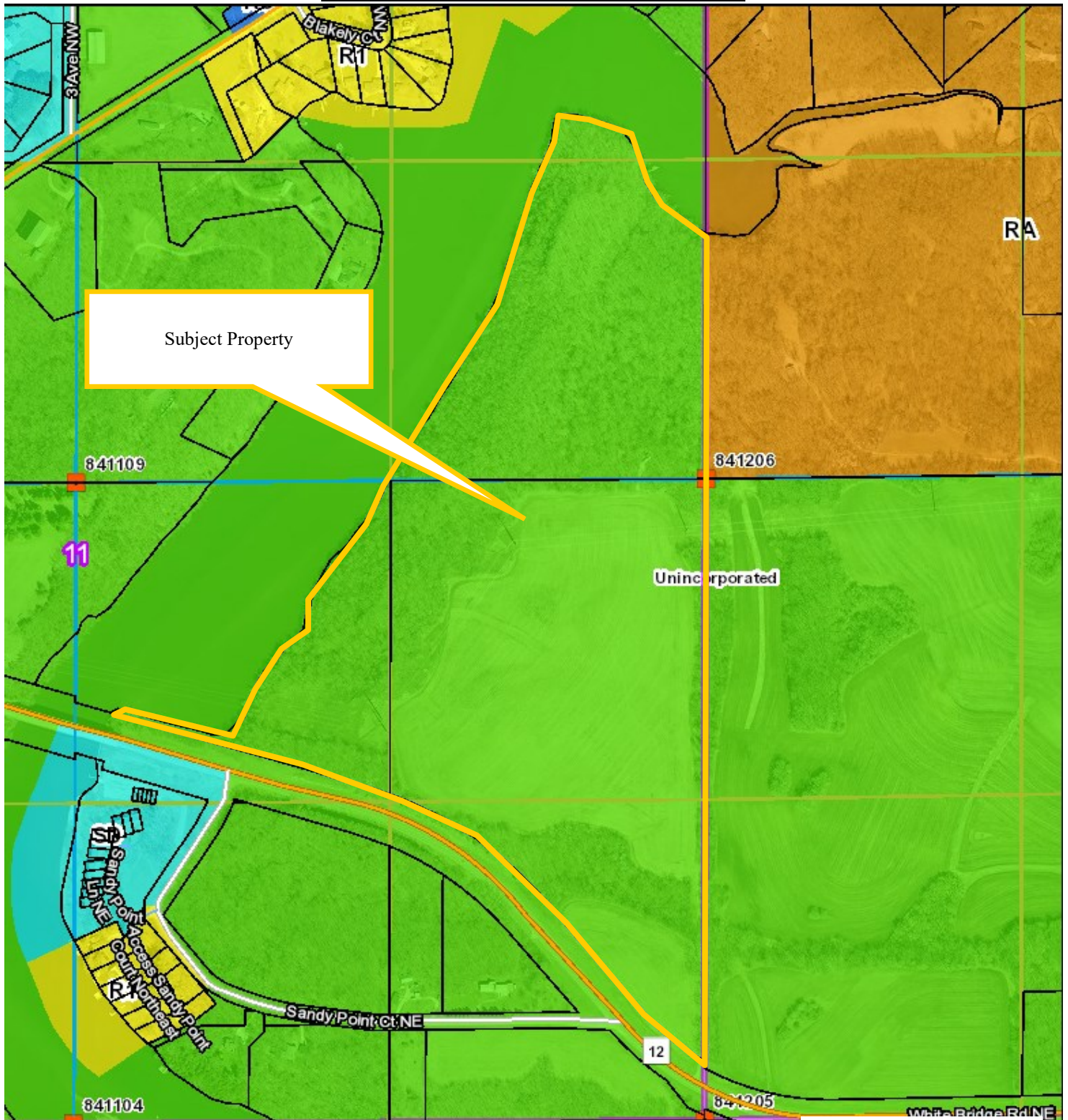


LEGAL DESCRIPTION:

