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City of Minnetonka Beach

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HENNEPIN COUNTY, MINNESOTA

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AS DOCUMENT

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Michael J. Bennett

CO. REC.

[Signature]

DEPUTY

E. City of Mtnka Beach.

CLERK'S CERTIFICATION

The undersigned duly qualified and acting City Clerk of the City of the Village of Minnetonka Beach, Minnesota, hereby certifies that attached hereto is a true and correct copy of:

RESOLUTION NO. 2002-40

A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT
LAFAYETTE CLUB AT
2800 NORTHVIEW ROAD
FOURTH AMENDMENT TO THE CONDITIONAL USE PERMIT

LEGALLY DESCRIBED AS ATTACHED

MINNETONKA BEACH, HENNEPIN COUNTY, MINNESOTA

As approved by the City Council of the City of the Village of Minnetonka Beach, which originals are on file in the office of the City Clerk, City of the Village of Minnetonka Beach.

Marilyn Regan
City Clerk



Return to:
City of Minnetonka Beach
P.O. Box 146
Minnetonka Beach, MN 55361
952/471-8878

CITY OF THE VILLAGE OF MINNETONKA BEACH

RESOLUTION NO. 2002-40

A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT
LAFAYETTE CLUB AT
2800 NORTHVIEW ROAD
FOURTH AMENDMENT TO THE CONDITIONAL USE PERMIT
Dated November, 14 1988
LEGAL DESCRIPTION AS ATTACHED

MINNETONKA BEACH, HENNEPIN COUNTY, MINNESOTA

WHEREAS, Lafayette Club Inc., warrants and represents that it is the owner of the Lafayette Club, Scott Bremer, General Manager and, AJ Greenshields President (Applicant), and;

WHEREAS, Section 206 (7) of the Minnetonka Beach City Code, effective August 31, 1996 (City Code) requires a Conditional Use Permit to operate a Country Club in a residential zoning district, and;

WHEREAS, the applicant has applied for the Fourth Amendment to the Conditional Use Permit dated November 14, 1988 (CUP) via the application dated June 7, 2002 (the Application), and;

WHEREAS, the Applicant has provided information in the Application and a letter of agreement dated December 15, 2001 as to the nature of the requested Fourth Amendment to make improvements to the fire protection system and make improvements to the water system by providing an eight inch water line to create a "looped" water system to the Club House, and;

WHEREAS, such new 8-inch water line will be built to standards specified by the State of Minnesota and City from the existing City eight inch water line located in Woodbridge Road to the Lafayette Club House and interconnected with the existing Club House water supply system including the existing 6 inch water service line in such away as to improve fire protection of the Club House and;

WHEREAS, this looped water supply solution to fire protection has been agreed to by Lafayette Club Inc. after working with the City Engineer and Fire Chief and reviewing several alternatives, and;

WHEREAS, Lafayette Club Inc. for itself and its successors has agreed to install the new 8-inch water line by December 31, 2003 and to perpetually maintain the entire "loop" water system including the 8-inch line there after, and;

WHEREAS, Lafayette Club has been issued a Temporary Certificate of Occupancy by the Building Official dated February 8, 2002 for occupancy of the 5000 square foot addition by the which shall expire on December 31, 2003, and;

WHEREAS, the requested Fourth Amendment to the CUP has been reviewed by the Planning Commission at a Public Hearing on July 15, 2002 and by the City Council on September 9, 2002 and;

WHEREAS, the Planning Commission made the following findings after reviewing the Application and other documents, taking testimony and recommended approval of the Fourth Amendment to the CUP to the City Council:

1. The Fire Chief has demonstrated that the existing system is inadequate to protect the Club House from fire,
2. The City engineer has provided information that there is not sufficient water pressure from the existing system to adequately fight a fire,
3. The Club is in violation of the existing Conditional Use Permit requiring an 8-inch line from Cottage Lane to the Club House,
4. The Club has entered into an agreement holding the City harmless until such time as the Club installs the new looped water supply system
5. The City Engineer has worked with the Lafayette Club, Inc. and their experts to review alternative fire protection water supply systems and finds along with Lafayette Club, Inc. that the best solution is a looped water system with a 6 inch line to Cottage Lane and an 8-inch line to Woodbridge Road.
6. A new looped water supply system is necessary to provide adequate fire suppression at the Club

