

River Ridge One/Five:

Dedicated Public Access, Personal Driveway, Cartway, Future Lane:

This subject has been approached because of the developer's request to install a personal driveway, lane, cartway within the dedicated Public ROW. In 2019 the developer asked the then Board of Supervisors to come out to the property to look at the ROW access as a cartway. This started a cascade of erroneous thought regarding the ROW.

The dedicated Public ROW road was not a cartway, land, or driveway then, nor is it now.

At the August 2, 2021 Board Meeting the developer requested permission to install a personal driveway in the dedicated Public ROW. At that time TWP's attorney, Mr. Ruppe, advised::

- 1.) The developer provide a development plan with the road to TWP standards
- 2.) TWP will have its engineer review and approve the road plan
- 3.) Create a development agreement to be paid for by the applicant with money in escrow to cover costs
- 4.) Letter of credit for 125% of constructions costs

Vacating the dedicated ROW was brought up in 2021. Mr. Ruppe, TWP attorney, stated that if the ROW was vacated it would revert to the abutting properties (currently owned by the Geerdes and Speck families).

In summary, the dedicated Public ROW was approved in River Ridge One's (RR1) General Development Plan (GDP) to provide River Ridge property owners access to RR1's Outlot B as Open Space, and to provide access to the remaining property, yet undeveloped.

River Ridge Five (RR5):

The Developer is requesting a final plat for RR5, without having obligated the TWP's attorney's advice as previously mentioned. Nothing has changed from 2021 to think the TWP's attorney's advice would be any different now.

Also, the Developer's application to incorporate River Ridge's Outlet B, approved as Open Space, into River Ridge 5 violates the General Development Plan approved in 1999.

In Minnesota General Development Plans run with the land. In Minnesota the local municipality (TWP in this case) has the authority to enforce the provisions of the General Development Plan.

The Developer has suggested a “deed restriction” for Outlot B, to be incorporated into final platting of River Ridge Five. Deed restrictions run the risk of pitting the existing River Ridge neighbors against their new neighbors in River Ridge Five, to obligate enforcement. A “deed restriction” runs the risk of future expiration, or termination.

There is every reason for TWP to require the Developer to remove RR1’s Outlot B from the final plat for River Ridge Five and obligate the original General Development Plan by deeding River Ridge One’s Outlot B to a River Ridge HOA formed to hold Outlot B and preserve it as Open Space, complying with TWP Ordinance Section 10.38.

The deeding of Outlot B to a River Ridge HOA, is in conformity with the other Open Space Outlots in other River Ridge Additions.

Each River Ridge Addition used Open Space to achieve density requirements, drainage, open space connections to adjacent properties, natural resource lands for unique habitat, developed or undeveloped; regardless of ownership.

Regardless of Mr. Fitzpatrick’s retained ownership of Outlot B, it was approved in RR1’s General Development Plan as Open Space. It isn’t necessary to replat Outlot B into RR5. If replatted into RR5 the obligation remains to preserve it as Open Space, per the 1999 approved River Ridge General Development Plan.

Mr. Fitzpatrick acknowledged the intent to preserve Outlot B as Open Space in his advertisements and presentations to interested buyers. He acknowledged it again in 2003 in an email to River Ridge property owners. Property owners exhibited interest, and proper stewardship, of the Open Space as evidenced by their consulting with Soil and Conservation regarding appropriate plantings and care.

Final Summary:

The TWP’s attorney recommended 4 things before the Developer proceed regarding, The Developer has not followed those recommendations. OTPAC has the authority to require River Ridge’s Developer to fulfill the TWP’s attorney’s recommendations from 2021 in order to proceed with River Ridge 5. The “Developer’s Agreement” that the TWP’s Attorney recommends may contain a provision that requires the Developer to deed River Ridge One, Outlot B, to a River Ridge HOA, as Open Space into perpetuity.

TWP has the legal authority to enforce, as soon as practical, the provisions of River Ridge's General Development Plan approved in 1999 which designated River Ridge One's Outlot B as Open Space. OTPAC requiring the Developer to deed Outlot B, to a River Ridge HOA as Open Space into perpetuity, without delay, and regardless of developing River Ridge Five avoids TWP devoting resources to this topic time and time again. Doing so would be in conformity with the other River Ridge Outlots preserved as Open Space and should .

The access from Frederichs Drive is not a lane, nor a driveway, nor a cartway. The access from Frederichs Drive to the proposed River Ridge 5 is a public ROW to be built to TWP road standards.