Parcel #: 841141039732, 841142081535, 841114039721

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ZONING MAP

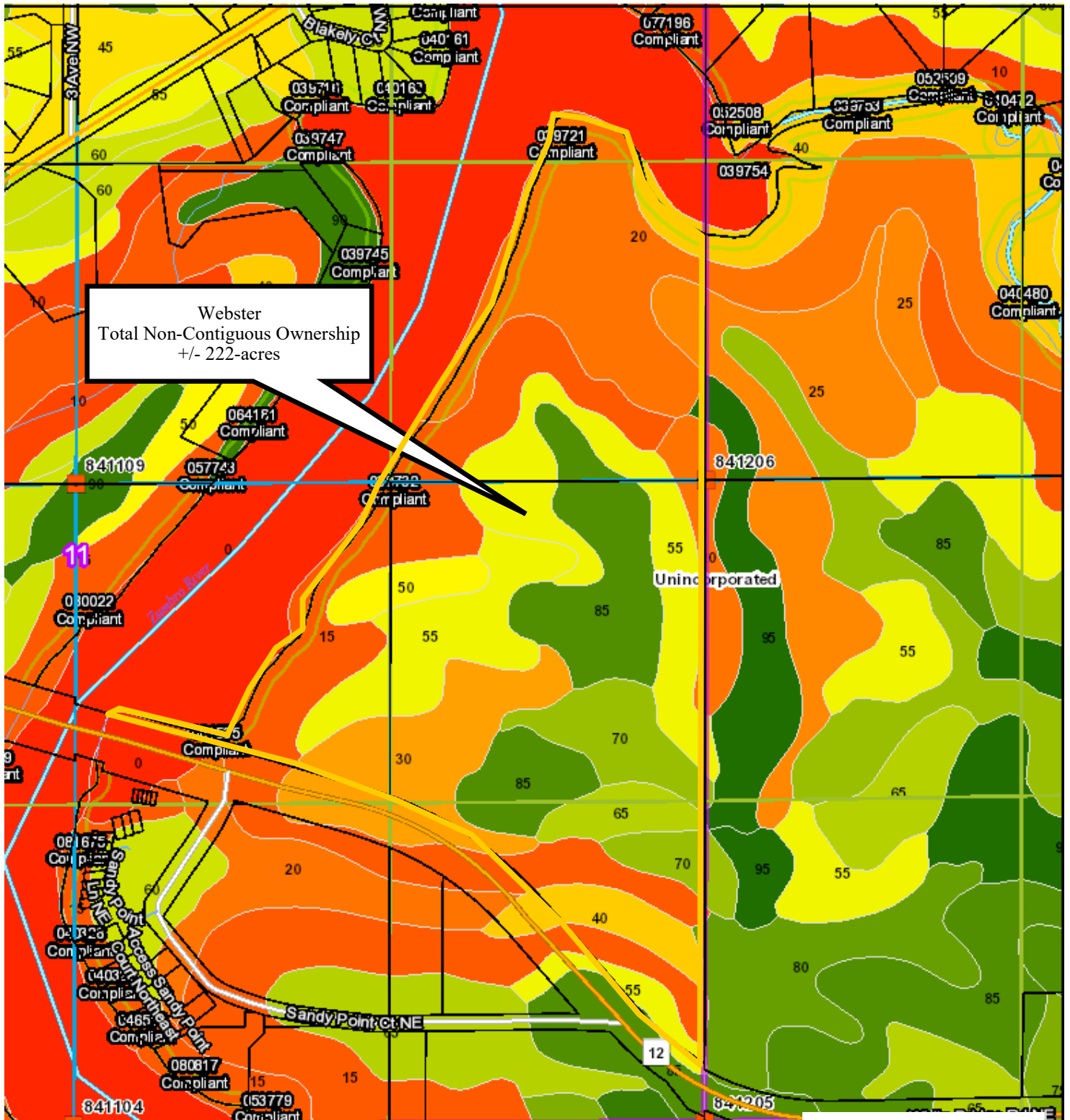


LEGAL DESCRIPTION:

Parcel #: 841141039732, 841142081535, 841114039721

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CER SOILS MAP



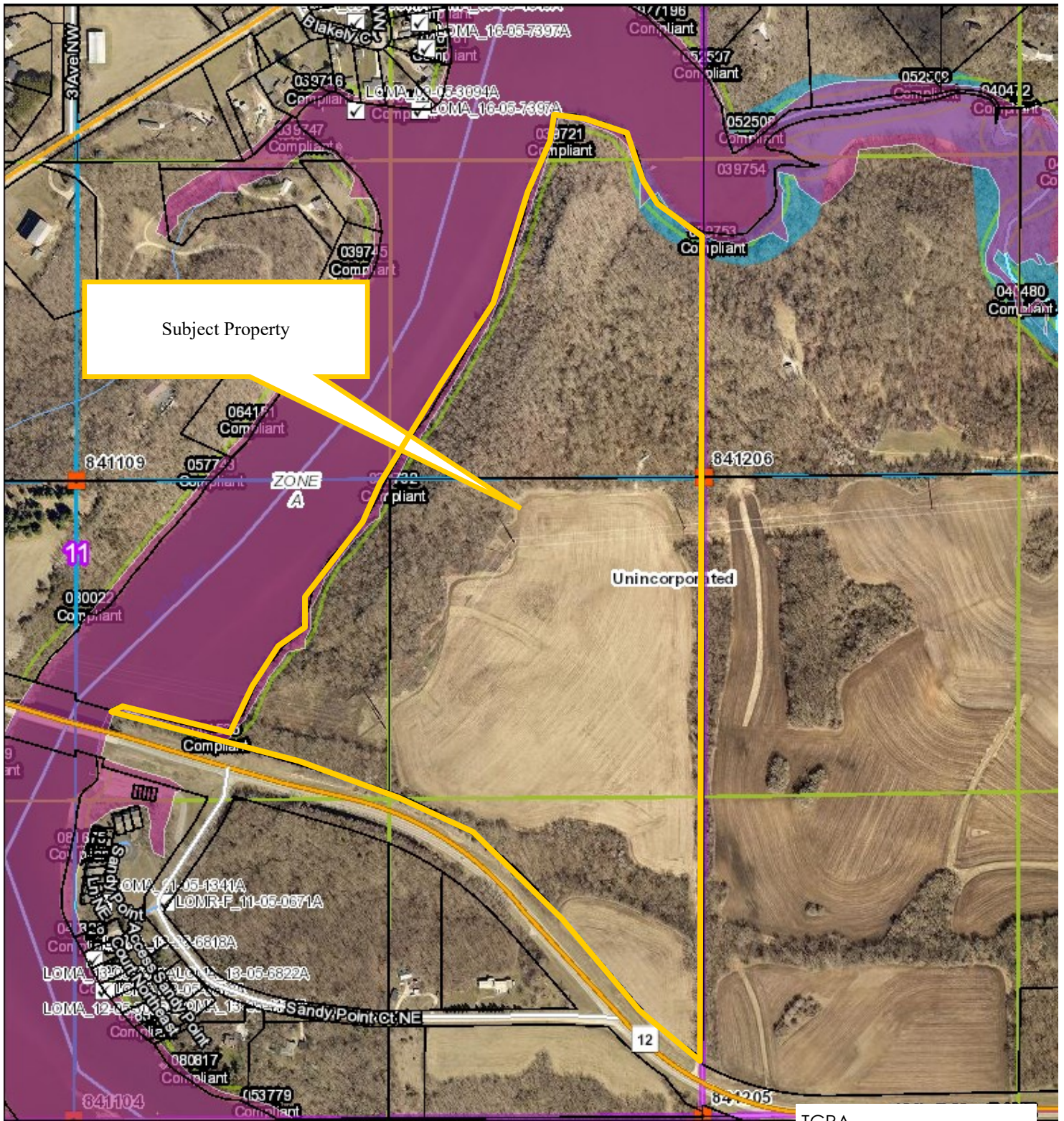
LEGAL DESCRIPTION:

Parcel #: 841141039732, 841142081535, 841114039721

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4111 11th Avenue SW
Rochester, MN 55902
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507-529-0774

HYDRIC/FLOOD SOILS MAP

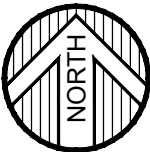
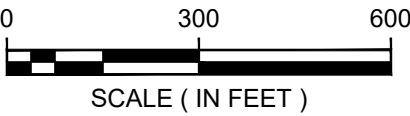
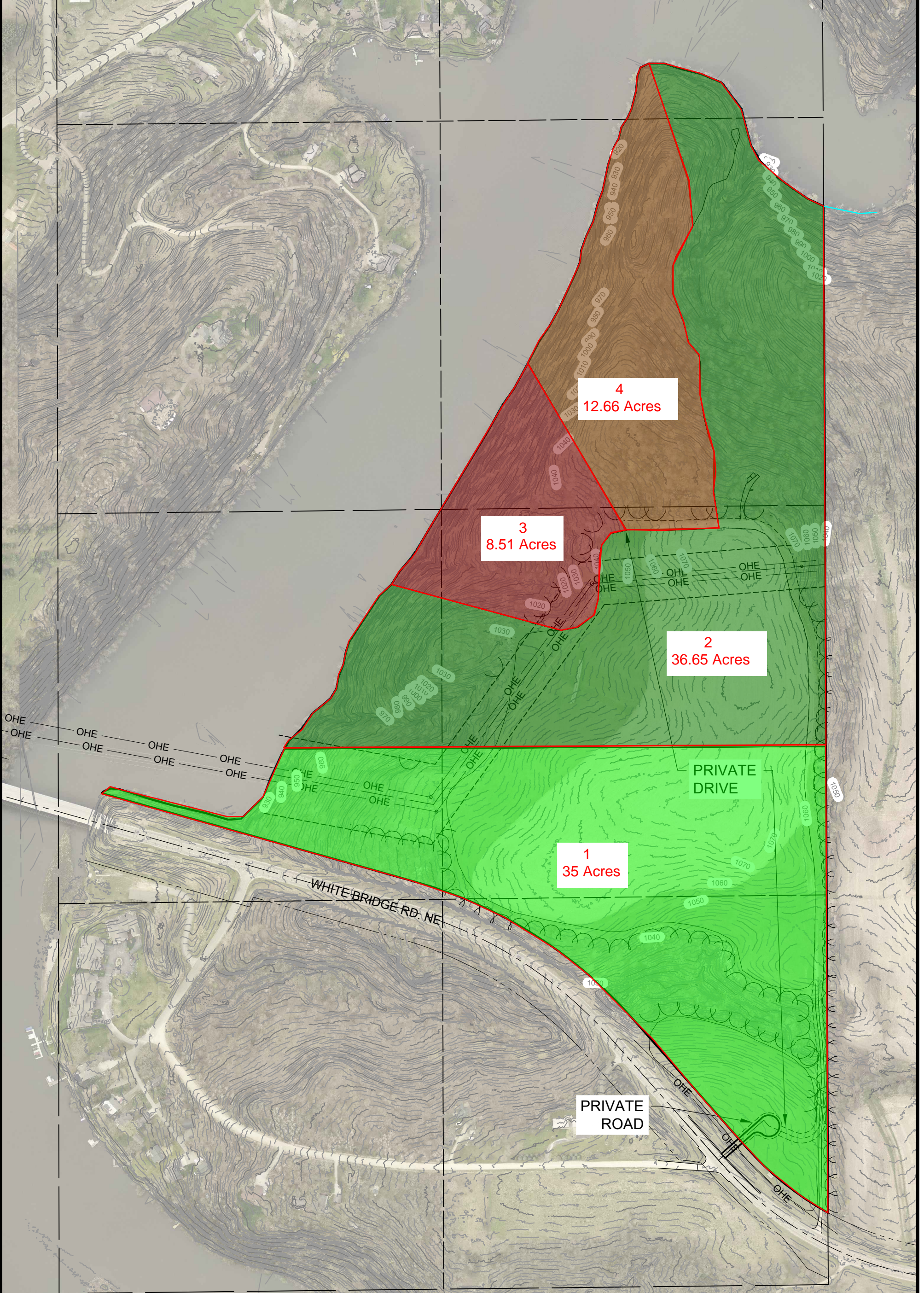


