



# NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422  
Telephone: 763.957.1100 Website: www.nacplanning.com

## PLANNING REPORT – Minor Subdivision

TO: Sunfish Lake City Council

FROM: Ryan Grittman

DATE: October 26, 2016

RE: Sunfish Lake – 2250 Delaware Avenue – Subdivision – Lot Combination

FILE: 211.01 – 16.08

11/1/16 CC  
Mtg.  
Agenda  
Item 5a

Application Accepted: September 12, 2016  
Tentative City Council Review: November 1, 2016  
60-day Review: December 6, 2016

## BACKGROUND

2250 Delaware LLC is requesting City Council approval of a minor subdivision of three parcels located at 2250 Delaware Avenue (PID 381175001010, 381175001030, 381175001020), and the vacation of drainage and utility easements. The applicant currently owns all three parcels with one parcel containing a single family home. The applicant is proposing a minor subdivision that will eliminate a parcel and split it with the remaining two parcels. The north half of the split parcels are to be recombined with the existing home to the north; the south half of the split parcels are to be recombined with the parcel to the south.

Section 1302.01.A of the Subdivision Ordinance states that in the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to the required lot size minimum standards, the application may be reviewed as a Minor Subdivision. Further, Section 1302.04 of the Subdivision Ordinance allows approval of the minor subdivision by the City Council (rather than following the preliminary/final plat procedure, which would also require review by public hearing and the Planning Commission) if the application relates to a boundary adjustment, and provided that the application complies with applicable provisions of the Ordinance.

Some drainage and utility easements exist on the existing parcels that will no longer be necessary after the minor subdivision is completed. The applicant is proposing to vacate these easements as part of the process by public hearing. The process outlined in Minnesota Statutes §412.851 *Vacation of Streets* must be followed in order to vacate any easements.

The parcels to be split are currently vacant, and a conforming home and driveway currently exist on the parcel to the north. No additional site or building improvements are being proposed with the minor subdivision at this time. The impacted properties are zoned R-1, Single Family Residential and Shoreland Overlay District.

<b>APPROVALS REQUIRED</b>	
<b>Minor Subdivision</b>	<p>The boundaries of Lots 1, 2, and 3, Block 1 of Angell Acres are to be combined into two lots and redefined as:</p> <p>All of Lot 1, Block 1, together with the north 256 feet of Lots 2 and 3, Block 1, all in ANGELL ACRES, Dakota County, Minnesota.</p> <p>That part of Lot 2 and 3, Block 1, ANGELL ACRES, Dakota County, Minnesota, lying south of the north 256 feet thereof.</p>
<b>Vacation of Easements</b>	<p>The drainage and utility easements from Ghost Tract X2 will be vacated along with the drainage and utility easement from the north / south property line legally described as:</p> <p>The drainage and utility easements as dedicated on Lots 2 and 3, Block 1, all in the plat of ANGELL ACRES, Dakota County, Minnesota lying northerly of the south line of the north 251 feet of said Lots 2 and 3, and excepting therefrom the westerly 10 feet of said Lot 3.</p> <p>AND</p> <p>The 5 foot drainage and utility easement as dedicated on Lot 1, Block 1, ANGELL ACRES, Dakota County, Minnesota lying northerly, easterly and contiguous with a line described as follows: Beginning at the northwest corner of Lot 3, Block 1, ANGELL ACRES; thence North 87 degrees 17 minutes 30 seconds East, assumed bearing, along the north line of Lots 3 and 2, said Block 1 a distance of 417.82 feet; thence South 18 degrees 29 minutes 57 seconds East a distance of 259.43 feet and said centerline there terminating. Excepting therefrom that easement lying within the westerly 10 feet of said Lot 1.</p>
<b>Dedication of Easement</b>	<p>The newly created property line that runs east to west legally described as:</p> <p>The south 10 feet of the north 266 feet of Lots 2 and 3, Block 1, all in the plat of ANGELL ACRES, Dakota County, Minnesota.</p>

Attached for reference:

- Exhibit A – Existing Parcels Survey
- Exhibit B – Proposed Lot Split Survey

## ANALYSIS

**Lot Requirements.** Subdivided lots are required to meet lot area and setback provisions outlined in the Zoning Ordinance. The following table displays the applicable lot area, width, and setback requirements for both applicable zoning districts, in addition to indicating the subdivision's compliance with those standards.

