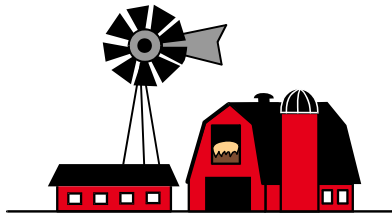


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW
Room 10
ORonoco, MN 55902

PH: (507) 529-0774
FX: (507) 281-6821



Ethan Kaske, Administrator
Janelle Finck, Administrator

ethan@tcpamn.org
janelle@tcpamn.org

-- TCPA --

Date: 09/11/2026

To: Oronoco Planning Commission
Oronoco Township Board
William Tointon, WSE-Massey

RE: Boelter Estates – Phase 2 - Final Plat

Application/Request:

The Oronoco Township Planning Commission will review at a public meeting at the Oronoco Town Hall, 115 2nd St NW, Oronoco, MN 55960 on Monday, September 21st, after 6:00 PM regarding an application for a final plat for phase two of Boelter Estates consisting of ~ 34.27 acres located in the NE 1/4 of Section 34 of Oronoco Township. The final plat includes twelve (12) lots. The residential lot sizes range from 2.18 acres to 3.97 acres and will be served by one shared well and individual septic systems. This is the second phase of what is proposed as a three (3)- phase, 29-unit large-lot residential housing development.

Location: On the East Side of 18th Ave, one Quarter Mile south of 85th St NW.

Owner & Applicant: Jay/Rey LLC – 3552 W River Parkway NW

Engineers: WSE Massey – 717 3rd Ave SE Suite 101 Rochester, MN 55904

Present Zoning:

The property is currently zoned R-1 (Low Density Residential)

Enclosures:

1. Final Plat
2. Preliminary Plat
3. Covenants

Reviewers: Olmsted County Planning
Olmsted County Public Works
GGG - Septic Inspector
Olmsted County Health Department
MN Department of Transportation
Peoples Cooperative Services

MN Department of Natural Resources
Olmsted County Soil and Water
MN Pollution Control Agency
Oronoco Fire Department
Township Engineer

Background:

The proposed subdivision will be the second phase of Boelter Estates. The General Development Plan (GDP) #O2022-001GDP, which was approved with the rezoning application (#OR2022-002ZC) on June 13, 2022, includes three (3) total phases. This second phase is proposed to be 12 lots on 34.27 +/- acres for an average density of 2.86 acres per lot. Overall density of the entire development as shown in the GDP is 2.71 acres per lot (29 lots on 78.68 +/- acres).

The preliminary plat was approved by the Oronoco Township Planning Advisory Commission on March 20, 2023.

The first phase (Boelter Estates) received final plat approval from the Oronoco Township Board, the mylars were signed on August 30, 2023, and the plat was recorded following Olmsted County Board Resolution 23-146 on September 19, 2023.

Final Plat Requirements – Staff review in italics

ARTICLE IV - SPECIFICATIONS FOR PLANS AND PLATS

Section 4.1 Final Plat

The final plat shall be drawn on muslin backed white paper, Mylar or other suitable material with black waterproof ink. The final plat shall measure thirty (30) inches in length and twenty (20) inches in width with a border line of one and one-half (1 ½) inches provided on the left side of the thirty (30) inch length and a border of onehalf (½) inch provided on the other three (3) sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets, i.e., 2 of 3. The final plat shall be drawn to a scale not greater than one-hundred (100) feet to the inch.

Section 4.2. GENERAL INFORMATION. The information to be included on the final plats is as follows:

Final Plat:

- Date, scale, north point.

Yes

- Subdivision name and all street names.

The subdivision name of “Boelter Estates Second”, along with the roadway names, is present. Final approval of roadway names will be issued by the Olmsted County GIS Department. The developer has provided an application for the GIS department

- Location of the plat by quarter, quarter section, section, town, and range.

Yes

- Location and names of adjacent subdivisions and the owners of adjoining parcels of un subdivided land.

Yes

- Exact location, widths and names of all existing platted or dedicated streets, easements, railroad and utility right-of-way, parks, water courses, drainage ditches, registered feedlots and mining operations within the boundaries of the land to be subdivided.

Yes

- Water elevations of adjoining lakes, rivers and streams at date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United State Coast and Geodetic Survey and/or United States Geodetic Survey Datum.

N/A

- When a subdivision borders a lake, river or stream the exact distance and bearings of a meander shall be established at an elevation four (4) feet above the recorded high water elevation of the lake, river or stream.

N/A

- Exact location, widths of all streets, their bearings, dimensions, angle of intersection, length of arcs, radii, points of curvature, tangent bearings, easements, private roads and storm drainage.

Yes, provided on the plat.

- Exact location and width of all easements, whether public or private and a statement of easement rights.

No – There is a 20' wildlife corridor and 20' drainage easement labeled and shown on the plat. The previous phase has stormwater ponds maintained by the lot owners through the Declaration of Protective Covenants; an amendment to those covenants will be needed to include Lot 5 of Block 1 of Phase 2. An amendment may also be necessary to outline who maintains the wildlife corridor.

- Exact length and bearings of the exterior boundaries of the land being subdivided.

Yes

- Exact dimensions of all lots.

Yes

- Exact radii of all curves and lengths of all tangents.

Yes

- Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked "Dedicated to the Public."

All known easements are shown on the final plat. Public land dedication is shown on the plat and noted above the first signature by the developer.

- Deed restrictions, if any, including the boundaries of each type of restrictions.

N/A

- Accurate location and material of all permanent reference monuments.

Yes

- Name and address of the owner of record, the subdivider, and the engineer or surveyor preparing plat.

The names and addresses are on the Olmsted County Final Plat Application; the names and addresses were not required to be on the Final Plat of Phase 1.

- Certificate of the registered land surveyor preparing the plat that the plat, as presented, fully complies with the requirements of this ordinance and the platting laws of the State of Minnesota relative to the surveying, dividing and mapping of land; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by him and that all monuments indicated thereon exist and their location, size and material are correctly shown.

Yes

- Certificate from the Minnesota Department of Health that plans for the water supply system and sewerage system have been approved whenever applicable. In the event that the necessary certificates for community type water distribution and sewage disposal system(s) are not available at time of approval of the final plat, conditional approve may be given pending the issuance of said certificate(s) by the Minnesota Department of Health.

This has not yet been provided and will need to be a condition of approval.