LEGAL DESCRIPTION:

Parcel #: 841141039732, 841142081535, 841114039721

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4111 11th Avenue SW
Rochester, MN 55902
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507-529-0774

PRELIMINARY LAYOUT



PT NE-SE
PT SE-SE
84.11.41.039732 = } 11-108-14
PT NW-SE

84.11.42.039722

NE-NW
SE-NW
NE-SW
SE-SW } 4-108-13

83.04.34.032926



OFFICE OF COUNTY RECORDER
Olmsted County, Minnesota

I hereby certify that this document was filed in this office
on 9/27/2013 at 3:30 PM and was duly
recorded as document number **A- 1332661**

W MARK KRUPSKI - Co Recorder, by _____ Deputy

Well Certificate: _____ Received _____ Not Required

Abstr. - yes _____ no _____

Fees: \$46.00

ELECTRIC LINE EASEMENT (MN)

The undersigned, Maynard C. Conrad and Avis Conrad, husband and wife ("**Grantor**") for good and valuable consideration paid to Grantor by **Northern States Power Company**, a Minnesota corporation d/b/a **Xcel Energy**, **Dairyland Power Cooperative**, a Wisconsin cooperative, **City of Rochester**, a Minnesota municipal corporation, and **Southern Minnesota Municipal Power Agency**, a Minnesota municipal corporation as tenants in common, and their respective successors and assigns (collectively, "**Grantee**") does hereby grant to Grantee a perpetual and irrevocable easement (the "**Easement**") to construct, operate, maintain, use, upgrade, rebuild, relocate or remove a transmission line facility with one or more circuits, with all towers, structures, poles, foundations, crossarms, cables, wires, guys, supports, counterpoises, fixtures, and equipment related to said transmission line facility, together with communication equipment relating to the operation of said transmission line facility (collectively, the "**Electric Lines**") through, over, under and across the certain lands situated in the County of Olmsted, State of Minnesota, described on the attached Exhibit A (the "**Premises**"). The easement shall be limited to that certain part of the Premises described on the attached Exhibit A (the "**Easement Area**").

Grantor hereby grants to Grantee an easement to enter upon the Premises to survey for and locate the Electric Lines. Grantor hereby grants to Grantee an easement for ingress and egress over and across the Premises to the Easement Area, by means of existing field roads and lanes, if any, otherwise, by the use of the most reasonable and feasible route selected by Grantee in its reasonable discretion. The Grantor hereby grants to Grantee a temporary easement for use by Grantee of the Premises adjacent to the Easement Area from time to time during construction, repair or replacement of the Electric Lines. All Electric Lines installed and placed by or on behalf of Grantee in the Easement Area shall remain the property of Grantee.

