

Department of Community Planning and Economic Development
Minor Subdivision
MS-233

Date: February 19, 2014

Applicant: Guthrie Theater Foundation

Address of Property: 916 2nd Street S and 801 West River Parkway

Project Name: N/A

Contact Person and Phone: Carol Lansing, (612) 766-7005

CPED Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: January 21, 2014

End of 60-Day Decision Period: March 22, 2014

Ward: 3 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

Existing Zoning: C3A, Community Activity Center District

Existing Overlay District: DH, Downtown Height Overlay District; DP, Downtown Parking Overlay District; MR, Mississippi River Critical Area Overlay District

Zoning Plate Number: 14

Legal Description: See survey.

Proposed Use: To create two parcels out of one existing parcel. Parcel 1 would be retained by the Guthrie Theater Foundation for potential future expansion and Parcel 2 will be conveyed to the Park Development Foundation for permanent use as park (Gold Medal Park).

Concurrent Review: Minor subdivision to create two parcels out of one parcel.

Applicable Code Provisions: Chapter 598 Subdivisions.

Development Plan: Please see attached survey. There are no immediate plans for development on either parcel. Parcel 2 would remain part of the existing Gold Medal Park. Parcel 1 may be utilized for potential future expansion of the Guthrie Theater complex. However, there are no plans for expansion at this time.

Background: The proposed subdivision would split one existing parcel into two. The current parcel is a large, irregularly shaped parcel that is approximately 139,361 square feet in area. The applicant is

proposing to split the existing parcel into two. The proposed Parcel 1 would be 19,137 square feet in area and the proposed Parcel 2 would be 120,224 square feet in area. The land within the existing parcel has been leased to the Park Development Foundation under a 10-year lease that expires in 2016. This lot comprises approximately one-half of Gold Medal Park. The purpose of the subdivision is to create two lots, the larger of which would remain part of Gold Medal Park. The smaller parcel would be retained by the Guthrie Theater Foundation for potential future expansion, though no such expansion is proposed at this time and no immediate changes are proposed for the land.

As of the writing of this report, staff has not received any comments from the Downtown Minneapolis Neighborhood Association. Any comments, if received, will be forwarded to the Commission for consideration.

MINOR SUBDIVISION

Required Findings:

- 1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The proposed subdivision would create two parcels out of one parcel. Proposed Parcel 1 would be approximately 139,361 square feet in area and would remain part of Gold Medal Park. Proposed Lot 2 would be approximately 19,137 square feet in size would allow for potential future expansion of the Guthrie Theater complex.

Zoning code:

The proposed parcels meet the zoning code regulations.

Subdivision regulations:

The proposed parcels meet the subdivision regulations.

Comprehensive plan

On the future land use map in the *Minneapolis Plan for Sustainable Growth*, the portion of the site that is west of 10th Avenue S is designated as Public/Institutional. The portion of the site that is east of 10th Avenue S is Park/Open Space. The following policies of the comprehensive plan are relevant to this application:

Open Space and Parks Policy 7.1: Promote the physical and mental health of residents and visitors by recognizing that safe outdoor amenities and spaces support exercise, play, relaxation and socializing.

7.1.1 Ensure that adjacent land uses contribute to the safety and ambiance of parks and open spaces.

Policy 7.3: Maintain and improve the accessibility of open spaces and parks to all residents.

7.3.1 Ensure that access to the city's lakes, streams and the Mississippi River continues to be maintained for the benefit of present and future citizens of Minneapolis.

- 7.3.2 Encourage the development of a broad array of recreation facilities and opportunities in response to a diverse range of resident interests.
- 7.3.3 Support the development of additional publicly accessed open spaces in underserved areas.

Policy 7.6: Continue to beautify open spaces through well designed landscaping that complements and improves the city's urban form on many scales – from street trees to expansive views of lakes and rivers.

- 7.6.1 Where open spaces and the built environment interface, seek greater design integration between them to create interesting spaces for active and passive use.
- 7.6.2 Provide visual and physical connections between urban areas and open spaces including lakes and rivers.

