



MEMORANDUM – Addendum

TO: Sunfish Lake City Council

FROM: Michelle Barness

DATE: November 25, 2015

RE: Sunfish Lake – Hurley – Major Plan Review and Variance;
27 Sunnyside Lane

FILE: 211.01- 15.07

12/1/15 CC Mtg.
**Agenda
Item
6a**

At the November 3, 2015 meeting, the City Council considered a request from Tom and Julie Hurley for major site and building plan approval for a new home, and variance requests to permit the home to intrude on the shoreline and side yard setbacks, and to permit construction of a home not meeting setback standards on a substandard sized lot. The Council tabled consideration of the applications to the December meeting to permit the applicant to address the issue of septic systems on the site. At the time of the November meeting, no alternative septic system had been identified, and the City requested that this task be completed prior to site and building plan approval.

Planning staff briefly reviewed the issue of the requested variances at the November meeting, and Council did not raise any questions pertaining to the variance at that point. As such, no additional materials are being provided with regards to the variance requests. Criteria for variance approval was discussed in the planning report forwarded to the Council on October 14, 2015, and will be reviewed in more detail at the December meeting.

With regards to the issue of the provision of a secondary septic system location at 27 Sunnyside Lane, the following has been addressed since the November Council meeting:

- 1) The City Engineer, City Septic Inspector, the applicants, and the applicant's septic contractor met at the site to discuss the issue of a secondary septic location. A secondary system location was identified and agreed upon by all in attendance. An email memorandum from the City Septic Inspector describing the process, the intended secondary septic system technology, and providing approval of the proposed secondary septic location is attached to this memorandum (see Exhibit A).
- 2) At the request of the City Septic Inspector, the City Attorney prepared a legal document detailing the requirements for a secondary septic system on the

subject property, to run with the property and to clarify with future property owners what is required with regards to providing, protecting, and maintaining the secondary system on the site. The City Attorney has provided this document to the Council and will address it at the December 1, 2015 meeting. Further, the City Septic Inspector reviewed the agreement and feels it meets all his recommendations (see Exhibit B).

- 3) A monitoring and mitigation plan for the septic systems on the 27 Sunnyside Lane site is being drafted and will be kept on record with both the City Septic Inspector and City Planner once complete.
- 4) The applicants revised their site plans to illustrate the location of the secondary septic (see Exhibit C). The secondary septic location has been reviewed and approved by both the City Septic Inspector and City Engineer with regards to setbacks from systems on adjacent properties, functionality given the proposed location, and other relevant standards and issues.

Staff finds that the applicants have fully addressed the issue of the provision of primary and secondary septic systems on the subject property and recommends approval of the project from that standpoint.

One small revision has occurred with the building plans since the November meeting, shifting a fireplace in the screened porch on the north side of the proposed home further north a few feet to provide a more functional space for the homeowners. The shift north does occur within the side yard setback, but does not increase the furthest extent of the intrusion beyond that which was previously discussed with the City. The applicant has provided a diagram illustrating the fireplace revision in comparison to setbacks along the north property line (see Exhibit D). Staff feels the proposed fireplace revision has little overall impact on the greater variance discussion, but wishes to present the change to the City Council for consideration.

The City Engineer has provided a final report recommending approval of the project (see Exhibit E). All previous engineering conditions have been addressed by the applicant, and the only remaining conditions pertain to construction, and the provision of retaining wall plans as the project moves ahead. In addition, given the issues as discussed, planning staff re-iterates a recommendation of approval for both the proposed site and building plans and requested variances.

c: Cathy Iago, City Clerk
Mike Andrejka, City Building Official
Ron Wasmund, City Septic System Inspector
Don Sterna, City Engineer
Jim Naves, City Forester
Tim Kuntz, City Attorney
Tom and Julie Hurley, Applicants
Nate Wissink, Elevation Homes, Project Architect

From: Ron Wasmund [RWasmund@inspectroninc.com]
Sent: Thursday, November 05, 2015 6:12 PM
To: Michelle Barness
Cc: Don Sterna; tom@advsepsol.com; Nate Wissink (nate@elevationhomes.com); Tim Kuntz
Subject: RE: Sunfish Lake - 27 Sunnyside Ln.

