

2/3/04



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Certified filed and or recorded on above date:

Office of the County Recorder  
Hennepin County, Minnesota

Michael H. Cunniff, County Recorder

Deputy 5 TransID 55835

Fees

\$15.00 DOC

\$4.50 SUR

\$5.00 MAIL

\$1.00 COPY

\$25.50 Total

## 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. 2004-09

### A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT FOR TWO PADDLE TENNIS COURTS

### TO THE LAFAYETTE CLUB FOR PROPERTY AT 2800 NORTHVIEW ROAD

### FIFTH AMENDMENT TO THE CONDITIONAL USE PERMIT DATED NOVEMBER 14, 1988

### LEGAL DESCRIPTION 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.

  
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. 2004-09

A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT  
FOR TWO PADDLE TENNIS COURTS

TO THE LAFAYETTE CLUB  
FOR PROPERTY AT 2800 NORTHVIEW ROAD

FIFTH 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 Richard Adams, President (Applicant) and;

WHEREAS, Section 206 (7) of the Minnetonka Beach City Code, effective August 31, 1996 (City Code) requires a Conditional Use Permit(CUP) to operate a Country Club in the Single Family Residential Zoning District, and;

WHEREAS, the Applicant has applied for a Fifth Amendment to the Conditional Use Permit dated November 14, 1988 and amended periodically, by the application dated November 24, 2003, and;

WHEREAS, the Applicant has provided information in the application as to the nature of the requested Fifth Amendment, contained in the building plans, survey and site plan and attachments thereto which adds two paddle ball courts located east of the Club House, and;

WHEREAS, the City Council, City of the Village of Minnetonka Beach (City Council) has relied on the information contained in survey, plans lighting information as being correct and accurate, and;

WHEREAS, the Planning and Zoning Administrator has reviewed the Survey, Site Plan, and Building Plans and other information and has made a report to the Planning Commission and a report to the City Council, and;

WHEREAS, the requested for the Fifth Amendment to the CUP submitted by the Lafayette Club along with a report by the Planning and Zoning Administrator and testimony has been reviewed by the Planning Commission at a Public Hearing on December 15, 2003 and by the City Council on January 12, 2004, and;

WHEREAS, the Planning Commission made findings required by Section 229 (2) contained in this resolution after taking testimony and recommended approval with conditions to the Fifth Amendment to the City Council, and;

WHEREAS, nothing in this Amendment alters, changes or otherwise nullifies the 1988 CUP and the periodic amendments including conditions of the CUP, and;

WHEREAS, the City Council has made the findings contained in this Resolution 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 Fifth Amendment to the CUP to allow two paddle ball courts in accord with the plans and information submitted making the following findings as required by the City Code and imposing the following reasonable conditions to City Council's issuing the Fifth Amendment to the CUP:

1. Public Welfare: With the following condition, the proposed use 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:  
The hours of operation will be between 8:00 AM and 10:30 PM
2. Public Facilities and Services: the proposed use 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.

3. No Detrimental Effect: The proposed use 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:
4. Destruction, Loss, and Damage: The use will not result in the destruction, loss or damaged of natural, scenic or historical features or major importance

Further be it resolved that the following conditions to issuing the Fifth Amendment are imposed by the City Council City of the Village of Minnetonka Beach:

1. The Lafayette Club is responsible for the actions of the contractors.
2. Issuing the Fifth Amendment to the CUP is for the purpose of adding two paddle ball courts in accord with the plans and other information submitted and made part of this resolution including a site plan received November 24, 2003, lighting information received December 10, 2003 and a letter of operations from the Lafayette Club received December 10, 2003
3. Hardcover to the requirement of the City Code shall not exceed 30% of the Lot Area.
4. Violation of or non-compliance with any of the terms and conditions of this Resolution issuing the Fifth Amendment to the Conditional Use Permit shall constitute a violation of the zoning code, shall automatically terminate any authority granted herein, and shall be punishable as a misdemeanor.