Grantor shall not erect any buildings, structures or other objects, permanent or temporary, upon the Easement Area. Grantor further agrees not to plant any trees within the Easement Area without the prior express written approval from Grantee, nor to perform any act which will interfere with or endanger the Electric Lines. Grantor hereby grants to Grantee the right to remove any trees that are located within the Easement Area, and further grants to Grantee the right to trim or remove any trees that are located adjacent to the Easement Area which may interfere with or otherwise endanger the Electric Lines by falling thereon or by otherwise striking the Electric Lines.

PARCEL No. 84.11.41.039732; 84.11.42.039722; 83.04.34.032926

4894147_3.DOC

TRACT No. CAPX-NA-079, 107

PH
9-27-13
Land Service Co.
Attn: April Kramerer
10-Washington St., Winona, MN
55987

Grantor reserves the right to cultivate, use and occupy the Easement Area in a manner that is not inconsistent with Grantee's rights granted herein. Grantor reserves the right to dedicate and have or permit to be improved, maintained, and used for the purposes of streets, curbs and gutters, sewers, water and underground utilities (hereinafter called "improvements"), the portion of said Easement Area not occupied by the structures supporting Grantee's Electric Lines, provided that said improvements do not in the opinion of Grantee impair the structural or electrical integrity of or ability to maintain said Electric Lines or materially alter the existing ground elevations; and provided further that all such improvements shall not result in a ground or other clearance of less than the minimum requirements specified by the National Electrical Safety Code and any other applicable laws or regulations or other codes in effect from time to time. Grantor, its agents or assigns must submit plans of improvements or other installations within the Easement Area for review, compliance and written approval by the Administrative Agent for Grantee prior to installation of the proposed improvements.

Grantee shall pay for direct damages to landscaping, roads and driveways, livestock, crops, fields and other Grantor property caused by Grantee in connection with the construction and maintenance of the Electric Lines.

Grantee has appointed NSP-MN, Attention Siting and Land Rights Department, 414 Nicollet Mall, Minneapolis, MN, 55401, (612) 330-5500 as the Administrative Agent for Grantee hereunder (the "**Administrative Agent**"). The Administrative Agent, pursuant to the terms and conditions of the Administrative Agent Agreement, is designated to act on behalf of Grantee for certain matters relating to this instrument. Grantor shall rely on the actions of the Administrative Agent as Grantee hereunder until Grantor is notified by the Administrative Agent or Grantee that a new Administrative Agent has been appointed.

The term of this instrument and the easements and other rights granted herein is perpetual.

Grantor covenants for the benefit of Grantee, its successors and assigns, that Grantor is the owner of the Premises and has the right to convey easements as set forth herein.

The easements and covenants contained in this instrument shall run with and against the Premises. It is mutually understood and agreed that this instrument covers all the agreements and stipulations between the parties and that the terms herein may only be modified in writing. This instrument shall be governed by the laws of the state in which the Premises is located.

The remainder of this page is intentionally blank.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed as of the
19TH day of SEPTEMBER, 2013.

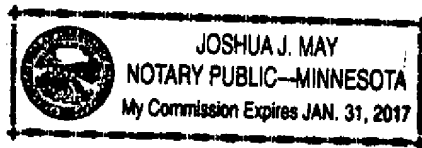
GRANTOR

Maynard C. Conrad
Maynard C. Conrad

Avis Conrad
Avis Conrad

STATE OF MINNESOTA)
 GOODHUE) ss.
COUNTY OF ~~OLMSTED~~)

The foregoing instrument was acknowledged before me this 19TH day of
SEPTEMBER, 2013, by Maynard C. Conrad and Avis Conrad, husband and wife.



[Signature]
Notary Public

This instrument was drafted by:
Northern States Power Company d/b/a Xcel Energy
414 Nicollet Mall, MP-8
Minneapolis, MN 55401

Upon Recording Return to:
Northern States Power Company d/b/a Xcel Energy
c/o Land Service Company
10 Washington Street
Winona, MN 55987