Hi Michelle,

It was a good meeting on site today. The owner, Tom Hurley; Nate and Joe from Elevation Builders; Tom Wirtzfeld, Septic Designer; Don Sterna and me all met. The soil, as we have discussed is all fill material below the top 10 – 12 inches of topsoil in the area identified for placement of the septic. Based upon the fact that the “primary site” will require advanced treatment methods to lower the total suspended solids (TSS) and biological oxygen demand (BOD) in the effluent before dispersment into the soil for final treatment, we have identified and I have accepted a “secondary” site. The second site will be adjacent and immediately south of the primary site. There is enough area to designate the site and maintain required setbacks to all wells in the area and the lake. We were unable to designate an area for a standard system without encroachment into the setback from the lake.

The conditions for acceptance of the site for advanced septic treatment are:

1. The septic areas must be shown on a survey clearly identifying a minimum of 2000sf of yard/lawn for each the primary and secondary systems.
2. The area of the secondary system must be preserved and unencumbered by structure until needed for septic use.
3. The fact that the septic treatment system is advanced technology, which is much more costly than a standard system, must be identified for future buyers or planning requests by placing a document on file as a title attachment or other legal means.
4. The monitoring and mitigation plan must be placed on file with the City as an attachment to their SSTS operating permit.

I believe with these conditions and understanding we can approve the site for proper sewage treatment. Please let me know if there are other questions I can answer. Others in attendance please let me know if I forgot anything or misrepresented any of our discussion.

Sincerely

Ron

Ron Wasmund

Inspectron Inc.
15120 Chippendale Ave. Suite 202
Rosemount MN 55068
Office 651-322-6626
Toll Free 800-322-6153
Cell 612-719-3370
Fax 651-322-7580
rwasmund@inspectroninc.com

From: Michelle Barness [<mailto:mbarness@nacplanning.com>]

EXHIBIT A

Michelle Barness

From: Ron Wasmund [RWasmund@inspectroninc.com]
Sent: Wednesday, November 25, 2015 10:45 AM
To: Leah Rose
Cc: DeCourcy, Cathy; tom@advsepsol.com; mike.buildingofficial@yahoo.com; Nate Wissink; sbulach@bulachcustomrock.com; cjiago@comcast.net; mollypark@mac.com; Anina Nielsen; jim@lstreecare.com; Michelle Barness; joannewahlstrom@comcast.net; Alan Brixius; Hovey, Mike; dsterna@wsbeng.com
Subject: Re: SFL - 27 Sunnyside Lane - 12/1/15 Council Meeting; Agenda Item 6(a)

To all,

I have read the agreement and I believe it covers and satisfies all conditions and terms outlined and agreed upon to approve by me the selected sites for SSTS at 27 Sunnyside Lane, Sunfish Lake

Ron Wasmund

Inspectron Inc.

Sent from my Verizon Wireless 4G LTE DROID

On Nov 25, 2015 7:58 AM, Leah Rose <LRose@levander.com> wrote:

This e-mail correspondence is from Timothy J. Kuntz, City Attorney for the City of Sunfish Lake.

This e-mail relates to the property at 27 Sunnyside Lane in the City of Sunfish Lake which is being considered by the Council at the December 1, 2015 Council meeting under Agenda Item 6(a).

Attached to this e-mail please find an Agreement Relating to Identification of Primary and Secondary Locations for Subsurface Sewage Treatment Systems on Lot 7, Block 1, Knutson Addition between the City of Sunfish Lake and Thomas Hurley and Julie Hurley.

The attached document should be made a part of your agenda materials for Agenda Item 6(a). Please note a hard copy of the attached document will be sent to you via regular mail.

The Septic System Inspector and the City Engineer suggested such an agreement to memorialize that the location of both the primary and secondary areas and to memorialize that no structures or buildings can be placed in the secondary area.