Staff finds that the proposed subdivision is consistent with the above noted language of the comprehensive plan. The proposed minor subdivision will allow for the majority of the existing parcel to remain part of Gold Medal Park upon expiration of the existing lease. The potential future expansion of the Guthrie Theater on Parcel 1 is also supported by the comprehensive plan given the future land use designation as Public/Institutional.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed subdivision will not be injurious to the use or enjoyment of other property in the vicinity or be detrimental to surrounding land uses. There are no immediate plans to change the physical conditions on either proposed parcel. The proposed subdivision will allow for the long-term vitality of Gold Medal Park while allowing for a potential future expansion of the Guthrie Theater. As there is no development proposed at this time, no traffic or congestion impacts will result from the minor subdivision. Any future expansion of the Guthrie Theater would be evaluated on its own merit at the time of proposal, including an evaluation of traffic congestion in the public streets.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.**

None of these hazards exist on the property.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

Department of Community and Economic Development Report
MS-233

The proposed lots are suitable in their natural state for the proposed uses with minimal alteration. Both proposed parcels have frontage on 2nd Street S and are large enough to allow driveway access and the issuance of building permits with no foreseeable issues. As noted above, no development is proposed at this time.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The proposed subdivision makes adequate provisions for stormwater and surface water runoff, as well as erosion control. The physical conditions on the site are not proposed to change as a result of this subdivision and as such, the amount of stormwater runoff from the site is not affected. The site is currently utilized as a park and is predominantly pervious. Any future development on Parcel 1 would be evaluated for stormwater runoff impacts at the time such development is proposed.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department:

The Community Planning and Economic Development Department recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision to create two lots on the property located at 916 2nd Street South and 801 West River Parkway.

Attachments:

- 1) Statement and findings from applicant
- 2) Correspondence
- 3) Zoning map
- 4) Existing survey/proposed site plan

STATEMENT OF PROPOSED USE AND REQUIRED FINDINGS

The land within the proposed subdivision, currently described as Lot 2, Block 1, Guthrie, has been leased to the Park Development Foundation (the "Foundation") under a 10-year lease that expires in 2016. Lot 2 constitutes approximately one-half of Gold Medal Park. The purpose of the subdivision is to create two parcels, the larger of which (Parcel 2) may then be conveyed to the Foundation for permanent use as park. The Guthrie will retain Parcel 1 for potential future expansion of the theater complex and will lease it to the Foundation in the meantime for continued use as park. The Guthrie does not currently have any plans for expansion and no changes in use are planned for the proposed minor subdivision parcels. The proposed minor subdivision complies with the following required findings.

- 1) *The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.*

The subdivision is in conformance with the applicable zoning and land subdivision regulations, including the design requirements of Chapter 598, Article III, of the subdivision ordinance. The land is guided as Public and Institutional on the comprehensive plan's future land use map and is zoned C3A. Theaters and parks are permitted uses in the C3A District. The ongoing use of the land as park and the potential expansion of the theater on Parcel 1 are both consistent with the policies of the comprehensive plan, which support development and maintenance of cultural and recreational uses along the Mississippi riverfront.

- 2) *The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.*

The subdivision will not be injurious to the use and enjoyment of other property in the vicinity, be detrimental to surrounding land uses, or increase congestion in the public streets. The minor subdivision will support the long-term viability of the privately-managed Gold Medal Park, while maintaining the potential for expansion of the Guthrie Theater.

- 3) *All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.*

Parcel 1 is intended for potential expansion of the Guthrie Theater. The land can be safely redeveloped and maintained without danger to the users of the subdivision or the surrounding area. The site is not subject to flooding. Any soil conditions that require environmental or other remediation will be addressed in accordance with applicable regulations. Development will also comply with all applicable regulations for erosion control, drainage and utilities.

- 4) *The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.*

Both proposed parcels have frontage on 2nd Street South and the lot arrangement will pose no difficulties in securing building permits or in providing driveway access to the site. The proposed lots are suitable in their existing state for the proposed uses with minimal alteration.

- 5) *The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of*

stormwater runoff from the site after development will not exceed the amount occurring prior to development.

The land is currently developed and used as park. The park was developed in conformance with then-applicable stormwater management requirements. There are no plans at this time for new development on the site. The proposed subdivision allows for adequate provision for stormwater management if development should occur in the future.