- A certificate issued by the authorized county official stating that there are no unpaid 12 taxes or special assessments on any of the lands included in the plat.

There is a spot for a signature from the Olmsted County Property Records and Licensing on the final plat.

- A certificate by the owner or owners dedicating to the public for full public use all street and street rights-of-way and other lands designated as “Dedicated for the Public’s Use” and the granting of utility easements as shown on the plat.

This is covered in the paragraph above the signature of the developer on the first page.

- Certificate of approval by the Oronoco Planning Advisory Commission, the County Engineer, County Health Department and the Oronoco Township Board of Supervisors.

There are spots for signatures from all departments.

Status of Preliminary Plat Conditions

The preliminary plat was recommended for approval in 2023 with staff conditions :

1. The applicant shall identify the existing feedlot and permanent structures on parcel (Pin-084946) – **The feedlot has been retired, complete.**

2. The Final Plat must show all dimensions for all lots. - **Complete**
3. The applicant must receive an approved access permit from Olmsted County Public Works prior to the construction of access road to County Road 112. – **This has been sent to Olmsted County Public Works for review and comment.**
4. County Road 112 must be updated by the applicant as required by Olmsted County Public Works to correct safety deficiencies in accordance with the access permit. - **Complete**
5. The applicant is required to submit detailed construction plans that include the required right turn and bypass lanes for approval by Olmsted County before constructing the access onto County Road 112. - **Complete**
6. A stop sign and intersection street name signs are required to be installed at the intersection of County Road 112 and Boelter Estates Dr. NW by Olmsted County and paid for by the applicant. - **Complete**
7. The applicant must receive approval of the Grading/Runoff Control Plan for the entire site prior to the applicant for the Final Plat. – **This will need to be reviewed and approved by the township engineer**
8. Well locations must be approved by Olmsted County Planning/Well Division prior to application for the Final Plat – **This will need to be confirmed for phase 2, it has been sent to Olmsted County for Review**
9. The on-site sewage treatment system locations must be approved by the Olmsted County Planning/Well Inspection Division prior to application for the Final Plat. – **This has been sent to G-Cubed (the township septic official) for review.**
10. The three water basins identified on the Construction Plan for Boelter Estates on (pages 15-17) North Storm Water Basin (located on Lots 4 & 5, Block 1), East Storm Water Basin (located on Lots 11, Block 1), and Storm Water management Facility on outlot A, shall be identified and addressed on the Final Plat. - **Drainage Easement is shown on Lot 5 of Block 1 of Phase 2 as a drainage easement. Maintenance shall be noted in the covenants.**
11. Ownership of the Storm Water Management Facility located on the outlot was not identified on the Preliminary Plat. The applicant shall identify the owner on the Final Plat. - **Proposed to be located in phase three (3) of the final plat, which is not in review at this time. Owner of the outlot shall be identified in the covenants**
12. Between Lot 5 and 6 is an unidentified 66-foot easement. Per Minnesota State CHAPTER 505. PLATS; COORDINATES; SURVEYS Subd. 7. **Easements.** All easements to be dedicated on the plat shall be depicted on the plat with purpose, identification, and sufficient mathematical data to locate the boundaries of the easements. Easements created on the plat shall be limited to drainage easements, public ways, and utility easements as defined in section 505.01, subdivision 3, paragraphs (b), (h), and (j). Drainage and utility easement boundaries shall be shown as dashed lines. Temporary easements, building setback information, and building floor elevations shall not be shown on a plat.
 1. An “access easement” is not the type of easement that can be dedicated (established) on a final plat.
 2. We recommend the applicant address this for the Final Plat.

Easements are shown on the final plat for drainage and a wildlife corridor. There should be a document recorded outlining maintenance and standards for the wildlife corridor.

13. Proposed Boelter Estates Dr NW shall be a cul-de-sac and have no access onto 11th Ave NW. **Olmsted County planning staff recommended in their June 26, 2023 recommended that this condition be struck and that the applicant connect to 11th Ave. Currently, staff is unsure the status of this condition. Boelter Estate Drive does not terminate in Phase 2; this can be addressed in the platting of Phase 3.**

Conclusion:

The final plat closely reflects the approved preliminary plat. Below are items that have been revised from the approved preliminary plat.

The Township Engineer must review the construction plans and final plat.

Staff has reviewed the proposed application against the listed Standards. Staff recommends approval on the following conditions.

- 1. The applicant complies with all requirements issued by the Township Engineer.*
- 2. The applicant obtains all federal, state, and local permits required by the proposed construction.*
- 3. The applicant receives final approval of the septic design from the septic official.*
- 4. The Final Plat meets all the requirements of the Oronoco Township Subdivision Ordinance*
- 5. The covenants are updated to outline maintenance of the drainage easement and wildlife corridor*
- 6. The applicant obtains a certificate that the water supply system has been approved.*



Olmsted County Public Works Dept.
GIS/E911 Addressing
1188 50 St SE
Rochester, MN 55904
507-328-7070
pwservice@olmstedcounty.gov

Final Plat E911 Address Fee

Mandatory Submittal Information

Please submit this form and all required documents to pwservice@olmstedcounty.gov or mail/drop off with payment to our office address at the top of this form. If submitting via email, a staff member will call the applicant for payment prior to processing the application. Submittal requirements:

- This completed form
- Copy of Final Plat and Agency Notice for pending Final Plat Review hearing
- Check for the total amount of the E911 Address Fee listed below payable to Olmsted County
- The Final Plat MUST be legally recorded before addresses will be created for the plat

Fee

Number of lots/addresses: 12 x \$112 per new address = \$ 1,344

Final Plat Information

Plat Name: BOELTER ESTATES SECOND

Number of Lots: 12 Number of Outlots: 0

Township Name: ORONOCO Township Section Number: 34

Legal Description:

A part of Section 34 Oronoco Township
See attached legal description

Additional Info: _____

Applicant Information

Full Name: JayRey, LLC c/o Randy Reynolds Date: _____ Phone: 507-254-4029

Address: 3552 W River Parkway NW Email: Randyreynolds@elcorrealty.com

For Department Use Only

Total Fee Paid: _____ Date Fee Paid: _____

E911 File Number: _____ Planning File Number: _____

**Olmsted County Planning Department**

2122 Campus Dr SE, Suite 100

Rochester, MN 55904

P: 507-328-7100 F: 507-328-7958

planningweb@olmstedcounty.gov

LAND DEVELOPMENT APPLICATION**Type of Application**Township: ☐ Eyota ☐ Marion ☐ Oronoco ☐ QuincyIs this an amendment to an existing application? ☐ Yes ☐ No☐ Appeal☐ +Conditional Use Permit☐ Temporary Construction☐ Home Occupation (CUP)☐ Erosion Control/Grading☒ *+Final Plat - # lots ☐ General Development Plan

