

Document No. **A1584291**
OFFICE OF THE COUNTY RECORDER
OLMSTED COUNTY, MN
I hereby certify that this document was filed
in this office on 04-13-2023 at 3:17 PM
MARY BLAIR-HOEFT - DIR. PROPERTY RECORDS/LICENSING
Fee Amount: \$46.00 by deputy: ms

CONDITIONAL USE RESOLUTION-ROCHESTER PUBLIC TRANSIT

**"COVER SHEET ADDED BY OLMSTED COUNTY PROPERTY RECORDS OFFICE FOR RECORDING PURPOSES.
THIS PAGE IS NOW THE NEW FIRST PAGE OF YOUR DOCUMENT."**

pt NW-NW → 4-107-14
74 04.22.030792

**CASCADE TOWNSHIP
CONDITIONAL USE RESOLUTION
NUMBER CUP-22-01**

WHEREAS, an application for a Conditional Use Permit to allow for the construction of a Park and Ride facility has been applied for by, Rochester Public Transit (RPT), to be located in the excess right of way of the southwest quadrant of the TH52 and 75th Street NW intersection.

WHEREAS, the parcels affected by this project are identified as 740422030792, 740422078866 & 740422079648 and further described in "Exhibit A".

WHEREAS, the matter has been reviewed by the Zoning Administrator and a report submitted to the Planning Commission concerning the Conditional Use Permit request.

WHEREAS, a public hearing on the proposed conditional use was duly noticed, held and continued by the Cascade Planning Commission at the Cascade Township Hall, 2025 75th Street NE, Rochester, MN on November 15, 2022. The hearing was continued to allow the applicant more time to provide additional information to the Commission.

WHEREAS, a continued public hearing on the proposed conditional use was held by the Cascade Planning Commission at the Cascade Townhall on December 20, 2022.

NOW, THEREFORE, be it resolved by the Cascade Township Planning Commission as follows:

rd 4/13/23
4-13-2023
TCPA
ms

Cascade Township Conditional Use Policy:

1. The site may be inspected at any reasonable time by township officials to ensure compliance with this Conditional Use Permit.
2. A Conditional Use includes, at the discretion of the Town Board, a periodic review to determine compliance with the conditions of the permit, and whether changed circumstances or conditions require changes to the permit. The Town Board may also elect, upon adoption of an appropriate resolution following verification of a complaint that a condition has been violated, to conduct a review of the permit. Said review shall only take place following written notice to the owner of the subject property and a duly noticed public hearing. Following such hearing, the permit may be amended based on changed conditions and experiences with the site.
3. Violation of the terms of the conditional use permit are subject to the provisions of the CUP and the Township CUP ordinances. Applicant shall have the rights and remedies provided in the CUP. Violations of the CUP may result in revocation of the conditional use permit. The Township shall have all remedies available to it, pursuant to its ordinance, or otherwise available to it in law or equity. Notwithstanding the foregoing, in the event that Applicant fails to perform any of the terms and conditions of the CUP, the Township shall provide Applicant, in writing, a notice of default and the parties shall hold an initial meeting within ten (10) days following notice of such default for purposes of attempting to resolve the default on an amicable basis unless the Township determines that threat to health, safety or property require a shorter notice period. If the parties cannot resolve the matter, the Township may issue a notice of violation to Applicant setting forth, in detail, the action(s) that must be taken to remedy the alleged default and a reasonable time period for curing the default.
4. Reimbursement of Township costs. If a permit is revoked, the permittee shall also reimburse the Township for the Township's reasonable costs, including restoration costs and the costs of collection and reasonable attorney's fees incurred in connection with such revocation.

Conditions:

1. Final construction plans are submitted for review and approval to the TCPA and Olmsted County Public Works.
2. A drainage plan and SWPPP are submitted for review and approval to the TCPA and Olmsted County Public Works. This shall include a grading/erosion control permit issued through TCPA.
3. A traffic analysis is submitted for review and approval to Olmsted County Public Works.

4. An intergovernmental agreement for the maintenance of Prairie Vista Drive NW must be entered by the City of Rochester and the Cascade Township Board of Supervisors.
5. Once the Park and Ride facility is constructed a plan shall be established to audit the CUP for compliance at a minimum of every two (2) years.

Conclusion:

A motion was made by Brad Brech and seconded by Gary Moore to approve the application with conditions as listed above, the motion carried with all votes in favor of said motion. The Cascade Township Planning Commission hereby grants a Conditional Use Permit per Section 4.02 of the Cascade Township Zoning Ordinance to allow for the construction of a Park and Ride facility.

Passed and adopted by the Cascade Township Planning Commission this 20th day of December 2022.