Carol Lansing
Counsel
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Direct +1 612 766 7005

Faegre Baker Daniels LLP
2200 Wells Fargo Center • 90 South Seventh Street
Minneapolis • Minnesota 55402-3901
Phone +1 612 766 7000
Fax +1 612 766 1600

December 31, 2013

Christie Rock-Hantge
DMNA Neighborhood Coordinator
40 South 7th Street, Suite 212 (PMB 172)
Minneapolis, MN 55402

Council Member Jacob Frey
307 City Hall
350 S. 5th Street
Minneapolis, MN 55415

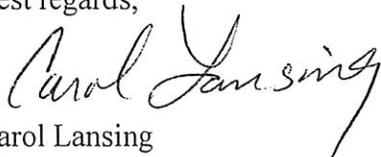
Re: Application of Guthrie Theater Foundation for Minor Subdivision

Dear Ms. Rock-Hantge and Council Member Frey:

On behalf of the Guthrie Theater Foundation (the "Guthrie"), I am writing to notify you that the Guthrie is submitting an application for Minor Subdivision of the land it owns located at 916 2nd Street South and 801 West River Parkway. That land is currently leased to the Park Development Foundation (the "Foundation") as the west, approximately one-half of Gold Medal Park. The purpose of the subdivision is to create two parcels, the larger of which (Parcel 2) may then be conveyed to the Foundation for permanent use as park. The Guthrie will retain Parcel 1 for potential future expansion of the theater complex and will lease it to the Foundation in the meantime for continued use as park. A copy of the proposed subdivision survey is attached for your reference.

I am the Applicant's contact person for this application and my contact information is above. Please do not hesitate to contact me if you have any questions regarding this application. A Planning Commission hearing will be required, but the hearing date has not yet been scheduled. Kimberly Holien is the planner assigned to this minor subdivision application.

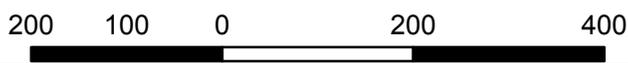
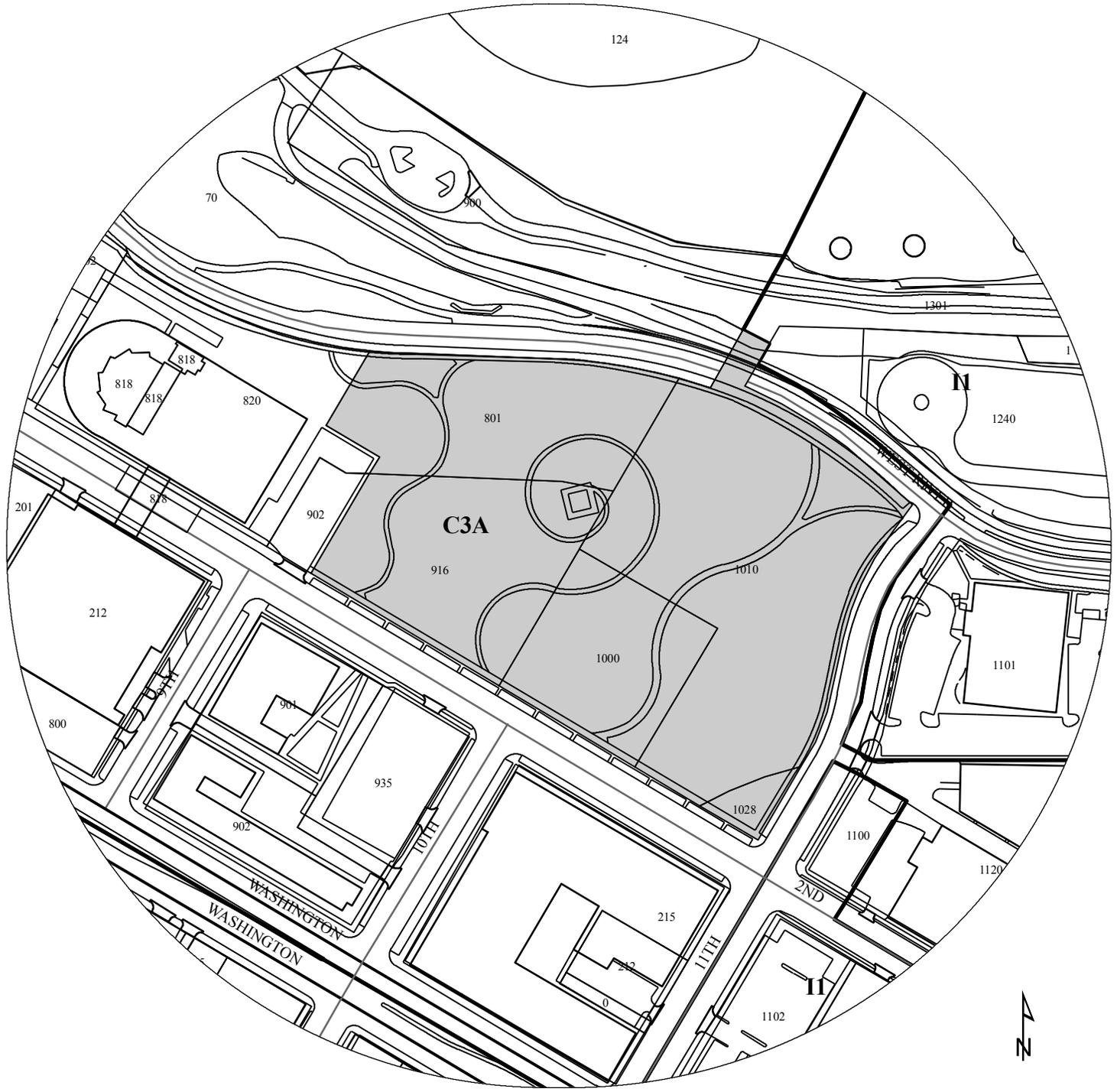
Best regards,