(name)

☐ Land Use Plan Amendment to ☐ *+Metes & Bounds:☐ Final☐ Preliminary (different application for final approval)☐ *^+Preliminary Plat - # lots ☐ +Variance☐ Rezoning to ** Relates to GIS Impact & E911 Addressing Fees**+ Relates to Environmental Review Fees**^ Relates to Subdivision Review Fees***Site Location**☐ Legal Description AttachedSite Address: # of Acres: PIN(s): Township/Section: **Proposal (Full documentation must accompany application)**Describe project in detail: **Applicant**Full Name: Phone: Email: Mailing Address: Typed/Printed Name: Signature: Date: **Property Owner**Full Name: Phone: Email: Mailing Address: Typed/Printed Name: Signature: Date:

Consultant

Full Name: Phone: Email:

Mailing Address:

Typed/Printed Name: Signature: Date:

Additional Property Owners/Applicants/Addresses

Full Name: Phone: Email:

Mailing Address:

Typed/Printed Name: Signature: Date:

ENVIRONMENTAL REVIEW – Required prior to submitting a Conditional Use Permit, Plats, Metes & Bounds, & Variance Applications

Written acknowledgement by Olmsted County Planning Department Well & Septic Code Enforcement Inspector of their preliminary review.

Comments: _____

Signature: _____ Date: _____

PROPERTY RECORDS REVIEW– Required prior to submitting a FINAL Metes & Bounds application

Written acknowledgement by Olmsted County Property Records of their preliminary review of the proposed metes & bounds subdivision.

Comments: _____

Signature: _____ Date: _____

PLANNING DEPARTMENT SUBMITTAL – For office use only

Note: Applications only accepted with ALL required support documents.

Deadline for agency action: 60 days - _____ 120 days - _____

Received & reviewed by: _____ Date: _____
Development Application Fee: _____
Environmental Review Fee (CUP, M&B Variance): _____
GIS Impact Fee (M&B, Plats): _____
E911 Addressing Fee (Final Plats, M&B): _____
Subdivision Review Fee: _____
Total fees due: _____

BOELTER ESTATES SECOND

INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That JayRey, LLC, a Minnesota limited liability company, owner of the following described property:

That part of the Northeast Quarter of Section 34, Township 108 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of the Northeast Quarter of said Section 34; thence North 00 degrees 24 minutes 33 seconds West (NOTE: All Bearings are in relationship with the Olmsted County Coordinate System NAD '83, Adjusted 1996), along the west line of said Northeast Quarter, 862.03 feet to the southwest corner of BOELTER ESTATES (the next 6 courses are along the southerly and easterly lines of said BOELTER ESTATES); thence South 88 degrees 36 minutes 03 seconds East, 673.33 feet for the point of beginning; thence continue South 88 degrees 36 minutes 03 seconds East, 299.57 feet; thence North 78 degrees 16 minutes 32 seconds East, 59.89 feet; thence North 11 degrees 43 minutes 28 seconds West, 116.63 feet; thence North 78 degrees 16 minutes 32 seconds East, 318.96 feet; thence North 00 degrees 24 minutes 31 seconds West, 292.07 feet to the northwest corner of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 48 minutes 28 seconds East, along the north line of the Southeast Quarter of said Northeast Quarter, 1321.09 feet to the east line of said Northeast Quarter; thence South 00 degrees 24 minutes 29 seconds East, along said east line, 473.97 feet to a point being 850.14 feet northerly of the southeast corner of said Northeast Quarter; thence South 89 degrees 35 minutes 31 seconds West, 484.38 feet; thence South 00 degrees 24 minutes 29 seconds East, 202.25 feet; thence North 70 degrees 55 minutes 56 seconds West, 479.42 feet; thence South 14 degrees 01 minutes 32 seconds West, 420.51 feet; thence North 75 degrees 58 minutes 28 seconds West, 25.00 feet; thence westerly, 62.74 feet along a tangential curve, concave northerly, having a central angle of 04 degrees 00 minutes 10 seconds, a radius of 898.00 feet, and the chord of said curve bears North 73 degrees 58 minutes 23 seconds West, 62.72 feet; thence South 18 degrees 01 minutes 42 seconds West, not tangent to said curve, 434.42 feet to the south line of said Northeast Quarter; thence North 89 degrees 50 minutes 53 seconds West, along said south line, 729.21 feet to a line which bears South 01 degrees 09 minutes 07 seconds West from the point of beginning; thence North 01 degrees 09 minutes 07 seconds East, 847.46 feet to the point of beginning.

Containing 34.27 acres, more or less.

Has caused the same to be surveyed and platted as BOELTER ESTATES SECOND and does hereby dedicate to the public for public use, the public ways and drainage and utility easements as created by this plat.

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

Signed: JayRey, LLC

Randy Reynolds, Manager

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me on this ____ day of _____, 20____, by Randy Reynolds, Manager of JayRey, LLC, a Minnesota limited liability company.

(Notary Signature) Notary Public, _____ County, Minnesota

(Notary Printed Name) My Commission expires_____

SURVEYOR'S CERTIFICATE

I Reinhold W. Zieman 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____.

Reinhold W. Zieman, Licensed Land Surveyor
Minnesota License No. 59823

STATE OF MINNESOTA
COUNTY OF OLMSTED

The foregoing instrument was acknowledged before me on this ____ day of _____, 20____ by Reinhold W. Zieman, a Licensed Land Surveyor, Minnesota License No. 59823.

(Notary Signature) Notary Public, _____ County, Minnesota

(Notary Printed Name) My Commission expires_____

ORONOCO TOWNSHIP BOARD

We do hereby certify that on the ____ day of _____, 20 __, the Board of Supervisors for Oronoco Township, Olmsted County, Minnesota, approved this plat of BOELTER ESTATES SECOND, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

Chairperson

Town Clerk

OLMSTED COUNTY BOARD

I do hereby certify that on the ____ day of _____, 20 __, the Board of Commissioners of Olmsted County, Minnesota, approved this plat of BOELTER ESTATES SECOND, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

Olmsted County Board Chairperson

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has has been reviewed and approved this ____ day of _____, 20____.