Thank you.

Tim Kuntz

TJK/lmr

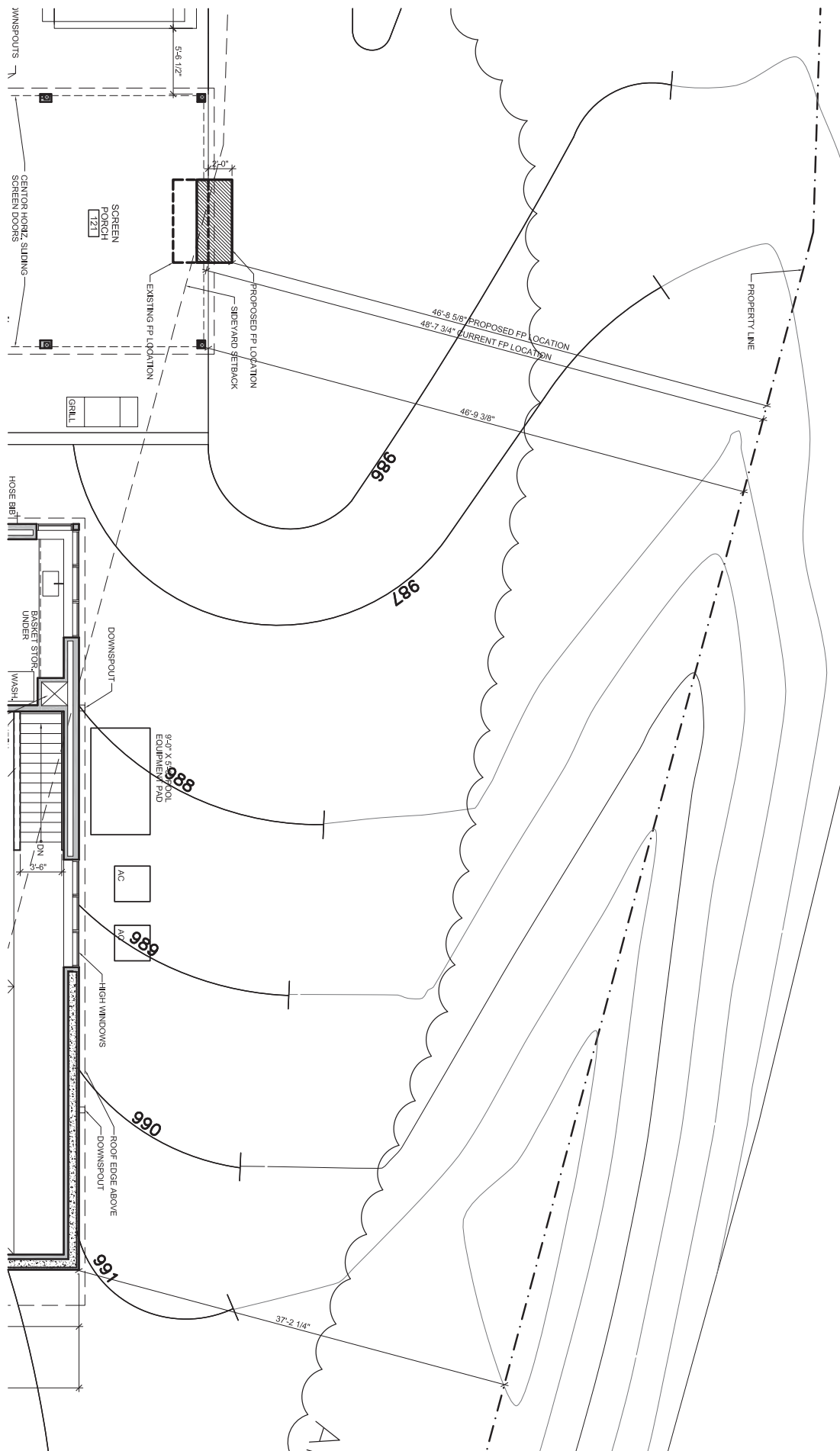
LEVANDER, GILLEN & MILLER, P.A.
633 S. CONCORD STREET, SUITE 400 | SOUTH ST. PAUL, MN 55075
(P) 651.451.1831 | (F) 651.450.7384