Carol Lansing

c: Kimberly Holien

Enclosure



ZONING NOTES

1.) Zoning information obtained from the City of Minneapolis web site on November 22, 2013.

The subject property is zoned C3A. (Commercial - Community Activity Center District)

Uses located in commercial districts shall not be subject to minimum yard requirements, unless subject to provisions of sections (b) and (c). (See 548.140 of City Code)

Restrictions (i.e., building setbacks, height and bulk restrictions, etc.) shown hereon are based on information provided and are subject to interpretation. We cannot certify to a restriction on the basis of an interpretation or the opinion of another party as stated in note under "Table A" of "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys".

2.) Parking: None designated

DESCRIPTION OF PROPERTY SURVEYED

(Per Commercial Partners Title, LLC as agent for Stewart Title Guaranty Company Commitment for Title Insurance File No. 37698, effective date October 15, 2013)

That part of the following tract of land which lies above, but not below, a horizontal plane having an elevation of 790 feet above sea level according to the National Geodetic Vertical Datum 1929 Adjustment:

Lot 2, Block 1, Guthrie, according to the recorded plat thereof.

Hennepin County, Minnesota
Abstract Property

PLAT RECORDING INFORMATION

The plat of Guthrie was filed of record on October 6, 2003, as Document No. 8184917.

[] Bearings and/or dimensions listed within brackets are per plat or record documents.

TITLE COMMITMENT

Commercial Partners Title, LLC as agent for Stewart Title Guaranty Company Commitment for Title Insurance File No. 37698, effective date October 15, 2013, was relied upon as to matters of record.

Schedule B Exceptions:

1) Exceptions are indicated on survey with circled numbers where applicable.

- 11.) Terms and conditions of and easements contained in Grant of Easement dated February 8, 2002, filed April 25, 2002, as Document No. 7709398, and unrecorded Agreement dated February 8, 2002, between Minneapolis Park and Recreation Board and the Guthrie Theater Foundation. Assigned to the Guthrie Theater Foundation by Assignment of Easement dated October 3, 2003, filed October 6, 2003, as Document No. 8184920. [not on or touching subject property]
- 12.) Terms and conditions of and easements contained in Easement Agreement dated May 2, 1994, filed June 9, 1994, as Document No. 6297296. [shown on survey]
- 13.) Terms and conditions of Declaration of Restrictive Covenants by Minneapolis Community Development Agency dated October 3, 2003, filed October 6, 2003, as Document No. 8184918. [not plottable]
- 18.) Terms and conditions of Environmental Covenant and Easement dated January 15, 2013, filed February 7, 2013, as Document No. 9904886. [Easement pertains to "Restricted Area" which is defined as "entire property located four (4) feet below the subsurface"]

GENERAL NOTES

1.) Adjoining ownership information shown hereon was obtained from the Hennepin County Property Tax Information web site. Ownership information is subject to revision upon receipt of a title search by a title insurance company.

