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OFFICE OF THE COUNTY RECORDER  
CASS COUNTY, MINNESOTA  
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KATHRYN M. NORBY  
CASS COUNTY RECORDER

BY SF Dep TX#: 193993

CITY OF EAST GULL LAKE, MINNESOTA  
RESOLUTION NO. 12:04-23

RESOLUTION AMENDING A CONDITIONAL USE PERMIT FOR  
Cragun's Enterprises, Inc

**WHEREAS**, Craig & Lana Helgeson and the Legacy Village HOA ("Applicant") has submitted an application to amend the 2018 Conditional Use Permit to remove the requirement to install a Pickle Ball Court as part of the Legacy Village PUD; and

**WHEREAS**, the property is legally described as follows:

Legacy Village: That part of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter, Section 28, Township 134 North, Range 29 West, Cass County, Minnesota, described as follows:

Beginning at the northwest corner of said Southwest Quarter of the Northwest Quarter; thence on an assigned bearing of North 89 degrees 39 minutes 55 seconds East, along the north line of said Southwest Quarter of the Northwest Quarter, a distance of 661.57 feet to the northeast corner of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter, said Section 28; thence South 00 degrees 07 minutes 54 seconds West, along the east line of said Northwest Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 660.11 feet to the southeast corner of said Northwest Quarter of the Southwest Quarter of the Northwest Quarter; thence North 89 degrees 41 minutes 10 seconds East, along the north line of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of said Section 28, a distance of 307.05 feet; thence South 00 degrees 07 minutes 54 seconds West 392.52 feet; thence South 89 degrees 41 minutes 10 seconds West 474.88 feet; thence South 00 degrees 31 minutes 59 seconds East 674.26 feet; thence South 89 degrees 43 minutes 13 seconds West 26.00 feet; thence South 00 degrees 16 minutes 47 seconds East 223.27 feet to the south line of the North 630.00 feet of the Northwest Quarter of the Southwest Quarter of said Section 28; thence South 89 degrees 42 minutes 25 seconds West 471.00 feet to the west line of said Northwest Quarter of the Southwest Quarter; thence North 00 degrees 16 minutes 47 seconds West, along said west line 630.00 feet to the west quarter corner of said Section 28; thence North 00 degrees 03 minutes 36 seconds East, along the west line of said Southwest Quarter of the Northwest Quarter, a distance of 1319.73 feet to the point of beginning.

**WHEREAS**, The 2018 approval required installation of a Pickle Ball Court as part of the project amenities;

**WHEREAS**, The Homeowners Association for Legacy Village has voted to not install the Pickle Ball Court which was for the enjoyment and recreation of the homeowners;

**WHEREAS**, The current Conditional Use Permit addresses installation of the Pickle Ball Court specifically and references association improvements and should be amended to delete reference to the Pickle Ball Court installation, reducing the responsibility of installation of improvements for the applicant without impacting the remainder of the project;

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**WHEREAS**, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on November 28, 2023, and recommended approval to the City Council;

**WHEREAS**, the City Council for the City of East Gull Lake has considered the Planning Commission’s recommendation at its December 5, 2023 City Council Meeting and determined as follows:

- a The approximate 24.81 acre site was approved for 38 proposed building sites and on-site amenities including a Pickle Ball Court;
- b The Pickle Ball Court was for the enjoyment and recreation of the future owners of the individual building sites;
- c The Homeowners Association voted to not have a Pickle Ball Court as part of the site amenities.
- d The City Council determines that removal of the requirement to install a Pickle Ball Court will not adversely affect the approval or the resulting neighborhood.

**NOW, THEREFORE, BE IT RESOLVED**, that, based on the record of this matter, the Planner’s Report and the findings and determination contained herein, the City Council hereby approves an amended Conditional Use Permit which replaces the previous approval for Application #2108-34B, provided the Applicants comply with the following revised conditions:

- 1) The City Attorney shall review the draft covenants for the Home Owners Association to make sure they follow City code. The review shall only be to determine how the documents administer and enforce the provisions and conditions of this approval, including removal of the Pickle Ball Court installation requirement. These documents must be deemed acceptable to the City Attorney or revisions shall be made to make them acceptable.
- 2) The City shall be notified when erosion control measures are in place before construction so that a site inspection can take place.
- 3) The City Engineer shall review the sewer connections for compliance to City and State Codes.
- 4) Upon final completion and inspection of the new roads proposed to City Specification and the completion of the Wastewater Collection system being completed according to the City Engineers Specifications, these public facilities will be turned over to the City of East Gull Lake when 50% of the homes are sold within phase one and the same condition for phase two for future maintenance. The second life of bituminous will not be installed until 75% of the lots are sold and built on and the city will retain escrow until completed.
- 5) Existing tree vegetation shall be marked, fenced and preserved, wherever possible.
- 6) All structure shall conform to the City’s minimum building standards for a PUD and to the state building code.
- 7) Any future changes to the Property Owner Association Covenants shall be submitted to the City for approval as a modification to the Conditional Use Permit. All changes will be submitted to the City Planning and Zoning Administrator. The declaration shall be include a provision to this effect.
- 8) The developer will extend the wastewater stub to Gull River Road within the public easement for potential future wastewater construction.
- 9) The developer will provide an easement for the HOA on the driveway going to the maintenance building to prevent future owners from eliminating this access option.
- 10) The Developer shall pay all costs of installation of the public infrastructure.
- 11) The developer shall post an escrow account with an estimated dollar amount to cover costs (estimated at \$10,000) incurred by the City Attorney, City Engineer and any city staff required to verify improvements are installed as required by approvals.