NORTH ROCHESTER TO ALMA 345 KV
EXHIBIT A SHEET 1 OF 4 SHEETS

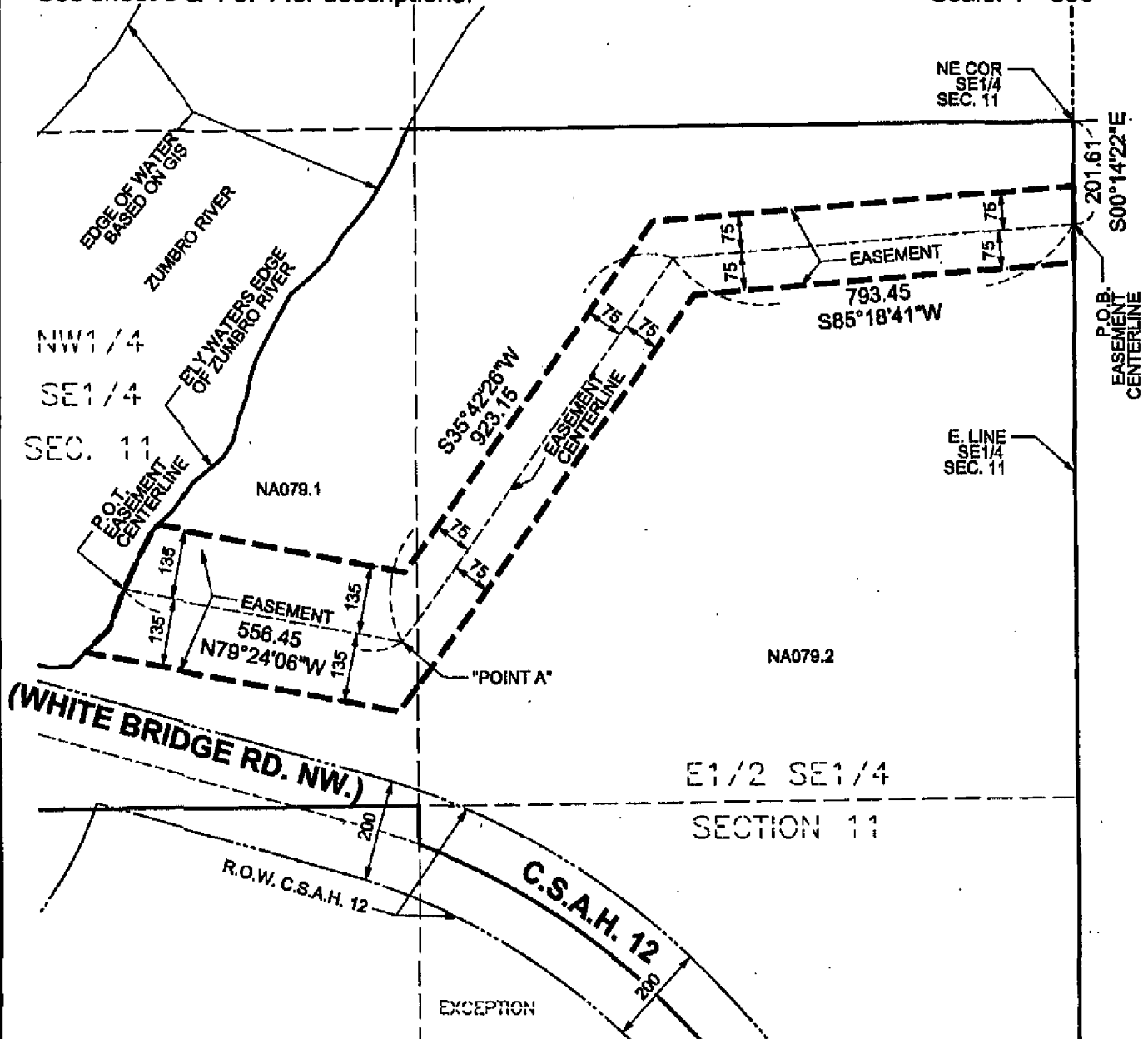
Certificate of Survey

Location: Oronoco and Farmington Townships, Olmsted County, Minnesota

Grantor: Maynard C. Conrad

See sheet 3 & 4 of 4 for descriptions.

Scale: 1"=300'



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER
THE LAWS OF THE STATE OF MINNESOTA.

