

SUPPLEMENTAL PACKET

7A

EXHIBIT OF LAND EXCHANGE BETWEEN COOK AND JOHNSON

Located in the Southeast Quarter of the Southeast Quarter of Section 22, Township 28 North, Range 20 West and part of Government Lot 4 of Section 23, Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota.

LEGEND

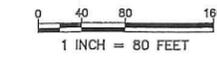
- FOUND COUNTY SECTION CORNER, AS NOTED
- SET 1-3/8" X 18" CAPPED IRON PIPE, WEIGHING 1.50 LBS. PER FOOT, UNLESS NOTED
- FOUND 3/4 INCH IRON PIPE, UNLESS NOTED
- JUDICIAL LAND MONUMENT
- WASHINGTON COUNTY R.O.W. MONUMENT, 2 INCH ALUMINUM CAP, STAMPED AS NOTED

LINE TABLE

LINE	BEARING	LENGTH
L1	N81°20'04"E	37.03'
L2	N84°27'51"E	38.03'
L3	N74°07'05"E	16.05'
L4	N56°56'17"E	12.40'



BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, T28N, R20W; LINE BEARS N00°07'19"E

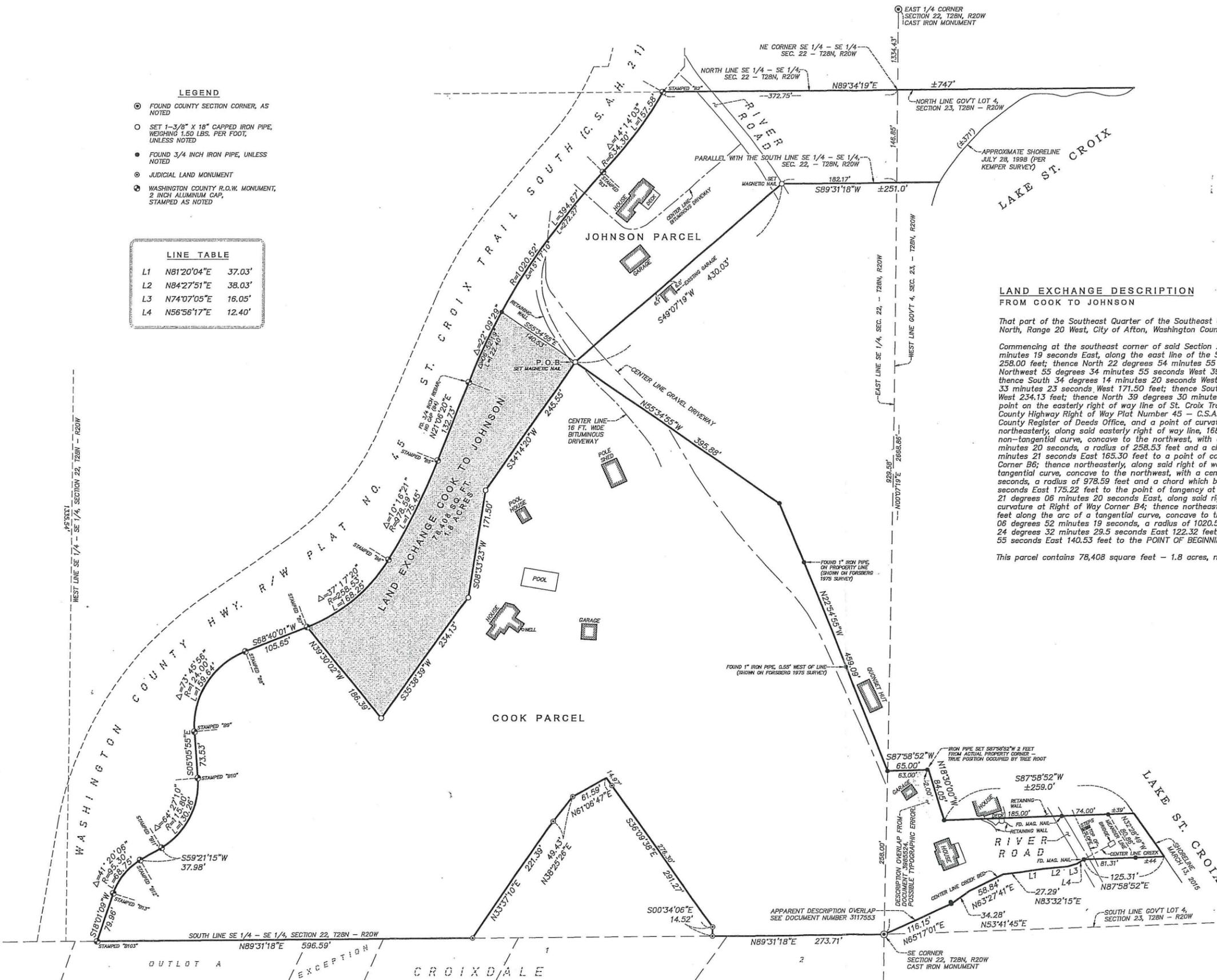


LAND EXCHANGE DESCRIPTION FROM COOK TO JOHNSON

That part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota described as follows:

Commencing at the southeast corner of said Section 22; thence North 00 degrees 07 minutes 19 seconds East, along the east line of the Southeast Quarter of said section, 258.00 feet; thence North 22 degrees 54 minutes 55 seconds West 459.09 feet; thence Northwest 55 degrees 34 minutes 55 seconds West 395.88 feet to the POINT OF BEGINNING; thence South 34 degrees 14 minutes 20 seconds West 245.55 feet; thence South 08 degrees 33 minutes 23 seconds West 171.50 feet; thence South 35 degrees 38 minutes 39 seconds West 234.13 feet; thence North 39 degrees 30 minutes 02 seconds West 186.39 feet to a point on the easterly right of way line of St. Croix Trail South as shown on Washington County Highway Right of Way Plat Number 45 - C.S.A.H. 21, on record at the Washington County Register of Deeds Office, and a point of curvature at Right of Way Corner B7; thence northeasterly, along said easterly right of way line, 168.25 feet along the arc of a non-tangential curve, concave to the northwest, with a central angle of 37 degrees 17 minutes 20 seconds, a