2.) Survey coordinate basis: Hennepin County Coordinate System

UTILITY NOTES

1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, excavation may be necessary.

2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.

4.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.

FLOOD ZONE NOTE

1.) The subject property lies within Zone X (Areas determined to be outside the 0.2% annual chance floodplain) per the National Flood Insurance Program, Flood Insurance Rate Map Community Panel No. 2701720357E, dated September 2, 2004.

LIST OF POSSIBLE ENCROACHMENTS

The following list of possible encroachments is only the opinion of this surveyor; should not be interpreted as a legal opinion and should not be interpreted as a complete listing.

[A] Possible encroachments are indicated on survey with boxed letters as listed below.

- A.) Shared Gold Medal Park without apparent agreement
- B.) Riprap along northwesterly property line

SURVEYOR'S CERTIFICATION

To: Guthrie Theater Foundation, a Minnesota non-profit corporation; Minneapolis Park Foundation; Commercial Partners Title, LLC and Stewart Title Guaranty Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 7(b)(1), 8, 9, 11(b) and 13 of Table A thereof. The field work was completed on November 15, 2013.

Dated this 22nd day of November, 2013.

SUNDE LAND SURVEYING, LLC.

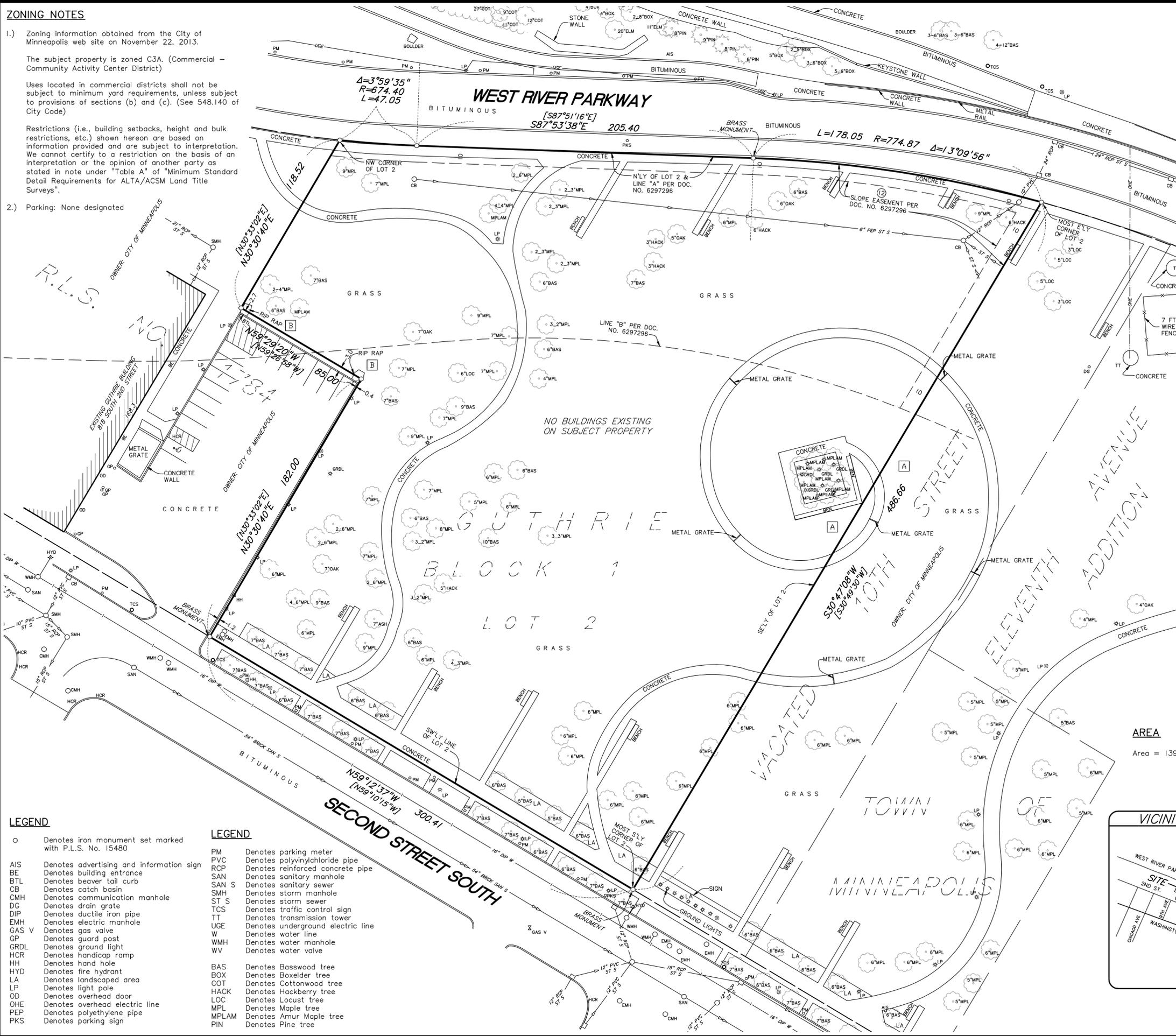
By: *Mark S. Hanson*
Mark S. Hanson, P.L.S. Minn. Lic. No. 15480