Olmsted County Surveyor

OLMSTED COUNTY ENGINEER

Recommended for approval this ____ day of _____, 20__.

Olmsted County Engineer

OLMSTED COUNTY SOIL AND WATER CONSERVATION DISTRICT

The Well and Septic Division of the Olmsted County Soil and Water Conservation District has approved the plans for the water supply and sewage treatment for the plat.

Olmsted County Planning Department
Environmental Specialist

PROPERTY RECORDS AND LICENSING

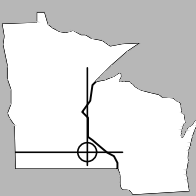
Taxes payable in the year 20____ on the land herein described have been paid, there are no delinquent taxes and transfer entered this ____ day of _____, 20____.

DOCUMENT NUMBER _____

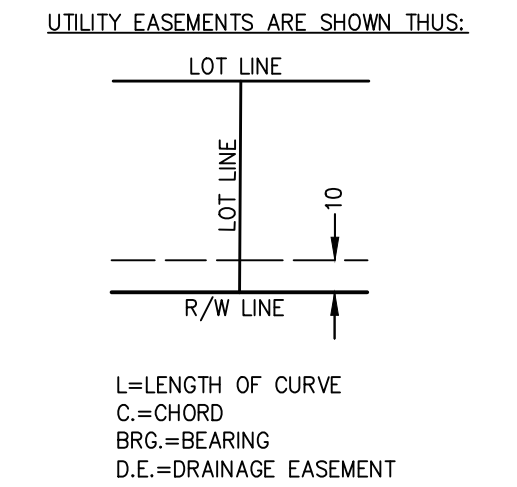
I hereby certify that this instrument was filed in the Office of Property Records and Licensing for the record on this ____ day of _____, 20____, at ____ o'clock __M., and was duly recorded in the Olmsted County Records.

Director of Property Records & Licensing

Deputy



PROJECT NUMBER: 3722 COMPUTER FILE: 3722.4SF01.DWG



MONUMENTS

ET (5/8" PIPE WITH CAP 59823
UNLESS NOTED OTHERWISE)

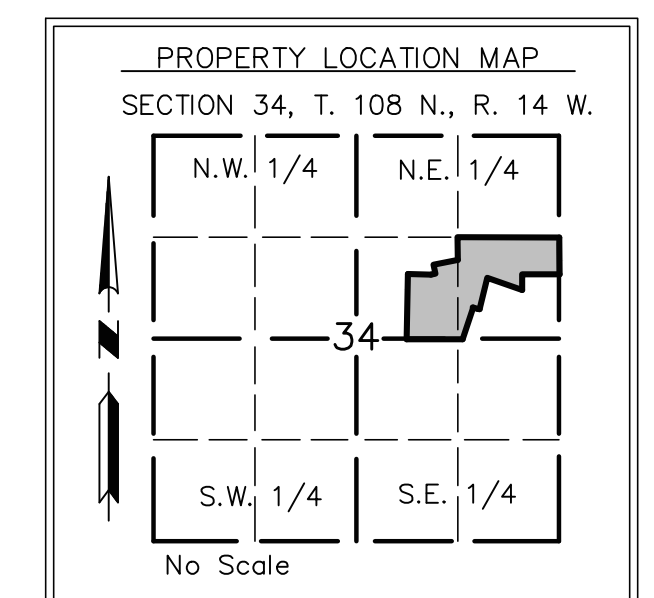
OUND MONUMENTS(5/8" PIPE UNLESS
NOTED OTHERWISE)

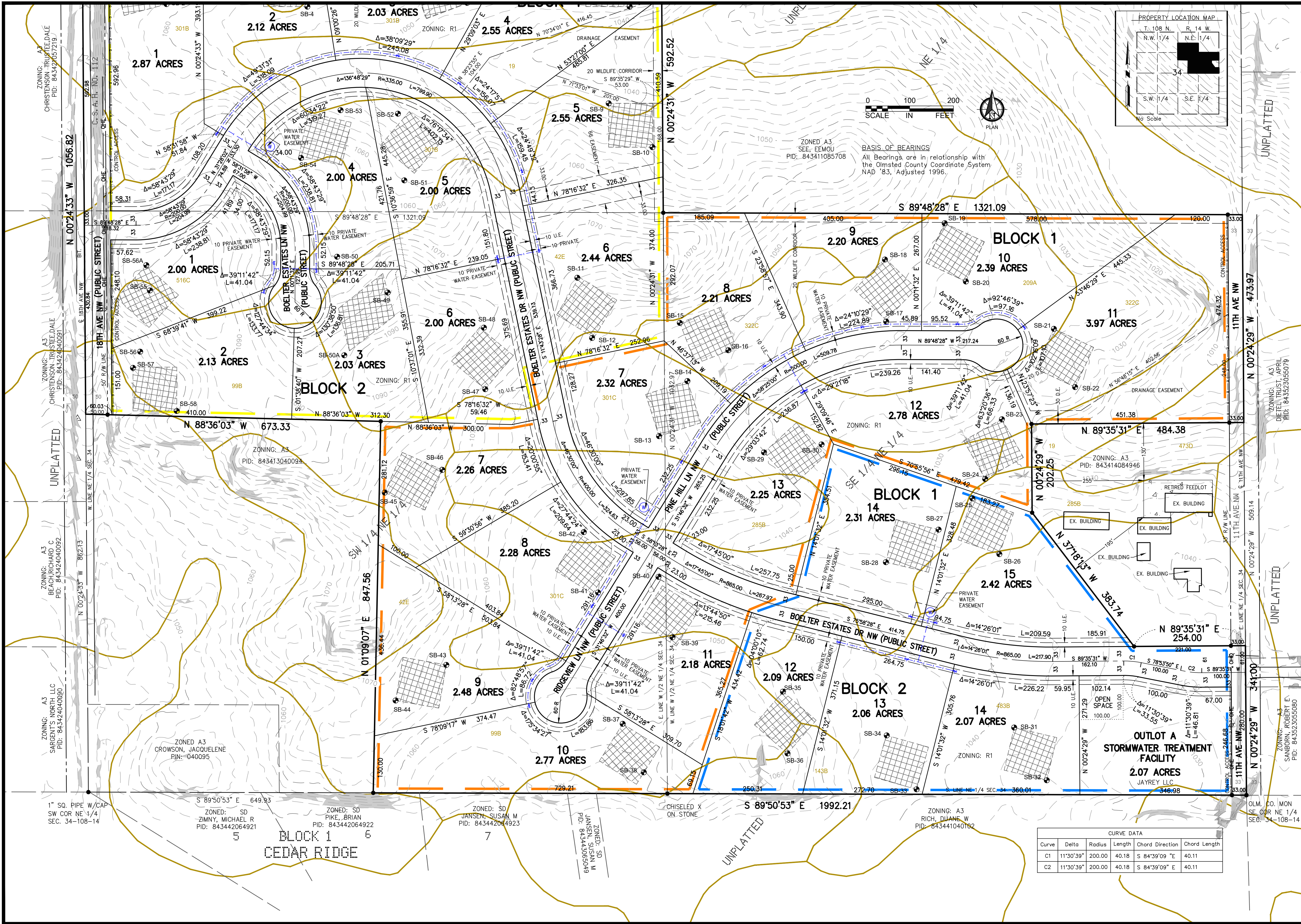
BASIS OF BEARINGS
All Bearings are in relationship with the Olmsted County Coordinate System NAD '83, Adjusted 1996.