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Memorandum

To: *Michelle Barness
Northwest Associated Consultants*

From: *Donald W. Sterna, PE & Eric M. Eckman, PE
WSB & Associates, Inc.*

Date: *November 23, 2015*

Re: *Site and Building Plan Review, plans submitted 11/09/15, 2 revised on 11/16/15
27 Sunnyside Lane
City of Sunfish Lake, MN
WSB Project No. 2182-15*

Project Background

The applicant is proposing to construct a new home, pool, septic drain field system and well along with the necessary grading and driveway construction in place of the existing home, septic drain field system, well and driveway. The following review is only for the engineering, storm water management, and site grading issues. The building compliance and/or septic and well requirements will be handled by the City planners, and Building and Septic inspectors.

Site Grading

The applicant's proposed site grading shows a positive slope away from the house foundation, therefore, should require no modifications to the proposed grading plan around the house. The 10% grade of the driveway is a bit concerning due to potentially high velocities of water coming down the driveway towards the house, but according to the applicant, the driveway grading has been explored throughout the design process with the conclusion being that this is the least disruptive to adjacent slopes and the proposed drain field. It appears that they have done their due diligence in exploring other options.

- The builder/applicant must provide retaining wall plans for review for any walls that are 4-feet in height or taller. These need to be designed and signed by a registered professional engineer in the State of Minnesota.

Stormwater Management

Based on our review of the documents submitted, the proposed project generally meets water quantity and water quality criteria.

- The proposed low floor elevation of the home is shown on the proposed grading plan at 975.0 feet. The 100-year high water level of the infiltration areas is 982.5 feet for Stormwater System 1 and 980.0 feet for Stormwater System 2. This puts the property at risk of basement flooding and inundation. The City's policy to provide at least 3 feet of freeboard from the

high water elevation. **This policy has been waived by the property owner(s) with a signed letter that they are aware of this risk, that the storm sewer does not meet City policy and the City will not be liable for any damages to the property as a result of this design.** This document shall remain on file and the information must be disclosed in the event of a future sale of the property.

Erosion Control

A disturbance of 1.34 acres is indicated on the plans that have been resubmitted. A National Pollutant Discharge Elimination System NPDES Construction permit will be required if over an acre of land it to be disturbed. This has been acknowledged by the applicant.

- Other Best Management Practices for erosion control and sediment control may be needed as site development progresses.
- A copy of the permit and all inspection records must be kept on site.
- A copy of the permit must be submitted to the Engineer once obtained.

Sanitary Sewer and Well

Documentation must be provided once the existing well is removed. A secondary septic location has been identified as required.

Site Access

Any damage to Sunnyside Lane, Angel Road and City right-of-way shall be repaired to the City's satisfaction by the applicant prior to the issuance of a certificate of occupancy. It is recommended the builder take pictures of the roadway prior to construction to document the condition of the roadway. These pictures should be taken at a wide enough angle to verify their location. A note has been provided on the plans addressing this requirement.

Conclusion and Recommendations

Based upon our review of the proposed site and grading plan for the proposed new home at 27 Sunnyside Lane, the plans that were submitted appear to be consistent with the City's requirements and have addressed the previous comments from the memos dated October 5, 2015 and October 16, 2015 as well as comments from the prior City Council Meeting on November 2, 2015 to the best of the applicant's ability due to site constraints, with the exception of the above-noted items in this memorandum. We hereby find the proposed plans to be in accordance with City requirements and recommend approval from an engineering standpoint with the understanding that the information for the retaining walls needs to be submitted and approved prior to the construction of the wall.