radius of 258.53 feet and a chord which bears North 50 degrees 01 minutes 21 seconds East 165.30 feet to a point of compound curvature at Right of Way Corner B6; thence northeasterly, along said right of way line, 175.45 feet along the arc of a tangential curve, concave to the northwest, with a central angle of 10 degrees 16 minutes 21 seconds, a radius of 978.59 feet and a chord which bears North 26 degrees 14 minutes 30.5 seconds East 175.22 feet to the point of tangency at Right of Way Corner B5; thence North 21 degrees 06 minutes 20 seconds East, along said right of way, 132.73 feet to a point of curvature at Right of Way Corner B4; thence northeasterly, along said right of way, 122.40 feet along the arc of a tangential curve, concave to the southeast, with a central angle of 06 degrees 52 minutes 19 seconds, a radius of 1020.52 feet and a chord which bears North 24 degrees 32 minutes 29.5 seconds East 122.32 feet, thence South 55 degrees 34 minutes 55 seconds East 140.53 feet to the POINT OF BEGINNING.

This parcel contains 78,408 square feet - 1.8 acres, more or less.



7C

Ron Moore

From: Mary McConnell <marymcconnell@comcast.net>
Sent: Sunday, September 09, 2018 7:57 PM
To: Ron Moore
Subject: FW: Carlson PLCD: Response to Joe Bush Comments-Comments for Submission for the Record for Public Hearing, September 10, 2018 Afton Planning Commission

Ron: Can you include the comments below in the record for the Public Hearing at the Planning Commission meeting on September 10? Also, I would appreciate it if you could convey this email to the Planning Commission members as soon as possible. Can you let me know when that has been done? Thank you for your assistance. Mary

From: Mary McConnell <marymcconnell@comcast.net>
Sent: Sunday, September 9, 2018 7:54 PM
To: 'Joe Bush' <joe@joebushmn.com>
Subject: Carlson PLCD: Response to Joe Bush Comments

Joe: I don't intend to respond directly to your emails on this matter but I felt it necessary to correct the record as it relates to the claims you make in your email below.