0 50 100 150 200



SCALE IN FEET





Engineering & Surveying

PH. NO. 507-634-4505
PLANS@WSE.ENGINEERING
www.wse.engineering

KASSON OFFICE
P.O. BOX 100
33 B E VETERANS
MEMORIAL HIGHWAY
KASSON, MN 55944

PLAINVIEW OFFICE
320 WEST BROADWAY
SUITE 3
PLAINVIEW, MN 55964

ROCHESTER OFFICE
1765 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

REV.	DATE	DESCRIPTION

**BOELTER ESTATES
PRELIMINARY PLAT
OLMSTED COUNTY, MINNESOTA**

JAYREY, LLC
3552 WEST RIVER
PARK WAY NW
ROCHESTER, MN

SCALE: 1"=100'
DATE: 3/17/23
DRAWN BY: G.D.Z.
JOB NUMBER: 3722SP01
DWG. FILE: 3722

Sheet 1 of 3



KASSON OFFICE
P.O. BOX 100
33 B E VETERANS
MEMORIAL HIGHWAY
KASSON, MN 55944

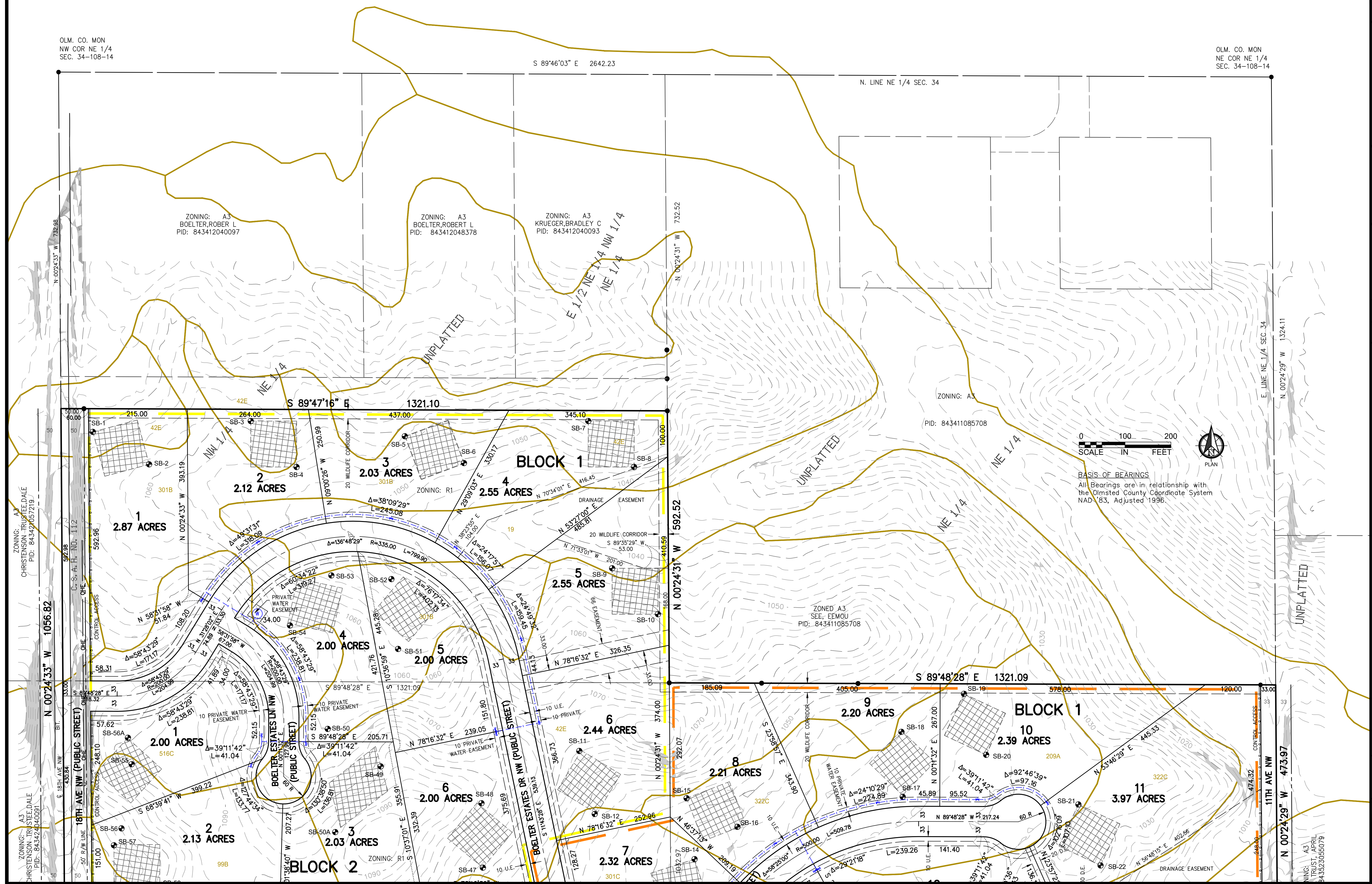
ROCHESTER OFFICE
1765 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