LEGEND

- o Denotes iron monument set marked with P.L.S. No. 15480
- AS Denotes advertising and information sign
- BE Denotes building entrance
- BTL Denotes beaver tail curb
- CB Denotes catch basin
- CMH Denotes communication manhole
- DG Denotes drain grate
- DIP Denotes ductile iron pipe
- EMH Denotes electric manhole
- GAS V Denotes gas valve
- GP Denotes guard post
- GRDL Denotes ground light
- HCR Denotes handicap ramp
- HH Denotes hand hole
- HYD Denotes fire hydrant
- LA Denotes landscaped area
- LP Denotes light pole
- OD Denotes overhead door
- OHE Denotes overhead electric line
- PEP Denotes polyethylene pipe
- PKS Denotes parking sign

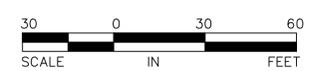
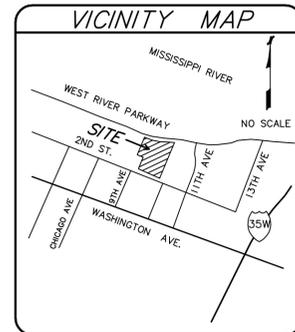
LEGEND

- PM Denotes parking meter
- PVC Denotes polyvinylchloride pipe
- RCP Denotes reinforced concrete pipe
- SAN Denotes sanitary manhole
- SAN S Denotes sanitary sewer
- SMH Denotes storm manhole
- ST S Denotes storm sewer
- TCS Denotes traffic control sign
- TT Denotes transmission tower
- UGE Denotes underground electric line
- W Denotes water line
- WMH Denotes water manhole
- WV Denotes water valve
- BAS Denotes Basswood tree
- BOX Denotes Boxelder tree
- COT Denotes Cottonwood tree
- HACK Denotes Hackberry tree
- LOC Denotes Locust tree
- MPL Denotes Maple tree
- MPLAM Denotes Amur Maple tree
- PIN Denotes Pine tree