R-1 District Standards	Required	Proposed (2250 Delaware)	Proposed (Vacant Parcel)	Compliant
Front Accessory Setback (setback to the public street)	100 feet	>100 feet	>100 feet	Yes
Side Accessory Setback	25 feet	>25 feet	53.3 feet	Yes
Rear Accessory Setback	25 feet	139.8 feet	>50 feet	Yes
Shoreland Overlay District Standards	Required	Proposed (2250 Delaware)	Proposed (Vacant Parcel)	Compliant
Buildable lot area above OHWM*	2.5 acres	13.76	2.5	Yes
Frontage on improved public street/private road	200 feet	678	160.7	No*
Lot width at building setback line	200 feet	678	160.7	No*
Lot width at OHWM of abutting water body	150 feet	472.19	N/A	Yes
Building setback from OHWM	200 feet	139.8	N/A	No*
Building setback from property line adjacent to street	100 feet	>100 feet	>100 feet	Yes
Surface building side yard setback	50 feet	>100 feet	53.3 feet	Yes

\*Existing Condition

As shown in the table, the proposed parcels will continue to meet the lot requirements of the Zoning Ordinance. It should be noted that the proposed house on the newly created parcel has not been submitted for formal review and approval. The survey simply shows that a home can be built in compliance with the setback requirements.

**Subdivision Design Standards.** The proposed minor subdivision must be consistent with the design requirements as outlined in the City's Subdivision Ordinance. Section 1307.04 of the Subdivision Ordinance outlines the provisions which must be met with regards to lot formation. The following outlines these provisions and the proposed subdivision's compliance with the required design criteria:

Lot Area: The minimum lot area, width and depth shall not be less than that established by the City Zoning Ordinance in effect at the time of adoption of the final plat.

*Comment:* Lots in the Shoreland Overlay District are required to have a net lot area of at least 2.5 acres, not including wetlands, land seasonally flooded on an annual basis, land containing drainage ways and/or surface water or land containing aquatic vegetation, and land in excess of 12 percent slope. The lot containing the existing home will be 13.76 acres in buildable space and the newly created vacant parcel will be 2.50 acres of buildable space.

Lot Frontage: Every lot must have the minimum frontage on a City approved public street as required in the City Zoning Ordinance or onto a City approved private drive.

*Comment:* According to the Shoreland Overlay District, 200 feet of frontage must be provided on either a public or private street. After the proposed lot split and combination, the existing home on Delaware Avenue will be increased to 678 feet. The vacant parcel will have 234.13 feet along Delaware Avenue, while the south border will remain the same at 160.70 feet along Salem Church Road. It is the intent of the applicant that the newly created parcel will be accessed from Salem Church Road due to the layout of the property.

Access: Each lot shall directly access a public street or shall have a private drive access approved by the City under Section 1307.04.D, or the Interim Use Permit provisions as specified in Section 1241 of the City Zoning Ordinance.

*Comment:* Both properties will have access to a public road. This access condition will not be impacted by the proposed subdivision.

Setback Lines: Setback or building lines shall be shown on all lots and shall not be less than the setback required by the City Zoning Ordinance, as may be amended.

*Comment:* As demonstrated in the above table, the existing home will continue to meet setback standards after the proposed minor subdivision. The newly created parcel shows a hypothetical home on the southeastern part of the lot that will meet setbacks.

Drainage: Lots shall be graded so as to provide drainage away from building locations, subject to the recommendation of the City Engineer and approval by the City Council.

*Comment:* The applicant has submitted a site survey showing all existing buildings and grading on the subject property. These conditions are not anticipated to be impacted by the proposed minor subdivision.

Features: In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.

*Comment:* The proposed lot split and combination will not impact landscaping or natural systems on either property. Any future site improvements which will impact the subdivided lot area will need to meet all Ordinance requirements as pertains to tree removal, preservation and installation (as described in Section 1208.02, Section 1218.03, and Section 1243.04 of the Zoning Ordinance).