Peter D. Gitzen
PETER D. GITZEN

LIC. NO. 44901

PARCEL: NA079.1, NA079.2, NA107
SEC. 11, T.108N., R.14W., &
SEC. 4, T.108N., R.13W., 5TH P.M.
CO.: OLMSTED

DATE 1/14/13

NORTH ROCHESTER TO ALMA 345 KV
EXHIBIT A SHEET 2 OF 4 SHEETS

Certificate of Survey

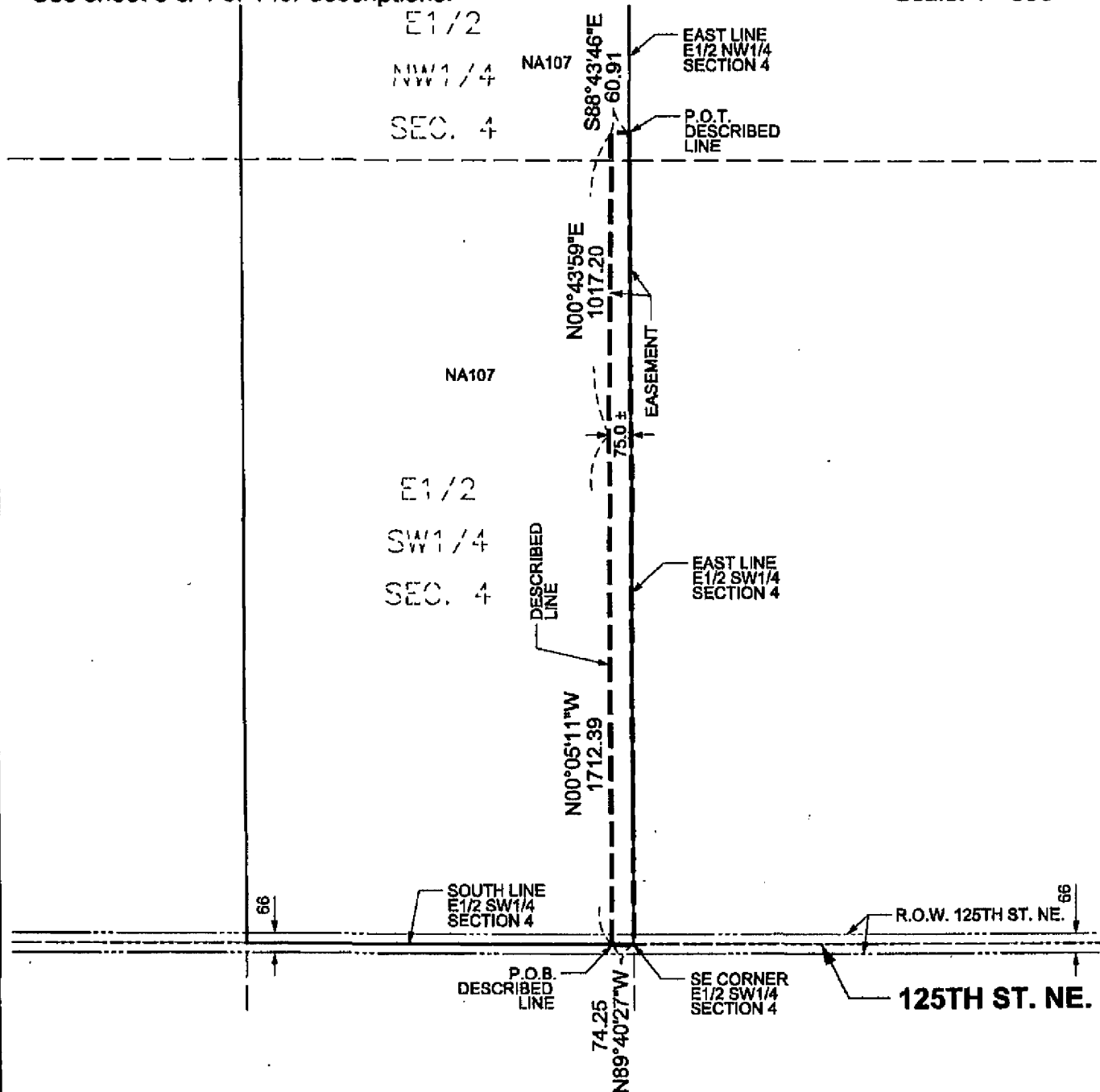
Location: Oronoco and Farmington Townships, Olmsted County, Minnesota

Grantor: Maynard C. Conrad

See sheet 3 & 4 of 4 for descriptions.



Scale: 1"=500'



PARCEL: NA079.1, NA079.2, NA107
SEC. 11, T.108N., R.14W., &
SEC. 4, T.108N., R.13W., 5TH P.M.
CO.: OLMSTED

NORTH ROCHESTER TO ALMA 345 KV

EXHIBIT A SHEET 3 OF 4 SHEETS

Certificate of Survey

Location: Oronoco and Farmington Townships, Olmsted County, Minnesota

Grantor: Maynard C. Conrad

"Premises":

The Northwest Quarter (NW) of the Southeast Quarter (SE1/4), Section Eleven (11), Township One Hundred Eight (108), Range Fourteen (14), except that part which lies to the West of the Zumbro River, and except the flowage rights conveyed to the City of Rochester.

ALSO: All that part of the East Half of the Southeast Quarter (E1/2 SE1/4) of Section 11, Township 108, Range 14, which lies North of the public road running through the East Half of said Southeast Quarter (E1/2 SE1/4) as shown on the plat designated as "Mike's Sandy Point", which plat was filed in the office of the register of deeds, August 15, 1947, excepting therefrom that part of the following described tract lying Easterly of a line drawn 220 feet Easterly and parallel to the West line of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 11, and that part of the following described tract line Westerly of a line drawn 220 feet Easterly and parallel to the West line of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4), of Section 11, Township 108, Range 14, to wit: Commencing at the Southeast corner of said Section 11, thence North 89 degrees 56 minutes 30 seconds West (bearing assumed) along the South line of said Southeast Quarter (SE1/4) a distance of 1,305.79 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of said Section, thence North 0 degrees 32 minutes 37 seconds East along the West line of said Quarter Quarter a distance of 411.67 feet to the point of beginning of the tract to be described; thence North 88 degrees 52 minutes 30 seconds East a distance of 890.31 feet to the center line of County State Aid road number 12; thence North 43 degrees 43 minutes 40 seconds West along the center line of said road a distance of 625.94 feet to a point of curve; thence on a curve to the left of 4 degrees, radius equals 1,432.40 feet, and arc distance of 554.08 feet to the West line of the Southeast Quarter Southeast Quarter (SE1/4 SE1/4) Section 11, thence South 0 degrees 32 minutes 37 seconds West along said line a distance of 787.17 feet to the point of beginning, and there terminating.