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION APPROVING A SHORELAND AND SIDE YARD SETBACK
VARIANCE, A LOT AREA VARIANCE FOR CONSTRUCTION OF A HOME ON A
SUBSTANDARD SIZED LOT WHERE THE RESULTING STRUCTURE IS UNABLE TO
MEET SETBACK REQUIREMENTS, AND MAJOR SITE AND BUILDING PLANS
FOR THE PROPERTY LOCATED AT 27 SUNNYSIDE LANE, SUNFISH LAKE,
DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Tom and Julie Hurley submitted an application for setback and lot area variances, and a major site and building plan review to permit construction of a new home on the property located at 27 Sunnyside Lane, legally described as:

Lot 7, Block 1, Knutson Addition, Dakota County, Minnesota.

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated October 14, 2015 prepared by Northwest Associated Consultants and engineering reports dated October 5, 2015 and October 16, 2015 prepared by WSB & Associates; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their October 21, 2015 meeting and reviewed the variance and site and building plan applications, along with the referenced staff reports; and

WHEREAS, upon hearing the staff presentations, applicant testimony, and public testimony, the Planning Commission closed the public hearing and recommend to the City Council approval of the setback and lot area variances and major site and building plans to allow construction of the applicant's proposed home, whereby the following findings support the Planning Commission recommendation for approval:

1. Practical difficulties result from the unique configuration of the subject parcel. The site is steeply sloped from the road to the lake, which results in difficulty in creating a flat building site entirely within setbacks, and further requires the new home to be setback far enough from the road to create the mild driveway grades necessary for safety and stormwater drainage purposes.
2. The applicant's request for the home is reasonable in that single family uses are permitted in the district, the home is similar in size to other homes on the lake, and the home has been located to reduce topography disturbance and tree removal to the extent possible and to minimize the appearance of the building mass from the lake.

3. The applicant's request is consistent with the spirit and intent of the City's Comprehensive Plan and Zoning Ordinance and Comprehensive Plan by proposing a home addition project which, with the exception of the shoreline and side yard setbacks, meets design and performance standards of the City.
4. The project is not anticipated to impact the character of the locality because the design of the home minimizes the appearance of the building mass from the lake and reduces the volume of the home in the setback area, the project attempts to protect significant trees on the site that are not required to be removed by construction, and the project is similar in size to 42% of homes around the lake.

WHEREAS, the Sunfish Lake City Council considered the application for shoreland and side yard setback variances, a lot area variance, and major site and building plan review at their meeting on November 3, 2015 and agrees with the findings of the Planning Commission.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the major site and building plans and the setback and lot area variance requests dated September 21, 2015 for 27 Sunnyside Lane with the following conditions:

1. The applicants adhere to the City Engineer's final recommendations as provided in the report dated November 23, 2015.
2. Twenty percent of the shoreland impact zone will contain lawn. The remainder of the shoreland impact zone, with the exception of areas that have been restored to Gro-Low Sumac where invasive species and dead or diseased trees have been removed (as shown on the landscape plan dated November 3, 2015), must be maintained as natural lakefront vegetation.
3. The property owners shall contact the City Forester and City Planner once they have a proposal for vegetation removal in areas of the shoreland impact zone, bluff impact zone or on steep slopes down to the lake (the areas shown on attached Exhibit A). A certificate of compliance must be issued from the City for all cutting or removal of trees over six (6) inches in diameter at two (2) feet above the ground in these locations. This requirement does not apply to the removal of dead or diseased trees.
5. Removal of the existing septic system and installation of the proposed septic system are subject to permitting by the City Septic Specialist. Further, the applicants shall work with the City Septic Inspector to finalize a monitoring and mitigation plan, to be kept on file with the City.
6. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
7. Upon installation, any lights which cast light on residential property or over public water shall not exceed one (1) foot candle (meter reading) as measured from said property or edge of water abutting the property in question.