Lot Remnants: All remnants of lots below minimum size for the respective zoning district in which they are located must be added to abutting lots or lots immediately adjoining rather than to remain as unusable parcels.

*Comment:* No lot remnants will result from the lot combination.

Outlots: The creation of outlots is to be discouraged, except in such cases where title discrepancies exist and their establishment has been determined by the City Attorney to constitute the most effective means of dealing with the issue.

*Comment:* The applicant is not proposing the creation of any new outlots as a part of the minor subdivision request.

Driveway Culvert: A minimum culvert size of 15 inches shall be installed under any driveway requiring stormwater runoff to pass through the driveway.

*Comment:* The applicant is not proposing to construct any additional dwelling units as a part of this request, however, need for a culvert in the future shall be at the discretion of the City Engineer.

**Easements.** According to Section 1307.10 of the Subdivision Ordinance, all easements shall be shown on the Certificate of Survey in the case of a minor subdivision. Section 1307.10.A requires that easements of a minimum of 10 feet wide centered on rear and other lot lines be provided for drainage and for public and private utilities. Further, Section 1302.01.B.2 of the Minor Subdivision Ordinance requires that when a public drainage and utility easement would have been dedicated to the City incident to a full platting process, the landowners involved in the minor subdivision must grant the City, at no cost to the City, the public drainage and utility easements required.

The submitted survey also provides the location of existing drainage and utility easements along the existing boundaries. The current proposal seeks to vacate these easements. By State Statute, a public hearing must be held by the City Council in order to vacate these easements. The State Statute also gives the City Council the authority to vacate these easements.

The submitted "Lot Split Survey" provides 10-foot drainage and utility easements running along the newly created property line that runs from east to west. The drainage and utility easements from Ghost Tract X2 will be vacated as they are no longer necessary.

**Driveway Easement.** The original plat contains a driveway easement for Lot 3. The intent of the easement is to serve a future home on the existing lot. Since this lot will be split and combined with the two remaining lots, the driveway easement will no longer be necessary. The easement is a private easement and can only be vacated by the property owner. After the final approval, the applicant shall proceed to vacate the driveway easement for Lot 3.

**City Attorney.** The City Attorney was provided a copy of the proposed lot realignment and combination and had no further comments or concerns.

**City Engineer.** The City Engineer was provided a copy of the proposed lot realignment and combination and had no further comment.

**Lot Recording.** In addition, staff would like to caution the applicant in regards to recording the survey with Dakota County. The County reserves the right to reject the lot realignment and require the applicant to re-plot the property. If this were to happen, the applicant will need to reapply with a preliminary and final plat for a public hearing. The cost of doing so will be the responsibility of the applicant.

## **SUMMARY AND RECOMMENDATION**

The applicant is requesting approval of a minor subdivision to allow the division and recombination of the parcels located at Lot 1 Block 1 Angell Acres; Lot 2 Block 1 Angell Acres; and Lot 3 Block 1 Angell Acres. Planning staff recommends approval of the minor subdivision and vacation of easements based on finding that the proposal will have minimal impact on site conditions related to vegetation, land alteration, or neighboring property, and that upon subdivision the subject parcel will continue to meet all Subdivision Ordinance and lot design requirements. This recommendation would be conditioned upon the following:

1. The applicant records the approved survey (demonstrating site conditions, new lot lines, and the legal description of existing parcels, split/combined Tract Y and Tract X, and drainage and utility easements), and the existing survey (demonstrating drainage and utility easements to be vacated) with Dakota County. The cost of recording shall be the applicant's responsibility.

2. The combined parcel described below shall be one tax parcel:

All of Lot 1, Block 1, together with the north 256 feet of Lots 2 and 3, Block 1, all in ANGELL ACRES, Dakota County, Minnesota.

3. The combined parcel described below shall be one tax parcel:

That part of Lot 2 and 3, Block 1, ANGELL ACRES, Dakota County, Minnesota, lying south of the north 256 feet thereof.