- 12) All infrastructure and general association improvements, with the exception of the Pickle Ball Court which is removed from the Project, must be installed prior to obtaining a certificate of occupancy for any residential units. This would include the public roads, subject to the second lift of pavement.
- 13) Construction of all structures shall conform to the building code of the State of Minnesota.
- 14) All mail delivery shall be done as approved by the US Postal Service.
- 15) The execution of the appropriate Developers Agreement, as modified to remove any requirement for installation of the Pickle Ball Court, to ensure compliance with the conditions of approval and compliance with the relevant ordinances and statutes.
- 16) A residential PUD shall meet the following open space requirements:
  - a. At least 25% of the total project shall be preserved as open space, plans show 39.03% currently
  - b. A minimum of 50% open space shall be left in its natural state and shall be contiguous, plans show 50.3%
  - c. Dwelling units or sites, road right-of-way, land covered by road surfaces, parking areas, stormwater basins, collection and treatment area, structure and landscape areas which are routinely maintained are developed areas and shall not be included in the computation of minimum open space.
  - d. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or un-platted cemeteries.
  - e. A 50-buffer is to be maintained or established along the boundary of the PUD and a public road. A 30-buffer shall be maintained to the north and west of the maintenance facility. The buffer shall be included as open space, minus areas used as accesses.
  - f. The appearance of pens space areas shall be preserved by use or restrictive deed covenants, permanent easement, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.
- 17) The PUD shall develop and maintain a stormwater management plan indefinitely
  - a. Capacities of existing drainage ways shall be maintained.
  - b. Inlets and outlets to adjacent parcels shall be maintained.
  - c. All PUD's shall contain the 10-year, 24-hour storm event within the development.
  - d. Runoff from the parcel shall not be concentrated unless part of a city stormwater management plan.
- 18) The PUD shall be connected to the City sewer systems where available and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department to Health and Minnesota Pollution Control Agency.
  - a. A central water system will be installed to MN Dept of Health Standards and maintained by the HOA
  - b. Based on the City Engineer's recommendations, all drainage facilities are to be owned and maintained by the HOA. Any damage to the City infrastructure due to drainage or water system activities are to be the responsibility of the HOA.
- 19) Existing resort dormitories and maintenance facilities shall be required to be hooked up to the City sewer with appropriate ERC's and current connection fees charged by size when the wastewater system is operations for the development. Existing adjoining rental homes at 11363 Suomi Drive and 11391 Suomi Drive will be connected to City sewer if a permit to expand their footprint is requested or if the existing wastewater system fails. Cragun's will use existing connection fee credits for the sewer connection fees and if units required to connect are not connect to the wastewater system within a year, quarterly billings will begin at that time.
- 20) All PUD's shall develop and maintain erosion control by MPCA rules and throughout construction activities. All ground shall be restored or stabilized as soon as possible after being disturbed.
- 21) All planned exterior lighting shall be directed downward and shall not illuminate adjacent parcels that are directly or indirectly affected.



- 22) All PUD's shall meet the following building standards:
  - a. Parking and driving areas must be paved.
  - b. All buildings shall be earth tone in color, no vinyl siding shall be allowed, and shall be designed, constructed, and positioned to be compatible, in color, character and mass, with the surrounding land use.
- 23) The developer is allowed to proceed with the construction provided the final plat is recorded prior to Certificate of Occupancy is granted.
- 24) A 6-foot-high opaque fence will be constructed by Craun's along the west and north sides of the maintenance shop along with additional common space property for the HOA as part of the plat.
- 25) Driveway entries along a cul-de-sac area will be limited to a 12-foot width at the entry point and then expand according to impervious coverage to garage.
- 26) A system of not to exceed 24% impervious coverage will allow some flexibility by maintaining records of as-builts and comparing to the impervious chart. Credit will be allowed on larger lots if impervious coverage is less on others.
- 27) Trees to be planted along County Road 70 shall be a mixture of sizes and maintained and replaced if there is tree failure.
- 28) Area where pickleball courts were to be constructed shall remain green space.

Adopted by the East Gull Lake City Council this 5th day of December 2023.

A vote being taken on the motion, the following members of the Council voted in favor of the motion to adopt the Resolution: Mayor Kavanaugh, Councilors Bergin, Ruttger, Demgen and Hoffmann

And the following voted against: None

WHEREUPON said resolution was declared duly approved and adopted and was signed by the Mayor and attested to by the City Administrator.

Dave Kavanaugh, Mayor

Laura Christensen, City Administrator



State of Minnesota      )  
  ss  
County of Cass            )

I, the undersigned, being the duly qualified City Administrator of the City of East Gull Lake, Minnesota, hereby certify that I have carefully compared the foregoing Resolution 12:04-23 which is found in the minutes of the City Council of the City of East Gull Lake dated December 5, 2023.

And the same is a full, true, and complete copy of said Resolution 12:04-23 as found in the City records.

Witness my hand officially as such administrator December 5, 2023.

*Lana Christensen*  
Laura Christensen, City Administrator  
East Gull Lake, Minnesota

State of Minnesota      )  
  ss  
County of Cass            )

The foregoing instrument was acknowledged before me December 5, 2023 by Laura Christensen, City Administrator of the City of East Gull Lake, Minnesota.

*Kathy Schack*  
Kathy Schack, Notary Public  
My Commission Expires January 31, 2029