WHEREAS, nothing in this Amendment alters, changes or otherwise nullifies the conditions of the CUP, and;

WHEREAS, on September 9, 2002, the City Council has made the findings as required by Section 229 (2) of the City Code,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of the Village of Minnetonka Beach, Minnesota, to issue the Fourth Amendment to the CUP providing fire safety improvements and water system improvements, making the following findings as required by the City Code and imposing the following reasonable conditions to its issuing the Fourth Amendment to the CUP:


- A. Public Welfare: With the following condition, which has been agreed to by Lafayette Club Inc., the proposed amendment will not endanger, injure or detrimentally affect the use and enjoyment of other property in the immediate vicinity or the public health, safety, comfort, convenience or general welfare of the neighborhood or the City:
 1. The proposed eight-inch line from the Woodbridge Road City Water System interconnected to Club House water system is the second phase of a looped

water system. This second phase as agreed to by Lafayette Club Inc. and its successors shall be installed no later than December 31, 2003.

2. The proposed 8-inch line will be built to City and State standards with final construction plans including erosion control plan to be approved by the City Engineer and Fire Chief
- B. Public Facilities and Services: the proposed looped water system will be serviced adequately by and will not adversely affect essential public facilities and services including, streets, police and fire protection, drainage, refuse disposal, water and sewer systems, and parks; and will not, in particular, create traffic congestion or interference with traffic on the adjacent and neighboring public thoroughfares:
 - C. No Detrimental Effect: the proposed amendment will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person or property because of excessive traffic, noise, smoke, fumes, glare, orders, dust or vibrations:
 - D. No Destruction, Loss, and Damage: With the following condition, the proposed amendment will not result in the destruction, loss of damage of the natural, scenic, or historic features of major importance."
 1. The major trees within 30 feet of the construction area are to be protected during construction.
 - E. The Lafayette Club is responsible for the actions of the contractors.
 - F. Violation of or non-compliance with any of the terms and conditions of this resolution shall constitute a violation of the zoning code, shall automatically terminate any authority granted herein, and shall be punishable as a misdemeanor.
 - G. The City and Lafayette Club, Inc, agree that failure to install the 8-inch water line before December 31, 2003 or a later date as agreed to in writing by the Club and City Council shall be a violation of the Conditional Use Permit and the Temporary Certificate of Occupancy and that the City Council without objection from the Lafayette Club, Inc. or its successors may take all actions necessary and available to it to insure that adequate fire protection is provide to the Club House
 - H. Upon acceptance of the "looped" water system by the City Engineer and Fire Chief, a final Certificate of Occupancy will be issued by the City Building Official

Date

Dec 9, 2002

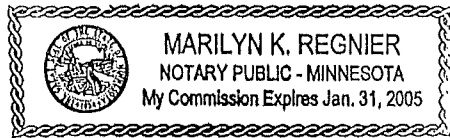

Mike Bloom, Mayor

ATTEST:

Marilyn K. Regnier
City Clerk

State of Minnesota)
)ss.
County of Hennepin)

The foregoing instrument was acknowledged before me this 9th day of December, 2002, by Mike Bloom, Mayor of the City of the Village of Minnetonka Beach, a Minnesota municipal corporation.



Marilyn K. Regnier
Notary Public

A. J. Greenshields, President and Scott Bremer, General Manager, the undersigned, warrant that they have express authority to:

1. make the application for this Fourth Amendment to the CUP, and
2. sign this Resolution on behalf of Lafayette Club, Inc. binding the Lafayette Club, Inc. and its successors to the conditions of this Resolution

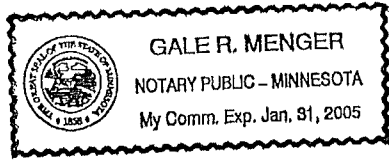
The undersigned Applicants on behalf of the Lafayette Club, Inc. successors and assigns have read, understand and hereby agree to the terms of this Resolution and agree that the conditions contained in this Resolution are reasonable. The undersigned hereby agree to the recording of this resolution in the chain of title of the property.