4. The applicant shall provide evidence to the City that the properties described above have been combined by Dakota County to form a new single tax parcel.
5. The applicant records and conveys drainage and utility easement documents, as provided by the Sunfish Lake City Attorney, with Dakota County. The cost of recording shall be the applicant's responsibility.
6. The applicant proceeds to vacate the existing driveway easement for Lot 3, and provide proof of vacation to the City Attorney when completed. The cost of recording shall be the applicant's responsibility.

c: Cathy Iago, City Clerk  
Mike Andrejka, City Building Official  
Don Sterna and Eric Eckman, City Engineer  
Jim Naves, City Forester  
Tim Kuntz, City Attorney  
Ron Wasmund, City Septic Inspector  
John Maczko, Fire Chief  
2250 Delaware LLC, Property Owner  
Bob Moser, Moser Homes

# CERTIFICATE OF SURVEY

(SHEET 1 OF 2 SHEETS)

for Moser Homes, Inc.

1000 Co. Rd E, Suite 220, Shoreview, MN 55126  
Tel: (651) 483-5132

owner 2250 Delaware LLC

2250 Delaware Ave, Sunfish Lake, MN 55118

## LOT DATA:

- EXISTING ZONING IS P-1
- LOT PIN NUMBER IS 35-1750-01-010
- EXISTING ADDRESS IS 2250 DELAWARE AVENUE, Dakota County, Minnesota.
- APPLICABLE TO THIS SURVEY IS THE 2013 MINNESOTA CONSTITUTION
- LOT AREA TO THE OHM OF 856.6' IS 429.888sf
- OR (0.874 Acres)

## LEGAL DESCRIPTION

Lot 1, Block 1, ANGELL ACRES, Dakota County, Minnesota.

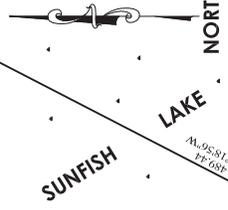
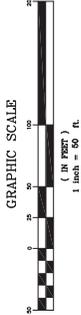
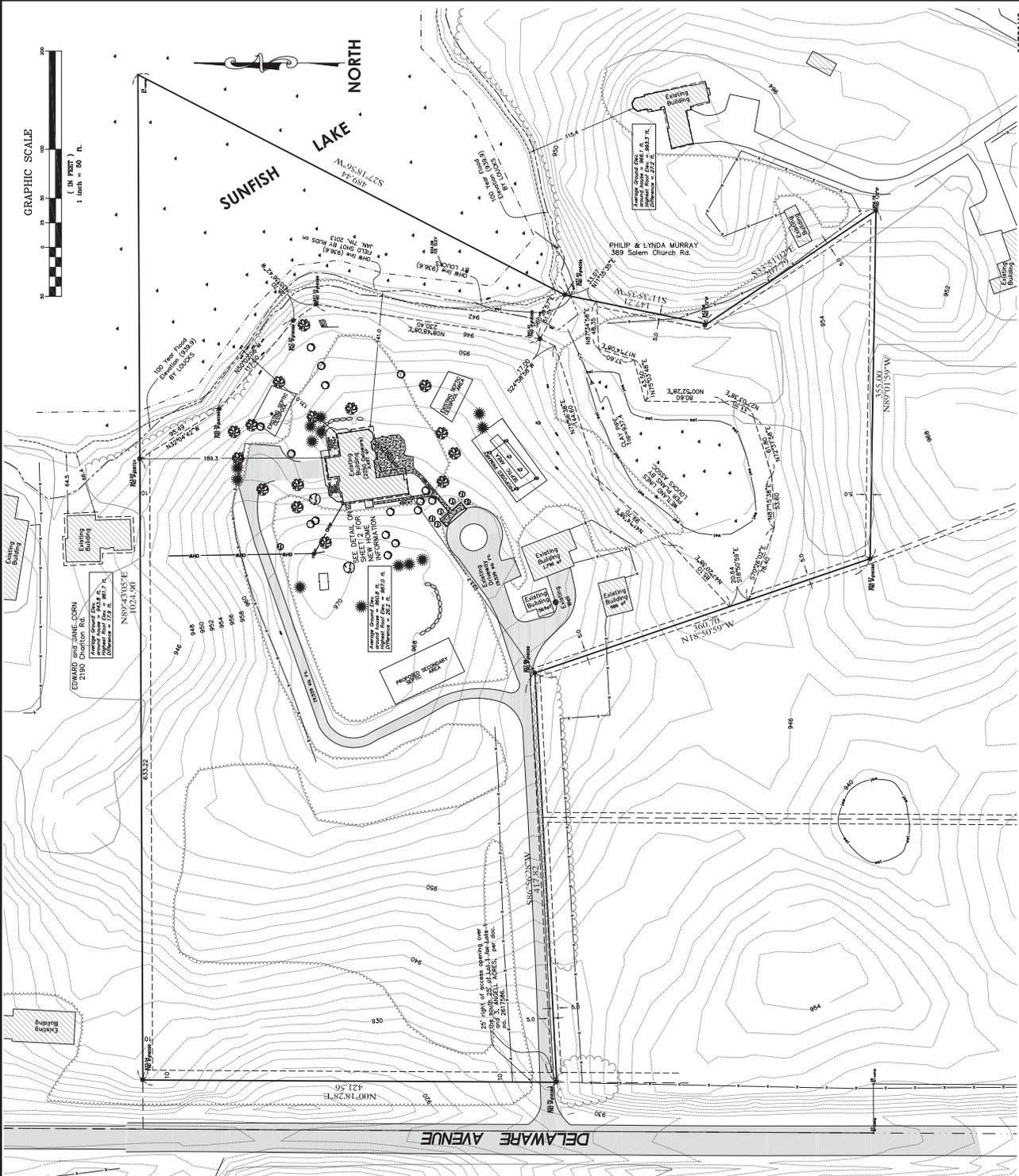
## EXISTING IMPERVIOUS