ALSO: East One-half (E1/2) of the Southwest Quarter (SW1/4), and the East One-half (E1/2) of the Northwest Quarter (NW1/4), of Section 4, Township 108, Range 13.

All in Olmsted County, Minnesota.

PARCEL: NA079.1, NA079.2, NA107
SEC. 11, T.108N., R.14W., &
SEC. 4, T.108N., R.13W., 5TH P.M.
CO.: OLMSTED

NORTH ROCHESTER TO ALMA 345 KV

EXHIBIT A SHEET 4 OF 4 SHEETS

Certificate of Survey

Location: Oronoco and Farmington Townships, Olmsted County, Minnesota
Grantor: Maynard C. Conrad

"Easement Area":

An easement over, under and across that part of the herein before described "Premises" which lies within 75.00 feet on each side of the following described centerline:

Commencing at the northeast corner of the Southeast Quarter of Section 11, Township 108 North, Range 14 West; thence South 00 degrees 14 minutes 22 seconds East 201.61 feet along the east line of said Southeast Quarter of Section 11 to the point of beginning of the centerline to be described; thence South 85 degrees 18 minutes 41 seconds West 793.45 feet; thence South 35 degrees 42 minutes 26 seconds West 923.15 feet to a point herein after referred to as "Point A" and said centerline there terminating.

The side lines of said easement are to be prolonged or shortened to terminate on said east line of the Southeast Quarter of Section 11.

TOGETHER WITH:

An easement over, under and across that part of the herein before described "Premises" which lies within 135.00 feet on each side of the following described centerline:

Beginning at the herein before described "Point A"; thence North 79 degrees 24 minutes 06 seconds West 556.45 feet to the easterly waters edge of the Zumbro River and said centerline there terminating.

The side lines of said easement are to be prolonged or shortened to terminate on said easterly waters edge of the Zumbro River.

TOGETHER WITH:

An easement over, under and across that part of the herein before described "Premises" which lies easterly and southerly of the following described line:

Commencing at the southeast corner of the East Half of the Southwest Quarter of Section 4, Township 108 North, Range 13 West; thence North 89 degrees 40 minutes 27 seconds West 74.25 feet along the south line of said East Half of the Southwest Quarter of Section 4 to the point of beginning of the line to be described; thence North 00 degrees 05 minutes 11 seconds West 1712.39 feet; thence North 00 degrees 43 minutes 59 seconds East 1017.20 feet; thence South 88 degrees 43 minutes 46 seconds East 60.91 feet to the east line of the East Half of the Northwest Quarter of Section 4 and said line there terminating.

PARCEL: NA079.1, NA079.2, NA107
SEC. 11, T.108N., R.14W., &
SEC. 4, T.108N., R.13W., 5TH P.M.
CO.: OLMSTED

"Summary of Areas":

Easement:	13.88 acres, more or less
Easement in R.O.W.:	0.06 acres, more or less
Easement Less R.O.W.:	13.82 acres, more or less

Jered Staton

From: Dave Derby <dave.derbybuilders@gmail.com>
Sent: Wednesday, October 16, 2024 10:26 AM
To: Logan Tjossem; Jered Staton
Subject: Fwd: email

Attached is the response from the county on our access to the Lake Zumbro Land.

----- Forwarded message -----

From: **Sandford Nicholas** <nicholas.sandford@olmstedcounty.gov>
Date: Wed, Oct 9, 2024 at 11:28 AM
Subject: RE: email
To: Dave Derby <dave.derbybuilders@gmail.com>

Hello Dave, we discussed this at our meeting this morning, and with the four-lot split we would require an access permit due to the change in use. We would still follow the Access Management Ordinance to require the access for the private road be moved directly across from Sandy Point Court NE as was previously required. You will not be required to install the right turn lane as was previously required with the 23-lot proposal until more lots are subdivided and developed.

Thanks,

Nick Sandford, PE, PTOE

Traffic Engineer, Olmsted County

1188 50th Street SE

Rochester, MN 55904

Phone: 507-328-7052

nicholas.sandford@olmstedcounty.gov