AREA

Area = 139,361 square feet of 3.199 acres



Revision	By	Date

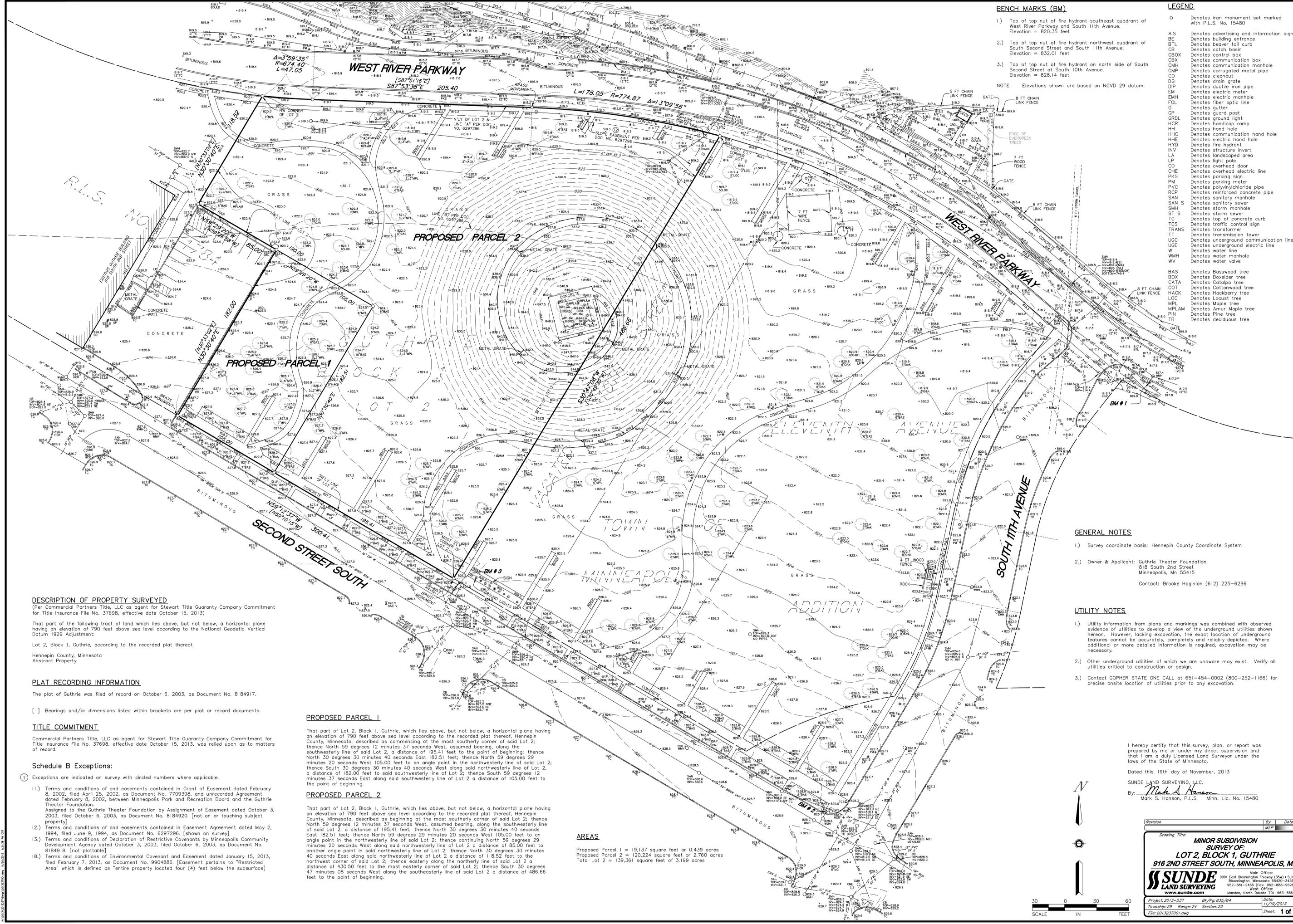
Drawing Title:
**ALTA/ACSM LAND TITLE SURVEY FOR:
GUTHRIE THEATER FOUNDATION
801 WEST RIVER PARKWAY &
916 2ND STREET S, MINNEAPOLIS, MN**

SUNDE LAND SURVEYING
www.sunde.com

Main Office: 9001 East Bloomington Freeway (35W) • Suite 118
Bloomington, Minnesota 55420 • 3435
952-881-2455 (Fax: 952-888-9526)
West Office: Mandan, North Dakota 701-663-5562

Project: 2013-237 Bk/Pg: 835/64 Date: 11/22/2013
Township: 29 Range: 24 Section: 23
File: 2013237002.dwg Sheet: 1 of 1

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BENCH MARKS (BM)

- 1.) Top of top nut of fire hydrant southeast quadrant of West River Parkway and South 11th Avenue. Elevation = 820.35 feet
- 2.) Top of top nut of fire hydrant northwest quadrant of South Second Street and South 11th Avenue. Elevation = 832.01 feet
- 3.) Top of top nut of fire hydrant on north side of South Second Street at South 10th Avenue. Elevation = 828.14 feet

NOTE: Elevations shown are based on NGVD 29 datum.