8. The applicants shall contact planning staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.

This resolution is adopted by the City Council of the City of Sunfish Lake this 1st day of December 2015.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk

**AGREEMENT RELATING TO IDENTIFICATION OF PRIMARY AND SECONDARY
LOCATIONS FOR SUBSURFACE SEWAGE TREATMENT SYSTEMS ON LOT 7,
BLOCK 1, KNUTSON ADDITION, DAKOTA COUNTY, MINNESOTA**

THIS AGREEMENT RELATING TO IDENTIFICATION OF PRIMARY AND SECONDARY LOCATIONS FOR SUBSURFACE SEWAGE TREATMENT SYSTEMS ON LOT 7, BLOCK 1, KNUTSON ADDITION, DAKOTA COUNTY, MINNESOTA (Agreement) is made, entered into and effective this 1st day of December, 2015, by and between the City of Sunfish Lake, a Minnesota municipal corporation (hereafter referred to as City) and Thomas P. Hurley and Julie K. Hurley, husband and wife (hereafter referred to as Landowner). Subject to the terms and conditions hereafter stated and based on the representations, warranties, covenants, agreements and recitals of the parties herein contained, the parties do hereby agree as follows:

ARTICLE 1
DEFINITIONS

1.1 Terms. The following terms, unless elsewhere specifically defined herein, shall have the following meanings as set forth below.

1.2 City. “City” means the City of Sunfish Lake, a Minnesota municipal corporation.

1.3 Landowner. “Landowner” means Thomas P. Hurley and Julie K. Hurley, husband and wife, and their successors and assigns.

1.4 Treatment Location Plan. “Treatment Location Plan” means that certain plan dated _____, 2015 prepared by _____, that identifies both a primary location for a Subsurface Sewage Treatment System (SSTS) and a secondary location for a Subsurface Sewage Treatment System on the Landowner Property. The Treatment Location Plan is on file with the City Planner, City Engineer and the City Septic System Inspector.

1.5 Landowner Property. “Landowner Property” means that certain real property located in the City of Sunfish Lake, Dakota County, Minnesota legally described on **Exhibit A**.

1.6 Septic System Inspector. “Septic System Inspector” means that person or entity appointed by the City as the Septic System Inspector under Chapter 402 of the City Code.

ARTICLE 2 **RECITALS**

Recital No. 1. Landowner owns the Landowner Property.

Recital No. 2. Landowner requested that the City grant site and building plan approval for a new residence on the Landowner Property.

Recital No. 3. The City granted site and building plan approval subject to a number of conditions. One of the conditions was that the Landowner identify both a primary location for a SSTS on the Landowner Property and that the Landowner also identify a secondary location on the Landowner Property and that both locations be approved by the Septic System Inspector.

Recital No. 4. The primary and secondary locations for a SSTS have been identified and are shown on the Treatment Location Plan and have been approved by the Septic System Inspector, subject to the requirement that the parties execute and record this Agreement to impose and memorialize certain restrictions concerning the primary and secondary locations.

ARTICLE 3 **RESTRICTIONS RELATING TO PRIMARY AND SECONDARY LOCATIONS**

3.1 No Change Without City Approval. Landowner may not change the locations for the primary and secondary SSTS as shown on the Treatment Location Plan unless the City has first approved such changes.

3.2 Acknowledgement of Advanced Treatment Methods. Landowner acknowledges that use of the primary location and use of the secondary location will require advanced treatment methods to lower the total suspended solids (TSS) and biological oxygen demand (BOD) in the effluent before disbursement into the soil for final treatment. Landowner acknowledges that advanced treatment methods are more costly than a standard system may be. Landowner accepts the responsibility and the cost for using advanced treatment methods.

3.3 No Structures Within Primary Location and Secondary Location. Landowner acknowledges that the primary location and the secondary location need to remain free of structures, trees and buildings so that both locations can be preserved for use as a SSTS. Landowner agrees not to construct, install or place any structure, tree or building within the primary location and within the secondary location.

3.4 No Grading Within Primary Location and Secondary Location. Landowner acknowledges that the grades for the primary location and secondary location as approved in the site and building plan and on the Treatment Location Plan need to remain so in the future in order to preserve both locations for use as a SSTS. Landowner agrees not to change the grades of the primary location and secondary location from those approved in the site and building plan and in the Treatment Location Plan unless the City first approves such grade changes.