HOUSE = 3,497sf  
 OUT BLDG 2 = 1,790sf  
 DRIVEWAY 3 = 966sf  
 DRIVEWAY 4 = 19,539sf  
 DECK = 452sf  
 PATIO 2 = 1,465sf  
 WALKS = 482sf  
 TOTAL = 29,159sf or 6.72%

## GENERAL NOTES:

- INFORMATION REFERENCING EXISTING HOMES LOCATIONS, SETBACKS FROM OHM AND HEIGHTS ASSOCIATED DATED 12/13/12
- CONTOURS AND EXISTING IMPROVEMENT TOPOGRAPHY FROM DANCE SURVEY SYSTEM. TOPOGRAPHY FROM DANCE SURVEY SYSTEM. SEE SHEET 2 FOR UPDATED TOPOGRAPHY NEAR HOME.

## VICINITY MAP



## LEGEND

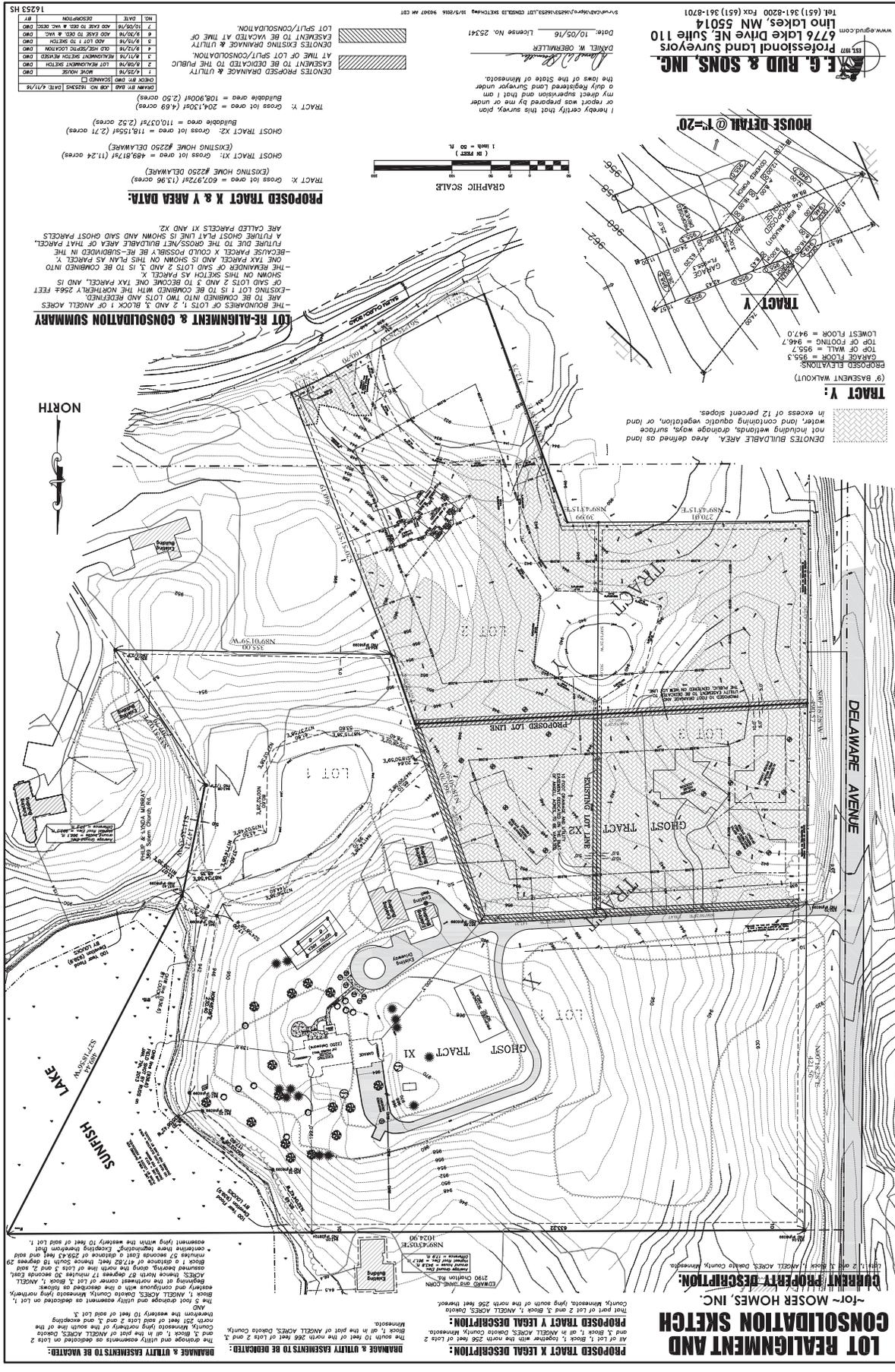
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLSP 2534
- DENOTES GAS METER
- DENOTES POWER POLE
- ⊗ DENOTES EXISTING SPOT ELEVATION
- ⊙ DENOTES WELL
- ⊕ DENOTES STORM SEWER APRON
- ⊖ DENOTES WIRE
- ⊗ DENOTES WOODEN WIRE FENCE
- ⊕ DENOTES RETAINING WALL
- DENOTES EXISTING 2 FOOT CONTOURS. CONTOURS AROUND EXISTING HOME WERE FIELD SHOT ON 1/07/13. CONTOURS AROUND EXISTING HOMES ARE FROM COUNTY GIS DATA.
- DENOTES TREE LINE
- DENOTES OVERHEAD WIRE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES EXISTING TREE
- (SEE SHEET 2 FOR DETAILS)

## BENCHMARK

BENCHMARK: MGDOT GSD Station #710 (NGS name 98504J) located at the intersection of Salem Church Avenue and Salem Church Road. Elevation 904.58 (NA1088)

NO.	DATE	DESCRIPTION	BY
1	1/20/13	Survey	dm
2			
3			

**E.G. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel: (651) 361-8200 Fax: (651) 361-8701



NO.	DATE	DESCRIPTION
1	10/20/16	ADD PAGE TO SET A M.C.D. CMO
2	11/17/16	ADD PAGE TO SET A M.C.D. CMO
3	11/17/16	ADD LOT 1 TO SECTION
4	11/17/16	ADD HEAD/REAR LOT LINES
5	11/17/16	RECONSTRUCT SECTION BOUNDARIES
6	11/17/16	LOT REALIGNMENT SKETCH
7	11/17/16	MOCK HOUSE
8	11/17/16	CONTRACT DOCUMENTS
9	11/17/16	CONTRACT DOCUMENTS
10	11/17/16	CONTRACT DOCUMENTS

