

EUREKA TOWNSHIP

**DAKOTA COUNTY
STATE OF MINNESOTA**

Special Planning Commission and Town Board Meeting

October 18, 2017

Application for Residential Building Right for Ryan Murphy

Call to Order

Chair Sauber called the special meeting to order at 7:00PM. Planning Commission members present were Nancy Sauber, Ralph Fredlund, Julie Larson, and Randy Wood and Bill Funk. Township Attorney Chad Lemmons was also in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

Residential Building Right for Ryan Murphy

Chair Sauber stated that the Special Planning Commission meeting has one item on the agenda and that is for consideration of a residential building right transfer application for Ryan Murphy.

Chair Sauber noted that on the application the new address was not filled in and asked the Deputy Clerk to note that on the application.

Chair Sauber stated that The Planning Commission has a building right from Cross Nurseries that cuts across three parcels ending in 012, 014, and 016. The other side of the parcels has been transferred before. The quarter-quarter that will be transferred to Mr. Murphy's Parcel B is undeveloped regarding residential use. It is in the NE quarter of the SW quarter of Section 5.

It should be noted that Mr. Murphy has all the required attachments and Attorney Lemmons has checked out the deed from the Dakota County abstract.

Chair Sauber stated she did not have any additional questions but would like to refer Mr. Murphy to Ordinance 3, Chapter 3, Section 8, which deals with the recording of the approved transfer.

SECTION 8. RECORDING OF APPROVED TRANSFER

- A. The landowner(s) shall execute a Residential Building Right Transfer Agreement with the Township, which shall be recorded by the landowner(s) within ninety (90) days of its approval by the Town with the Dakota County Recorder. The Agreement shall be recorded against all properties required to be identified in the Agreement. Written proof of such recording shall be presented by the

landowner to the Town Clerk within one hundred and twenty (120) days after the approval of the transfer agreement by the Township.

- B. The Residential Building Right Transfer Agreement shall identify the Pre-1982 Lot of Record or the parcel and quarter-quarter section from which a building right has been transferred, and shall state that any residential building right on that Pre-1982 Lot of Record or parcel and quarter-quarter section no longer exists and has been transferred onto other property. The agreement shall identify by legal description the parcel to which the residential building right has been transferred.
- C. The Residential Building Right Transfer Agreement shall be executed and recorded by the landowner(s), and written proof of such recording presented to the town clerk, before the Town will consider any application for a building permit, or before transfer of any of the lands described in the transfer agreement, whichever occurs first.

Chair Sauber moved to recommend to the Board that they approve the Building Right Transfer from the Cross Nurseries PIN 13-0500-75-014, PIN 13-0500-75-012 and PIN 13-0500-75-016 to be transferred to PIN 13-00500-50-042, owned by Ryan Murphy at 9180 225th Street West. Commissioner Larson seconded. Motion carried unanimously.

Chair Sauber moved to adjourn the Special Planning Commission Meeting.

Tim Murphy asked if there was a chance that Ryan Murphy's building permit application could be approved pending the Transfer being recorded at the County and brought back to the Township.

Chair Sauber stated that according to the Ordinance, even though it had been done in the past it was not proper procedure to do it that way. It has to be recorded and proof has to be returned to the Township before the Township will consider any applications.

Commissioner Fredlund seconded the motion for adjournment. Meeting adjourned at 7:13 PM.

Town Board Special Meeting

Chair Barfknecht called the Special Town Board Meeting for Ryan Murphy to order at 7:16 PM. Members present were Lu Barfknecht, Butch Hansen, Carrie Jennings, Donovan Palmquist and Dan Rogers. Attorney Lemmons was also in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

Chair Barfknecht stated that the purpose of this meeting is for a Building Right Transfer for Ryan Murphy. The Town Board just heard a recommendation from the Planning Commission to recommend approval. Chair Barfknecht asked if any Board Members had any questions for Mr. Murphy. There were none.

Supervisor Hansen moved to approve the Building Right Transfer Application for Ryan Murphy with the attached documents.

Chair Barfknecht seconded. Motion carried unanimously.

Chair Barfknecht made a motion to adjourn the Special Meeting of the Town Board. Supervisor Jennings seconded. Meeting adjourned at 7:19 PM.

Respectfully submitted,

Cheryl Murphy
Deputy Clerk