[illegible]

JAYREY, LLC
3552 WEST RIVER
PARK WAY
ROCHESTER, MN

SCALE: 1"=100'
DATE: 3/17/23
DRAWN BY: G.D.Z.
JOB NUMBER: 3722SP01
DWG. FILE: 3722

Sheet 2 of 3



Per Limited Warranty Deed, No. A-1467363

a) The East One-Half of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (E1/2 NE1/4 NW1/4 NE1/4), Section 34, Township 108, Range 14;

- TOGETHER WITH:

Commencing at the southeast corner of said Northeast Quarter; thence on an assumed bearing of North 00 degrees 24 minutes 29 seconds West along the east line of said Northeast Quarter 341.00 feet to the point of beginning; thence South 89 degrees 35 minutes 31 seconds West 254.00 feet; thence North 37 degrees 18 minutes 13 seconds West 383.74 feet; thence North 00 degrees 24 minutes 29 seconds West 202.25 feet; thence North 89 degrees 35 minutes 31 seconds East 484.38 feet to said east line; thence South 00 degrees 24 minutes 29 seconds East along said east line 509.14 feet to the point of beginning.

Said Parcel containing 78.68 acres, more or less, excluding right of way.

JAYREY, LLC
3552 WEST RIVER PARKWAY NW
ROCHESTER, MN 55901

PROPERTY LINE

- EXISTING LOT LINES

- EXISTING BAW LINE

- EXISTING CENTER LINE

- PROPOSED LOT LINE

- PROPOSED CENTER LINE

- PROPOSED BAW LINE

- PROPOSED EASEMENT LINE

- SLOPES > 25%

- SOIL TYPES (PER 11SDA)

- PROPOSED SEPTIC DRAIN FIELD

- SEPTIC SOIL BORING

- PROPOSED WELL LOCATION

- ## EXISTING CONTROLS

- (PER OLIMSTED COUNTY LIBRARY)

- ## PROPOSED PRIVATE WATER SERVICE

- ### PROPOSED STORM

- ## EXISTING CONCRETE

PHASE 1 - 12 LOTS / ~29 ACRES

- PHASE 2 - 12 LOTS / ~34 ACRES

- TABLE 1. *Continued*

SOIL SYMBOL	SOIL DESCRIPTION
19	Chaseburg silt loam, moderately well drained, 0 to 2 percent slopes
42E	Salida gravelly sandy loam, 12 to 35 percent slopes
99B	Racine loam, 2 to 5 percent slopes
143B	Eleva sandy loam, 2 to 6 percent slopes
173F	Frontenac loam, 15 to 35 percent slopes
209A	Kegonsa silt loam, 0 to 2 percent slopes
285B	Port Byron silt loam, 2 to 6 percent slopes
299A	Rockton loam, 0 to 1 percent slopes
301B	Lindstrom silt loam, 2 to 6 percent slopes
301C	Lindstrom silt loam, 6 to 15 percent slopes
322C2	Timula silt loam, 6 to 12 percent slopes, moderately eroded
322D2	Timula silt loam, 12 to 20 percent slopes, moderately eroded
340C	Whalan loam, 6 to 12 percent slopes
369B	Waubeek silt loam, 1 to 6 percent slopes
473D	Dorerton loam, 12 to 25 percent slopes
483A	Waukee loam, 0 to 2 percent slopes
483B	Waukee loam, 2 to 5 percent slopes
516B	Dowagiac silt loam, 2 to 6 percent slopes
516C	Dowagiac sandy loam, 6 to 12 percent slopes
593D	Elbaville silt loam, 12 to 18 percent slopes
N155F	Brodale-Bellechester complex, 30 to 60 percent slopes, rocky

PH. NO. 507-634-4505
PLANS@WSE.ENGINEERING
www.wse.engineering

KASSON OFFICE
P.O. BOX 100
33 B E VETERANS
MEMORIAL HIGHWAY
KASSON, MN 55944

PLAINVIEW OFFICE
320 WEST BROADWAY
SUITE 3
PLAINVIEW, MN 55964

ROCHESTER OFFICE
1765 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

[illegible]

BOELTER ESTATES
PRELIMINARY PLAT
OLMSTED COUNTY, MINNESOTA

JAYREY, LLC
3552 WEST RIVER
PARK WAY
ROCHESTER, MN

SCALE: _____ 1"=100'
DATE: _____ 3/17/23
DRAWN BY: _____ G.D.Z.
JOB NUMBER: _____ 3722SP01
DWG. FILE: _____ 3722

Sheet 3 of 3

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS FOR BOELTER ESTATES**

THIS DECLARATION, made this 17th day of AUGUST, 2023, by JayRey, LLC, a Minnesota limited liability company, hereinafter referred to as "Declarant."

WHEREAS, Declarant is the fee owner of the real property situated in the County of Olmsted, State of Minnesota, legally described on Exhibit "A" attached hereto and made a part hereof by reference herein; and

WHEREAS, Declarant desires to impose upon the lots described in said Exhibit "A" the following terms, conditions, reservations, and covenants for the benefit of said property and its present and future owners.

NOW, THEREFORE, Declarant hereby declares that the lots described in said Exhibit "A" shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

**ARTICLE I
DEFINITIONS**

For the purpose of this Declaration, the following terms shall have the following meanings, to-wit:

"Living Unit" shall mean and refer to any portion of a residence building situated upon the Properties designed and intended for use and occupancy as a residence by a single-family.

"Lot" shall mean and refer to any portion of land in the Properties upon which a Living Unit is situated.

"Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers and vendees, but excluding those having such interest merely as security of the performance of an obligation, and excluding those having a lien upon the property by provision or operation of law.

"Properties" shall mean and refer to the real property as described in Exhibit "A" hereto attached and made a part hereof by reference herein.

ARTICLE II USE RESTRICTIONS

Section 1: Residential Use. No Lot shall be used except for single-family residential purposes.

Section 2: Prohibited Structures. No structure of a temporary character, trailer, basement, tent, shack or other building except a permanent residence shall be used on any Lot at any time as a residence, either temporarily or permanently.

Section 3: Dwelling Size. No Living Unit or residence building shall be constructed on any of the Lots of said subdivision containing less than a minimum 1,500 square feet or furnished livable area on the first floor or main floor of a split foyer or multi-level building, including the foyer or a two-story building which shall have at least 1,100 square feet on the first floor of a two-story building or 1,400 square feet for a rambler or single-story building, all excluding the garage. All basement areas shall be excluded from the computation of the requisite square feet of livable area. Living unit or residence building must have a minimum 8' sidewalls.