LEGEND

- Denotes iron monument set marked with P.L.S. No. 15480
- △ Denotes advertising and information sign
- BE Denotes building entrance
- BTCL Denotes beaver all curb
- CB Denotes catch basin
- CBX Denotes control box
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- CMP Denotes corrugated metal pipe
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- ST S Denotes storm sewer
- TC Denotes top of concrete curb
- TCS Denotes traffic control sign
- TRANS Denotes transformer
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- LOC Denotes Locust tree
- MPL Denotes Maple tree
- MPLAM Denotes Amur Maple tree
- PIN Denotes Pine tree
- TR Denotes deciduous tree

GENERAL NOTES

- 1.) Survey coordinate basis: Hennepin County Coordinate System
- 2.) Owner & Applicant: Guthrie Theater Foundation
818 South 2nd Street
Minneapolis, Mn 55415
Contact: Brooke Haglin (612) 225-6296

UTILITY NOTES

- 1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, excavation may be necessary.
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- 3.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 19th day of November, 2013
 SUNDE LAND SURVEYING, LLC.
 By: *Mark S. Hanson*
 Mark S. Hanson, P.L.S. Minn. Lic. No. 15480

Revision	By	Date

Drawing Title:
MINOR SUBDIVISION SURVEY OF LOT 2, BLOCK 1, GUTHRIE 916 2ND STREET SOUTH, MINNEAPOLIS, MN

SUNDE LAND SURVEYING
 www.sunde.com

Main Office: 9001 East Bloomington Freeway (35W) • Suite 118
 Bloomington, Minnesota 55420-3438
 952-881-2455 (Fax: 952-888-9526)

West Office: Mandan, North Dakota 701-663-5562

Project: 2013-237 Bx/Pg: 835/84 Date: 11/19/2013
 Township: 29 Range: 24 Section: 23 Sheet: 1 of 1

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 Hennepin County, Minnesota
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PROPOSED PARCEL 1

That part of Lot 2, Block 1, Guthrie, which lies above, but not below, a horizontal plane having an elevation of 790 feet above sea level according to the recorded plat thereof, Hennepin County, Minnesota, described as commencing at the most southerly corner of said Lot 2; thence North 59 degrees 12 minutes 37 seconds West, assumed bearing, along the southerly line of said Lot 2, a distance of 195.41 feet to the point of beginning; thence North 30 degrees 30 minutes 40 seconds East 182.51 feet; thence North 59 degrees 29 minutes 20 seconds West 105.00 feet to an angle point in the northwesterly line of said Lot 2; thence South 30 degrees 30 minutes 40 seconds West along said northwesterly line of Lot 2, a distance of 182.00 feet to said southwesterly line of Lot 2; thence South 59 degrees 12 minutes 37 seconds East along said southwesterly line of Lot 2 a distance of 105.00 feet to the point of beginning.

PROPOSED PARCEL 2

That part of Lot 2, Block 1, Guthrie, which lies above, but not below, a horizontal plane having an elevation of 790 feet above sea level according to the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the most southerly corner of said Lot 2; thence North 59 degrees 12 minutes 37 seconds West, assumed bearing, along the southerly line of said Lot 2, a distance of 195.41 feet; thence North 30 degrees 30 minutes 40 seconds East 182.51 feet; thence North 59 degrees 29 minutes 20 seconds West 105.00 feet to an angle point in the northwesterly line of said Lot 2; thence continuing North 59 degrees 29 minutes 20 seconds West along said northwesterly line of Lot 2 a distance of 85.00 feet to another angle point in said northwesterly line of Lot 2; thence North 30 degrees 30 minutes 40 seconds East along said northwesterly line of Lot 2 a distance of 118.52 feet to the northwest corner of said Lot 2; thence easterly along the northerly line of said Lot 2 a distance of 430.50 feet to the most easterly corner of said Lot 2; thence South 30 degrees 47 minutes 08 seconds West along the southeasterly line of said Lot 2 a distance of 486.66 feet to the point of beginning.

AREAS

Proposed Parcel 1 = 19,137 square feet or 0.439 acres
 Proposed Parcel 2 = 120,224 square feet or 2.760 acres
 Total Lot 2 = 139,361 square feet or 3.199 acres