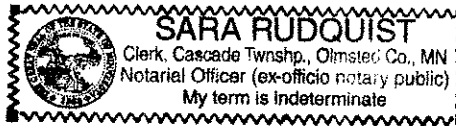


Cheryl Adolphson, Commission Chair

Attest:



Sara Rudquist, Clerk



DISTRIBUTION:

County Recorder
Township Clerk
County Planning
Zoning Administrator
Applicant

Drafted and Return to:

TCPA
4111 11th Ave SW, Room 10
Rochester, MN 55902

"Exhibit A"
Legal Description

Sect-04 Twp-107 Range-014 Com At Nw Cor Sec Th S48rds 5ft Th E To Cen Hgy 52 Th Nwly
Al Cen Rd To N Line Sec Th W To Beg Sec 4 107 14.



ROCHESTER
CITY CLERK

Contract Execution Tracking Form

Before Submitting, make sure you can check the following:

- Your department does not have a contract administrator, or this contract type does not go through that administrator.
- The Contract went through legal review prior to placement on a Council agenda.
- The Contract has received Council approval. – or -
 - No Council approval required.
- The Contract is executed by the other party – or -
 - The Contract cannot be executed by other party first (very limited.)
- A corporate acknowledgment or other signature authorization for the signing party is attached.
- Any attachments or documents referenced as part of the contract, are included.

Date Submitted: 3/16/2023

Date of Council Approval: 3/6/2023

Council Agenda Item No.: F.19

Type of Contract: Intergovernmental Agreement

Department submitting: Public Works

Name of Person Submitting: Noloan Schild

Entity Contract is with: Cascade Township

Short Description of Contract: This is an agreement between the City and Cascade Township regarding responsibility for maintenance of Prairie Vista Dr. NW. This is being created to help facilitate maintenance needs that will be created as part of the creation of the 75th St. NW Park and Ride.

Contract Manager (if different than Submitter): enter a City Teammate name here

Provide a Reason if requesting hard copy execution: Enter a reason for hard copy request.

Name of person contract should be returned to: Noloan Schild

Contact information for returned contract: nschild@rochestermn.gov

This Section for Clerk's Office Use Only

Date Received: Click or tap to enter a date.

Date Sent to City Attorney for Sign Off: Click or tap to enter a date.

Date Signed by Mayor: Click or tap to enter a date.

Date Returned: Click or tap to enter a date.

**INTERGOVERNMENTAL AGREEMENT
PRAIRIE VISTA DRIVE NW MAINTENANCE**

WHEREAS, the City of Rochester is proposing to construct a park and ride facility in the excess ROW of the SW quadrant of the 75th Street NW and TH 52 interchange which is expected to increase passenger vehicle and bus traffic on the township owned road, Prairie Vista Drive; and

WHEREAS, this increased vehicle traffic is expected to reduce road performance.

NOW, THEREFORE, BE IT RESOLVED, jointly by the Common Council of the City of Rochester and the Cascade Township Board of Supervisors that the City of Rochester will become responsible for all ongoing maintenance and repairs of the bituminous pavement, aggregate shoulder, and concrete curb and gutter located along the entirety of Prairie Vista Drive NW located within the Cascade Township right-of-way.

BE IT FURTHER RESOLVED, jointly by the Common Council of the City of Rochester and the Cascade Township Board of Supervisors that the City of Rochester will also be responsible for all ongoing snow and ice control for the entirety of Prairie Vista Drive NW located within the Cascade Township right-of-way.

BE IT FURTHER RESOLVED, jointly by the Common Council of the City of Rochester and the Cascade Township Board of Supervisors that the terms of this agreement can be reevaluated, at the request of the City of Rochester, when Prairie Vista Dr NW is no longer being used by RPT buses associated with the 75th St NW Park & Ride facility and a determination has been made as to the impact the unpredicted bus traffic has caused the township road.

BE IT FURTHER RESOLVED, jointly by the Common Council of the City of Rochester and the Cascade Township Board of Supervisors that the terms of this agreement may, in whole or in part, be terminated upon the concurrence of both parties to do so with 30 days written notice.

PASSED AND ADOPTED BY THE CASCADE TOWNSHIP
BOARD OF SUPERVISORS, THIS 13 DAY OF February, 2023



BY: [Signature]
CHAIRPERSON
BOARD OF SUPERVISORS

BY: Sara Rudquist
TOWNSHIP CLERK

CITY OF ROCHESTER:

By: [Signature]
Its Mayor

Date: 3/20/23

Attest:

By: Kimberly Gierach
Its City Clerk (Deputy)

Date: 3/20/23