3.5 Need to Obtain SSTS Permit. Landowner agrees that Landowner must obtain a SSTS permit from the Septic System Inspector. Landowner agrees to comply with the conditions imposed by the Septic System Inspector with regard to the SSTS permit. Landowner acknowledges that approval of the primary and secondary locations for a SSTS is one component for obtaining a SSTS permit but does not itself constitute an SSTS permit.

3.6 Monitoring and Mitigation Plan. Before installation of any SSTS on Landowner Property, Landowner, as part of the process to obtain an SSTS permit, must file a monitoring and mitigation plan with the Septic System Inspector and must obtain approval from the Septic System Inspector for the monitoring and mitigation plan. Landowner agrees that Landowner will follow the monitoring and mitigation plan and any conditions thereof that are approved by the Septic System Inspector.

ARTICLE 4 **INDEMNIFICATION**

4.1 Indemnification of City. Landowner shall indemnify, defend and hold the City, its council, agents, employees, attorneys and representatives harmless against and in respect of any and all claims, demands, actions, suits, proceedings, losses, costs, expenses, obligations, liabilities, damages, recoveries, and deficiencies, including interest, penalties and attorneys' fees, that the City incurs or suffers, which arise out of, result from or relate to:

- a.) failure by the Landowner to observe or perform any covenant, conditions, obligation or agreement on Landowner's part to be observed or performed under this Agreement;
- b.) construction of a SSTS within the primary location or within the secondary location as shown on the Treatment Location Plan;
- c.) use of a SSTS within the primary location or within the secondary location as shown on the Treatment Location Plan;
- d.) failure of a SSTS to function within the primary location or within the secondary location as shown on the Treatment Location Plan.

ARTICLE 5 **CITY'S COVENANTS**

5.1 Approval of Treatment Location Plan. The City approves the Treatment Location Plan.

ARTICLE 6 **MISCELLANEOUS**

6.1 Binding Agreement. The parties mutually recognize and agree that all terms and conditions of this recordable Agreement shall run with the Landowner Property and shall be binding upon the parties and the successors and assigns of the parties. This Agreement shall also be binding on and apply to any title, right and interest of the Landowner in the Landowner Property acquired

by Landowner after the execution date of this Agreement or after the recording date of this Agreement.

6.2 Amendment and Waiver. The parties hereto may by mutual written agreement amend this Agreement in any respect. Any party hereto may extend the time for the performance of any of the obligations of another, waive any inaccuracies in representations by another contained in this Agreement or in any document delivered pursuant hereto which inaccuracies would otherwise constitute a breach of this Agreement, waive compliance by another with any of the covenants contained in this Agreement, waive performance of any obligations by the other or waive the fulfillment of any condition that is precedent to the performance by the party so waiving of any of its obligations under this Agreement. Any agreement on the part of any party for any such amendment, extension or waiver must be in writing. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provisions, whether or not similar, nor shall any waiver constitute a continuing waiver.

6.3 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

6.4 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF Landowner and the City have entered into this Agreement on the day and year first stated above.

CITY OF SUNFISH LAKE

By: _____
Molly Park
Its: Mayor

ATTEST:

Catherine Iago, City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 1st day of December, 2015, before me a Notary Public within and for said County, personally appeared Molly Park and Catherine Iago to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Sunfish Lake, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

LANDOWNER:

Thomas P. Hurley

Julie K. Hurley

STATE OF MINNESOTA)
)
COUNTY OF DAKOTA) ss.

The foregoing instrument was acknowledged before me this _____ day of December, 2015,
by Thomas P. Hurley and Julie K. Hurley, husband and wife.

Notary Public

THIS INSTRUMENT DRAFTED BY:

Timothy J. Kuntz
LeVander, Gillen, & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

**AFTER RECORDING PLEASE
RETURN TO:**

Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

EXHIBIT A
LEGAL DESCRIPTION OF LANDOWNER PROPERTY

Real Property located in the City of Sunfish Lake, Dakota County, Minnesota, described as follows:

Lot 7, Block 1, Knutson Addition, Dakota County, Minnesota.