**PROPOSED TRACT X & Y AREA DATA:**

TRACT X: Gross lot area = 607,972sf (13.96 acres)  
 (EXISTING HOME #2250 DELAWARE)

TRACT Y: Gross lot area = 204,130sf (4.69 acres)  
 Buildable area = 110,077sf (2.52 acres)

GHOST TRACT XZ: Gross lot area = 181,555sf (2.71 acres)  
 Buildable area = 110,077sf (2.52 acres)

GHOST TRACT XI: Gross lot area = 489,817sf (11.24 acres)  
 (EXISTING HOME #2250 DELAWARE)

GHOST TRACT XII: Gross lot area = 110,077sf (2.52 acres)  
 Buildable area = 110,077sf (2.52 acres)

**LOT RE-ALIGNMENT & CONSOLIDATION SUMMARY**

THE BOUNDARIES OF LOTS 1, 2 AND 3, BLOCK 1 OF ANGELL ACRES ARE TO BE COMBINED INTO TWO LOTS AND REDEVELOPED. LOTS 2 AND 3 TO BECOME ONE TAX PARCEL, AND LOT 1 IS TO BE COMBINED WITH THE NORTHERLY 2667 FEET SHOWN ON THIS SECTION AS PARCEL X. IS TO BE COMBINED INTO ONE TAX PARCEL AND IS SHOWN ON THIS PLAN AS PARCEL Y. BECAUSE PARCEL X COULD POSSIBLY BE RE-DEVELOPED IN THE FUTURE DUE TO THE GROSS/NET BUILDABLE AREA OF THAT PARCEL. A FUTURE GHOST PLAT LINE IS SHOWN AND SAID GHOST PARCELS ARE CALLED PARCELS XI AND XII.

**DAMAGE & UTILTY EASEMENTS TO BE VACATED:**

The drawings and utility easements are vacated on lots 2 and 3, Block 1, all in the part of ANGELL ACRES, Dakota County, Minnesota. Minnesota Right-of-Way Act, Chapter 350, Section 10.01, Subpart 1.

**PROPOSED TRACT Y LEGAL DESCRIPTION:**

All of Lot 1, together with the north 250' feet of Lot 2 and 3, Block 1, all in ANGELL ACRES, Dakota County, Minnesota. That part of Lot 2 and 3, Block 1, ANGELL ACRES, Dakota County, Minnesota, lying south of the north 250' feet thereof.

**PROPOSED TRACT X LEGAL DESCRIPTION:**

That part of Lot 2 and 3, Block 1, ANGELL ACRES, Dakota County, Minnesota, lying south of the north 250' feet thereof.

**CURRENT PROPERTY DESCRIPTION:**

Lot 1, 2 and 3, Block 1, ANGELL ACRES, Dakota County, Minnesota.

**CONOLIDATION SKETCH**  
 -FOR- MOSER HOMES, INC.  
**LOT REALIGNMENT AND CONSOLIDATION SKETCH**

**E.G. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55114  
 Tel: (651) 361-8200 Fax: (651) 361-8701  
 www.egrud.com

**TRACT Y:**

(9' BASEMENT WALKOUT)  
 PROPOSED ELEVATIONS:  
 GARAGE FLOOR = 955.3  
 TOP OF WALL = 946.7  
 LOWEST FLOOR = 947.0

HOUSE DETAIL @ N=20

**TRACT X:**

Denotes buildable area. Area defined as land not including wetlands, drainage ways, surface water, land containing aquatic vegetation, or land in excess of 12 percent slopes.

**TRACT Y:**

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**DELAWARE AVENUE**

**SUNFISH LAKE**

# CERTIFICATE OF SURVEY

(SHEET 1 OF 2 SHEETS)

for Moser Homes, Inc.