1. A road access easement for individual lots that may be at Cedar Bluff is very different than the whole access road to the entire development being an easement as you propose with the Carlson PLCD. This is especially so in this case because the easement would be held by a third party lot at 5550 Odell which is not even in the PLCD. Plus, you will not have a 5 acre lot remaining if you convey .9 acres of road right of way to the City as required. That's the only reason you are suggesting you will just give the City an easement so you can avoid the 5 acre requirement by saying you still own the underlying 5 acre lot so you can keep a house on it hoping the City will bend over backwards for you and ignore our ordinances again. Plus, it doesn't matter if you have a 2.5 acres building site on the lot; under the RR zoning you have to have both a 5 acre lot and a 2.5 acre buildable site on that lot.
2. Mr. Forbes has told others that he has turned down your proposal to buy land from him on several occasions.
3. There have not been extensive concessions as you suggest. The 2.5-acres you reference proposed on the west side of the Turner farm was unbuildable land that you had no use for. There was already a conservation easement proposed on this side of the Turner farm so it provides no additional protection for the farm. What could have helped the farm and what you refused to consider, was a landscaped conservation easement buffer around the north and east side of the Turner farm. You could have easily moved your lots north to accommodate this request. As it is, your lot lines go right up to the farm pastures. There is no real protection just because a few trees are planted on the rear section of private property because the owner can always remove trees. With respect to the lots on the eastern boundary, there has never been a proposal presented that showed an extensive landscape buffer other than at the Rickard property. With respect to the farm access road, unfortunately the neighborhood needs protection from threats the you have made regarding the road in an attempt to silence the neighborhood concerns about the development. These threats at various times have included but are not limited to paving the road for a public bike path, using the road for emergency and maintenance vehicles, etc. Further, the neighborhood needs protection from the illegal trespass

and removal of trees Mr. Carlson conducted on neighboring properties adjacent to the farm access road as well as protection from his ongoing harassment of the Lewandowski/Dawson family.

4. Mr. Carlson paid \$430K for 5550 Odell in 2016. Right now, he could sell it for that, or more, or keep it. If, he takes the home down, he permanently loses value and the lot becomes hard to sell. Plus, he has freely told others that he wants to keep the home/lot for financial reasons related to the development. He may have a distant family member using the house, but based on what he has said, this proposal is financially motivated.

From: Joe Bush <joe@joebushmn.com>

Sent: Thursday, September 6, 2018 5:40 PM

To: 'Mary McConnell' <marymccconnell@comcast.net>

Subject: Afton Comments

Mary

I read your comments.

1. Fact: The newly developed Cedar Bluff development has road access easements on every single one of the 25 lots. The Odell lot is 5 acres with 2.5 buildable as required by the code. The access easement does not remove calculations of lot area.
2. Fact: I believe I personally have had conversations with Mr. Forbes with his intent to sell some of his land.
3. Fact: The development has created extensive concessions to the horse farm and every property bordering the East. The Turner farm was given 2.5 acres of Mr. Carlson's land and an extensive landscape buffer and extended rear yard setback of every lot bordering them. You in fact will receive the farm road access to your benefit.
4. I am not sure how you calculate the statement of "They are proposing this change solely for their financial benefit" Mr. Carlson has a family member that lives in that house and the idea of keeping it a personal decision not financial.