Section 4: Garages. All garages erected or constructed on said Lots shall be at least a two-stall attached or tuck-under garage.

Section 5: Erection of Garages or Basements and Use of Such Structures. No garages or basements shall be erected upon any of the said Lots of said subdivision before a contract is let for the erection of the residence, and no basement, garage, or other building shall be used temporarily for residential purposes.

Section 6: Trailer Homes. No trailer home units shall be moved onto said Lots.

Section 7: Transfer of Building. No building of any kind intended to be used for habitation or residence shall be moved onto said Lots.

Section 8: Outbuildings. Outbuilding are allowed as long as they are architecturally similar to the home and are approved by the Architectural Control Authority.

Section 9: Recreational Vehicles and Unlicensed Motor Vehicles. No commercial, recreation, trailers, or unlicensed vehicles, including motor homes, boats, snowmobiles, etc., shall be stored or parked on any Lot, except while in transit, not to exceed forty-eight (48) consecutive hours in any given week, or while loading or unloading on the Properties or in the street adjoining the Properties, or except stored or parked inside the private garage.

Section 10: Hazardous Activities Prohibited. No Owner shall engage in or permit any activities on the Owner's lot, or maintain or permit any conditions in the Owner's Living Unit which would be considered extra-hazardous by casualty insurance companies or would adversely effect the insurability of the Living Unit or the Living Units of any Lot Owner.

Section 11: No Noxious Activity. No noxious or offensive activities shall be carried on in any dwelling or Lot, nor shall anything be done thereon which may be or become any annoyance or nuisance to the neighborhood; and no materials shall be stored or kept on or in front of said Properties, except for the purpose of immediate incorporation into a structure on the Properties. No pigeons may be kept or raised on any Lot.

Section 13: Garbage and Refuse Removal. No Lot shall be used or maintained as a dumping ground for trash or rubbish. Trash, garbage, and other waste shall not be kept except in sanitary containers. Lots shall be kept free of debris at all times, regardless of whether said Lot is improved or unimproved. Trash, garbage, or other waste waiting for disposal shall be placed or maintained on said Lot so as not to be exposed to the view of or become a nuisance to either the public or adjoining Lot Owner.

Section 14: Sodded Yards. All front, side yards, and 50 feet of rear yard as measured directly from the back of the house must be fully and completely sodded or seeded, or shall contain erosion controlled vegetation, which is approved by the Architectural Control Authority.

Section 15: Siding. Siding shall be of appropriate material for the house style. Bright and obtrusive colors shall be prohibited. Architectural accents on the front of the house or attractive trim work is required.

Section 16: Roof. The desired standard for roof pitch shall be a minimum of 6/12.

Section 17: Fences. Any fence built on a Lot shall be constructed of cedar wood, chainlink green clad, fiberglass or quality materials to be located in the rear yard only, subject to approval by the Architectural Control Authority.

Section 18: Antennae. There shall be no free-standing antennae and any antennae attached to a roof shall not be more than 5 feet high above the highest point of the roof, unless otherwise approved by the Architectural Control Authority.

Section 19: Satellite Dish. Placement of satellite dishes shall be in rear yards only and

must be approved by the Architectural Control Authority .

Section 20: Signs. No signs of any kind shall be displayed to the public except one professional sign of not more than 1 square foot, and one sign of not more than 6 square feet advertising the property for sale. In addition, builder's signs may be displayed during the construction phase and permanent signs for the development may be erected at the entrances.

Section 21: Animals. No animals, poultry, ducks, pigeons or geese shall be housed on the property, except each Owner may house and maintain dogs and cats on the Lot, but no raising of dogs or cats for sale. In the event any owner owns and maintains a dog on said Properties, said Owner shall not be permitted to let the dog run at large, and said animals when outside of a structure shall be on a chain or leash and noise caused by pets kept to a minimum. When any such dog or dogs are exercised outside of the Properties of the Owner, the person in control of said dog or dogs shall carry with him/her tools and materials to retrieve all deposits of dog waste dropped by the dog, and shall retrieve and dispose of same at the Property of the Owner.

Section 22: Minnesota Building Code. All structures to be built on any lot must comply with current Minnesota Housing Code.

ARTICLE III ARCHITECTURAL CONTROL

Section 1: Architectural Control Authority. The Architectural Control Authority shall be the Declarant or such other persons as may be appointed in writing by said Declarant. The Architectural Control Authority shall remain in existence until such time as Living Units are constructed on all of the Properties; or the Declarant or his assigns terminates the Architectural Control Authority by written action and has not assigned the Architectural Control Authority to any other person or group, whichever event occurs first.

Section 2: Duties. Prior to construction of a Living Unit on any Lot within the Properties, the Architectural Control Authority shall be provided by the Lot Owner with a site plan showing location of the proposed building on the Lot and its dimensions. The Lot Owner shall also provide the Architectural Control Authority with plans and drawings depicting the exterior of the building together with a description of the materials to be used on the exterior of the building and the names of the general contractor and excavator to be used for construction. No building may be approved by the Architectural Control Authority which does not conform to the restrictions and requirements contained in Article II of this Protective Covenant. In addition, the Architectural Control Authority may reject any site plan or proposed building, which, in its sole discretion, would detract from the character, aesthetics or quality of the entire development, notwithstanding that such structure might otherwise be in conformity with the Building and Zoning Codes and Ordinances.

Section 3: Approval. Upon receipt of the Plans, Specifications, and information as provided in Section 2 above by the Architectural Control Authority, the Architectural Control

Authority shall have 21 days from the date of receipt to accept or reject the proposed building plans. All rejections and/or acceptances must be in writing, except in the event that the Plans are not rejected or accepted within said 21 days in writing, the Plans shall be deemed rejected.

ARTICLE IV

STORM WATER RETENSION

DECLARANT shall construct, a permanent, private on-site storm water rate control, and storm water quality facilities (hereinafter referred to as the "Private Facilities") in the area designated on Lots 4 and 5, Block 1, of Boelter Estates, Olmsted County, Minnesota, as "Drainage Easement."