Dated 12/17/02

A.J. Greenshields
A.J. Greenshields, President
Scott Bremer
Scott Bremer, General Manager

State of Minnesota)
)ss.
County of Hennepin)

The foregoing instrument was acknowledged before me this 17th day of December, 2002, by R.J. Greenshield and Scott Bremer the president and general manager respectively of Lafayette Club, Inc., a Chapter 317A nonprofit corporation under the laws of Minnesota, on behalf of the corporation.



Gale R. Menger
Notary Public

EXHIBIT "B"
LEGAL DESCRIPTION

Parcel 1:

That part of Government Lots 5, 6 and 7, that part, now vacated, of Minnetonka Beach on Lake Minnetonka, and that part of the vacated streets and alleys adjoining said parcels, all in Section 16, Township 117, Range 23, described as follows: Beginning at the intersection of the north line of the Great Northern Railroad right-of-way with the southeasterly line of Cottage Place; thence easterly along the northerly line of said right-of-way to the west line of Lafayette Place vacated; thence northerly along said west line to the shore of Crystal Bay; thence northwesterly, westerly, and southwestery, along the shore of Crystal Bay, to the point of intersection with the northwesterly extension of the southwestery line of Lot 115, now vacated, Minnetonka Beach on Lake Minnetonka; thence southeasterly along said extension and said southwestery line to the most southerly corner of said Lot 115; thence Northeasterly along the Southeasterly line of Lots 115 and 114, now vacated, Minnetonka Beach on Lake Minnetonka, to the point of intersection with the northwesterly extension of the southwestery line of Lot 144, now vacated, Minnetonka Beach on Lake Minnetonka; thence southeasterly along said extension and said southwestery line, and along the southeasterly extension of the southwestery line of said Lot 144, to the southeasterly line of vacated Cottage Place; thence southwestery along the southeasterly line of vacated Cottage Place to the point of beginning;

ALSO: That part of Government Lot 6, Section 16, Township 117, Range 23, described as follows:

Beginning at the intersection of the south line of the right-of-way of the Great Northern Railroad and the west line of Lafayette Place; thence south along the west line of Lafayette Place to the north line of Lafayette Ave.; thence westerly along the north line of Lafayette Ave. to the east line of the street lying east of Lots 166 and 167 in Minnetonka Beach on Lake Minnetonka; thence north on the east side of said street to the south line of said right-of-way line; thence easterly along same to beginning. In Section 16, Township 117, Range 23, EXCEPT that part lying within the following described tract: That part of vacated Lafayette Place as platted in Minnetonka Beach on Lake Minnetonka and that part of Government Lot 6, Section 16, Township 117, Range 23 described as follows: Beginning at the southwest corner of Lot 1 of said Minnetonka Beach on Lake Minnetonka; thence west along the westerly extension of the south line of said Lot 1, a distance of 71 feet; thence north parallel with the westerly line of said Lot 1, a distance of 82.45 feet; thence east parallel with said south extended line of said Lot 1, a distance of 19 feet; thence north parallel with the westerly line of said Lot 1, to an intersection with north line of said Lot 1 extended westerly; thence east along the westerly extension of the north line of said Lot 1 to the northwest corner of said Lot 1; thence south along the westerly line of said Lot 1 to the point of beginning, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

And according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

Parcel 2:

All that part of the Dakota Rail Inc. railroad right-of-way located in Section 16, Township 117, Range 23, Hennepin County, Minnesota which lies easterly of Northview Road, formerly Cottage Place as dedicated in the recorded plat of Minnetonka Beach, on Lake Minnetonka, Hennepin Co. and which lies westerly of the extension of the centerline of vacated Lafayette Place as dedicated in the recorded plat of Minnetonka Beach, on Lake Minnetonka, Hennepin Co. Except that part which lies 6 feet on each side of the centerline of the existing main line track.

Together with those parts of vacated Lafayette Place and Lafayette Avenue, which accrued to the subject property by vacation thereof.

Together with easements for crossing as set out in that certain Easement Agreement dated August 9, 1990, Rec'd September 18, 1990 as Document Number 5702973.

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