Joe

Joe Bush

Real Estate Sales

and Land Development Specialist

Licensed in MN and WI

Cell 651-775-4222

joe@joebushmn.com

From: Mary McConnell [<mailto:marymccconnell@comcast.net>]

Sent: Thursday, September 06, 2018 3:37 PM

To: Ron Moorse <rmoorse@ci.afton.mn.us>

Subject: Comments for Public Hearing on September 10, 2018 Before Afton Planning Commission for Application for Amended CUP on Carlson PLCD/Afton Creek Preserve

Ron: Can you send the following comments to the Planning Commission as soon as you can to be included in the materials for the Planning Commission meeting on September 10? Can you let me know when it has been sent? Thank you for your assistance.

To: Afton Planning Commission

Commissioners: Thank you for the opportunity to comment on the recent request by Joe Bush for changes to Conditional Use Permit for the Carlson PLCD/Afton Creek Preserve. We have the following comments:

PROPOSED CHANGE TO CONDITION #50: Mr. Bush/Carlson are asking to relocate the home on the five acre lot at 5550 Odell. Instead of tearing down the home as originally proposed, the five acre lot would retain the home and a 60-foot road bisecting the lot would be built to serve as second access point for the development. This proposed change would essentially add an additional home to the already 18-home development. They are proposing this change solely for their financial benefit. They have also been trying to buy land from an adjacent landowner on Odell (Doug Forbes) to try to find a way to retain the home and add more lots and otherwise help the economics of their project. To date, that landowner has refused to sell them additional land. It is disappointing but not surprising that they are reaching for additional concessions from the City when they could not give even one concession to the neighborhood in terms of a buffer for the Turner/Rhode horse sanctuary, traffic safety, eliminating the Odell access, or lot configuration.

If the home at 5550 Odell is retained and the 60 foot road access on the lot is conveyed to the City as required road dedication, the lot is no longer a conforming 5-acre lot as required under the Rural Residential zoning. The 60 foot road area equals about 0.9 acres (60 feet x approximately 638 feet) so the remaining lot would only be about 4.1 acres. At 4.1 acres, the lot would be nonconforming to have a home in the rural residential zoning. I understand that Bush/Carlson are trying to work around this problem by only conveying an easement to the City for the 60-foot road rather than conveying it outright to the City. With an easement, Bush/Carlson would still own the underlying 5 acres and argue that the house retained on the lot would conform to our ordinances. This is yet another attempt to work around our ordinances.

We are not aware of the City ever approving a road dedication for access to a subdivision with only an easement particularly when the developer has reasonable alternatives and the easement would be held by a third party outside of the boundary of the PLCD. The City has always required a full land conveyance to serve as a public road. If the City approved this it would be another example of the City bending over backwards to assist this developer at the expense of a neighborhood and Afton ordinances. The City needs full ownership of the roads in its community especially with new developments; doing anything else would establish another terrible precedent. Not only would the City be on record of allowing a developer to break up an existing final platted neighborhood to allow road access for the development even though such action clearly violates Sec. 12-2379.B.5 that requires a PLCD development design that is unified within its own boundaries. But the City would also be on record allowing a developer to get away with conveying less than full ownership of land that is to serve as a public road in order to retain a home on a non-conforming lot for the sole economic benefit of the developer.

PROPOSED CHANGE TO CONDITION #56. The developer is also trying to change a condition that did not allow any construction traffic on Odell. Instead they want an ambiguous condition that allows an exception for work related to the parcel on Odell. Under the proposed Bush/Carlson language, all the construction traffic to build

the development access road onto Odell would be allowed. The developer should continue to meet the condition that NO construction traffic be allowed on Odell. The developer has a second access that he can use for utility, road, home, planting, and all other construction work.

We hope that you will stand firm in adhering to Afton ordinances and the Conditional Use permit granted to this developer that is already full of concessions and ordinance work arounds. Thank you for your consideration.

Mary McConnell

TC

Ron Moore

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We hope that you will stand firm in adhering to Afton ordinances and the Conditional Use permit granted to this developer that is already full of concessions and ordinance work arounds. Thank you for your consideration.

Mary McConnell
5680 Odell Avenue South