The Private Facilities are not all immediately adjacent to a public right-of-way. Through execution of this Agreement, DECLARANT assigns to the Township access rights for the Township or its agent to access, inspect, and maintain the Private Facilities, in the event the DECLARANT, its heirs, successors, or assigns, fail to uphold the terms of this Agreement.

The following maintenance related obligations are applicable to the Private Facilities and Access to the Private Facilities:

a. DECLARANT shall be responsible for constructing the Facilities while the Facilities are owned by DECLARANT for the project and protect and maintain the Facilities while the Facilities are owned by DECLARANT.

b. Upon sale of the lots, maintenance shall automatically be deemed assigned to the individual lot owners. Such individual lot owners, and their respective successors and assigns, in perpetuity, are hereinafter referred to as an "Owner", or in plural, as "Owners." The Individual Lot owners responsible for maintenance of storm water facilities are: Lots 4 and 5, Block 1, of Boelter Estates, Olmsted County, Minnesota.

c. The Private Facilities shall be maintained by the respective Owners to be fully functional pursuant to the approved design for the Private Facilities.

2. All maintenance obligations under this DECLARATION shall be that of the Owners of lots upon which the Private Facilities lie. In the event, if required maintenance of the Private Facilities, as determined by the Township pursuant to this DECLARATION, is not performed as required by this DECLARATION, the Township (and/or its agent) shall provide written notice of the non-compliance to the Owners. If the non-compliance is not addressed within 30 days after receipt of said notice, the Township is authorized, at its discretion, to access the Property and perform maintenance to the Private Facilities. All associated costs will be invoiced to the Owners. In the event an Owner or

Owners become delinquent in payment of their obligations for maintenance performed by the Township or its agent, the Township is authorized to certify the unpaid charges with the Olmsted County Auditor for collections with the property taxes.

3. DECLARANT, on its own behalf, and on behalf of its successors and assigns, including future Owners, hereby waives its right to notice of and a hearing prior to certification of the obligations under the terms of this DECLARATION, and further waives all rights to contest or file an appeal of the charges or certification thereof in a court of law.

4. The rights, obligations, and benefits of this DECLARATION shall be deemed to be covenants binding upon said Property, and shall run with the land, subject to the terms and conditions stated herein.

Declarant reserves the right to construct additional private drainage facilities, the maintenance of which would be the equal responsibility of all of the Owners of the Lots, and any additional residential Lots which the Declarant identifies in the future. The approximate location of this future drainage facility shall be located within the east 400.00 feet of the South 300.00 of the Northeast Quarter of Section 34, Township 108, Range 14, Olmsted County, Minnesota. Declarant further reserves the right to convey the future easement area to an entity, the ownership of which would lie with the lot owners responsible for its maintenance.

ARTICLE V

EASEMENT FOR MAINTENANCE OF MONUMENT

The Declarant hereby grants and easement for the location and maintenance of a monument sign, identifying the subdivision. The easement shall be located in the south 60 feet of Lot 1, Block 1, Boelter Estates, Olmsted County, Minnesota. The easement shall be for the benefit of all of the owners of Boelter Estates, and future phases. Declarant shall have the right to erect and maintain monument signs identifying the subdivision and related decorative improvements in the easement area. Those parts of the Property on which monument signs or related decorative improvements are located shall be subject to appurtenant, exclusive easements in favor of the owners of the Properties for the continuing use, maintenance, repair and replacement of said signs and improvements. In exercising its rights under said easements, the Owners shall take reasonable care to avoid damaging the improvements to the Property. The cost of maintaining the monument and related improvements shall be shared equally by the Owners of the Lots.

ARTICLE VI

GENERAL PROVISIONS

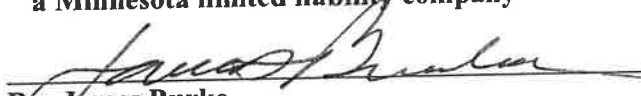
Section 1: Enforcement. The Declarant or any other future Owners of a Lot

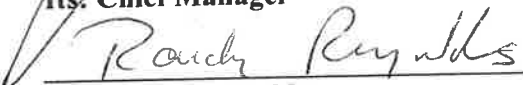
shall have the right to enforce the provisions hereof by proceedings at law or in equity against any person or persons violating or attempting to violate any provisions of this Declaration, either to restrain violation of or recover of damages, or both, and the prevailing party shall be awarded reasonable attorney's fees and court costs in connection therewith.

Section 2: Amendments. The above conditions, restrictions, reservations, and covenants shall run with the land and be binding upon all parties and persons claiming by, through, and under them, for a period of 15 years and said covenants shall be automatically extended for a period of 10 years if not revoked by all the Owners provided, however, that at any time during the initial term above stated, the Declarant may amend Article II, Use Restrictions, as long as Declarant owns fifty one percent (51%) of the Lots in the Properties, except. Declarant may not modify or amend the restriction in Article II, Section 1 and Section 2, and further provided, that at any time during the extended term above stated, a 2/3 majority of the recorded Owners of the above described property may modify, amend, or terminate these provisions, in whole or in part, by the execution and recording of an instrument in writing duly acknowledged but no such modification or amendment shall be effective to prohibit a then existing use.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

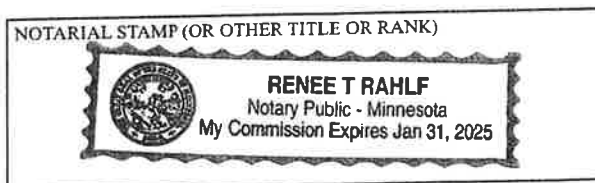
JayRey, LLC,
a Minnesota limited liability company


By: James Burke
Its: Chief Manager


By: Randy Reynolds
Its: Manager

STATE OF MINNESOTA)
)ss
COUNTY OF OLMSTED)

The foregoing instrument was acknowledged before me this 17th day of AUGUST, 2023 by James Burke and Randy Reynolds, the Chief Manager and Manager of JayRey, LLC, a Minnesota limited liability company, of behalf of the Company, Grantor.




Signature of Person Taking Acknowledgment

THIS INSTRUMENT WAS DRAFTED BY: OHLY LAW OFFICE, LTD
1850 NORTH BROADWAY, ROCHESTER, MINNESOTA 55906

Exhibit A
Legal Description

**Lots 1, 2, 3, 4, 5 and 6, Block 1, and Lots 1, 2, 3, 4, 5 and 6, Block 2, Boelter
Estates, Olmsted County, Minnesota**