1000 Co. Rd E, Suite 220, Shoreview, MN 55126

owner 2250 Delaware LLC

2250 Delaware Ave, Sunfish Lake, MN 55118

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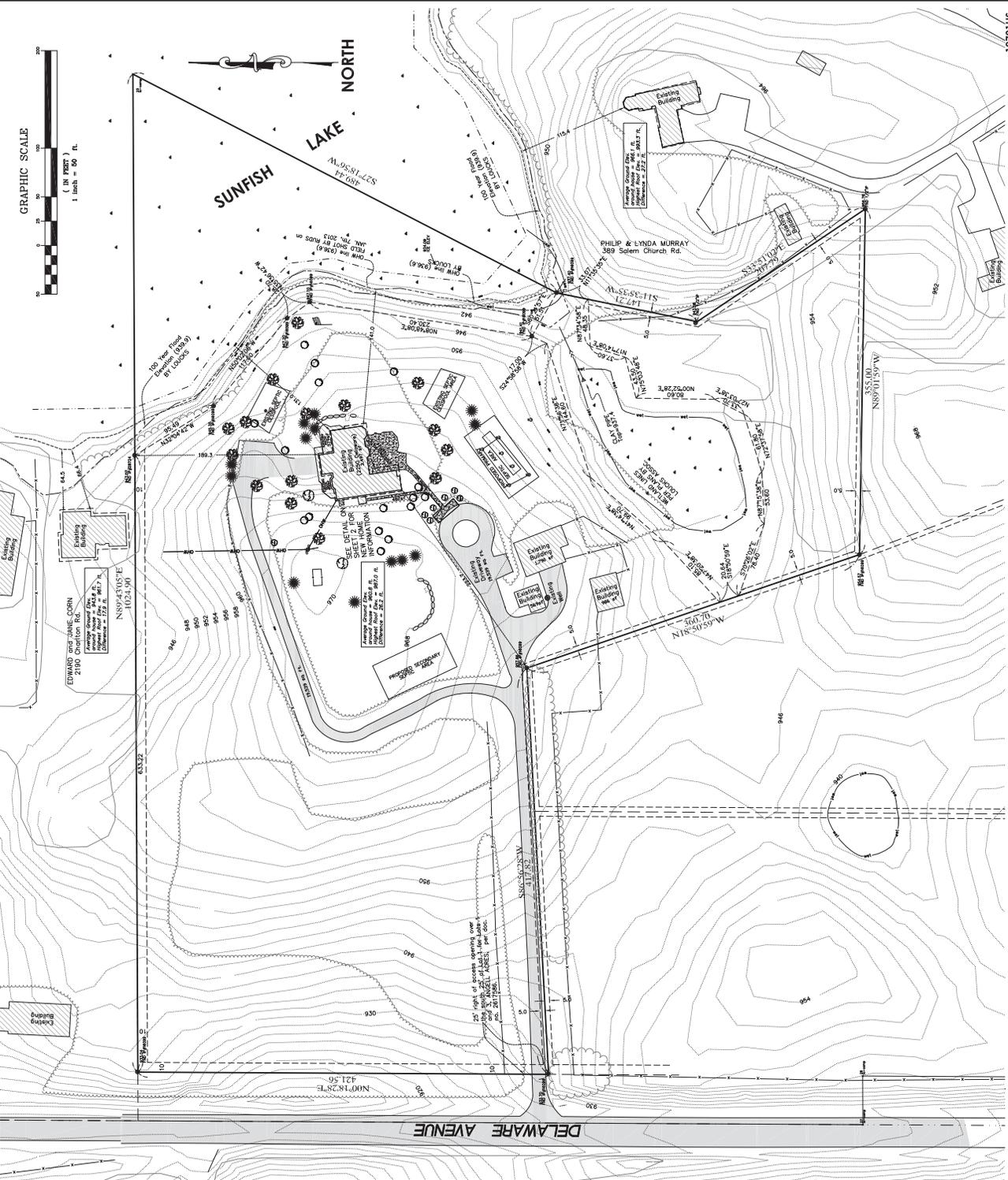
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## BENCHMARK

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 Station #710 (NGS name  
 98540), located at the  
 intersection of  
 Avenue and Salem Church  
 Road. Elevation 904.58  
 (NA1088)

NO.	DATE	DESCRIPTION	BY
1	1/20/13	Issue for Permit	dm
2			
3			

**E.G. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701



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EXHIBIT A - EXISTING