Date

2/3/04

James M. Gasch  
James M. Gasch, Mayor

ATTEST

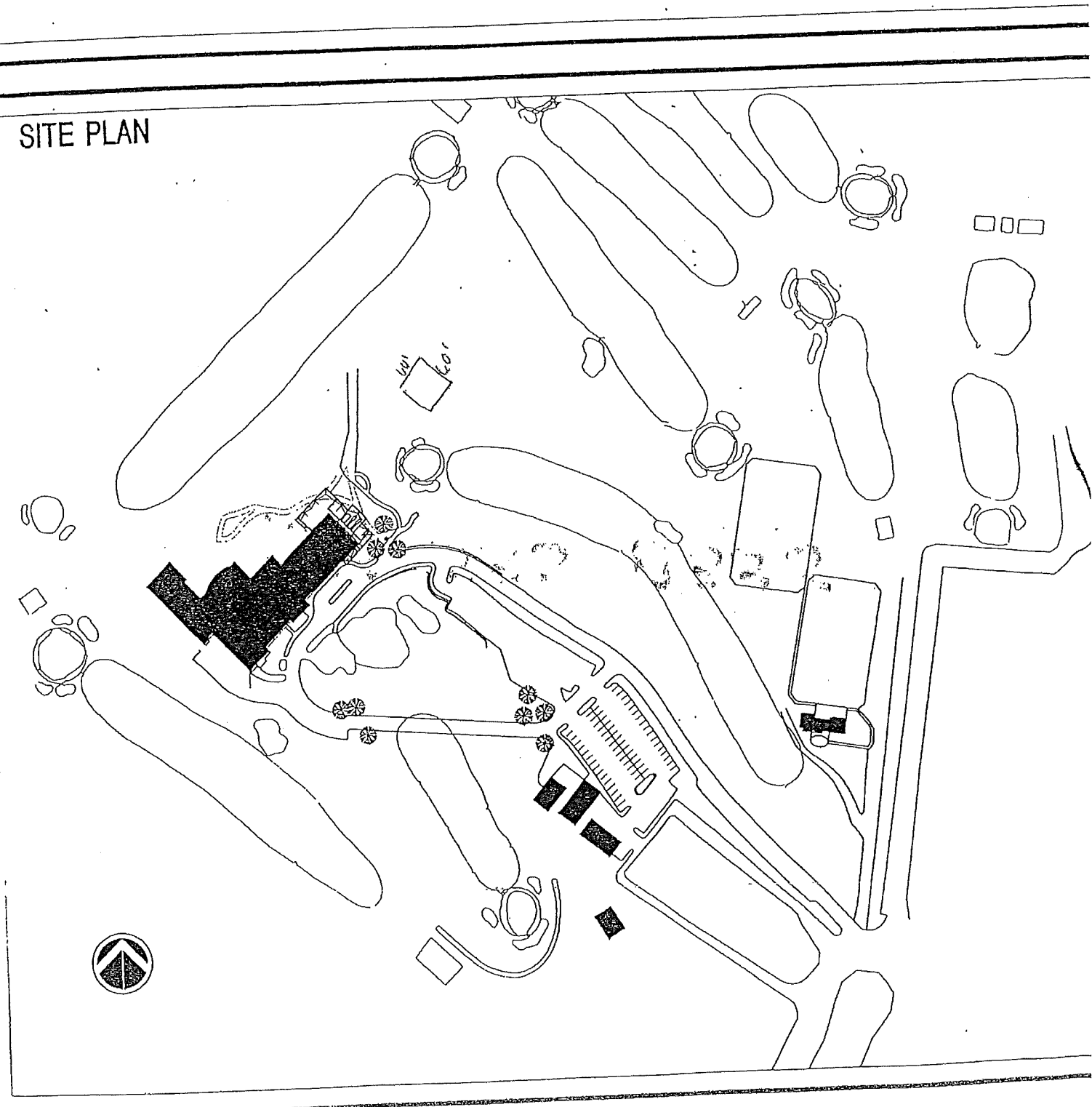
Debra Regnier  
City Clerk



William Beson Interior Design  
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275 Market St.  
Minneapolis, Minnesota 55405  
(612) 338-8187 Fax (612) 338-2462  
William Beson, Principal

1031 Madeira Ave.  
275 Market St.  
Minneapolis, Minnesota 55405  
(612) 871-2727 Fax (612) 381-3131  
Jim Palm, Project Manager

SITE PLAN



PREPARED FOR:

## LAFAYETTE COUNTRY CLUB

2800 NORTHVIEW ROAD  
MINNETONKA BEACH, MN 55361  
PHONE (612) 471-8493

PID's 16-117-23-13-0001  
16-117-23-42-0001  
16-117-23-42-0027

PREPARED BY:

## HEDLUND-PLANNING ENGINEERING SURVEYING

9201 EAST BLOOMINGTON FREEWAY  
BLOOMINGTON, MINNESOTA 55420  
PHONE (612) 888-0289

### 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 southwesterly, along the shore of Crystal Bay, to the point of intersection with the northwesterly extension of the southwesterly line of Lot 115, now vacated Minnetonka Beach on Lake Minnetonka; thence southeasterly along said extension and said southwesterly 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 southwesterly line of Lot 144, now vacated, Minnetonka Beach on Lake Minnetonka; thence southeasterly along said extension and said southwesterly line, and along the southeasterly extension of the southwesterly line of said Lot 144, to the southeasterly line of vacated Cottage Place; thence southwesterly 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 Avenue 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 situated 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, 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, 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 accrue to the subject property by vacation thereof. Together with easements for crossing as set out in that certain Easement Agreement dated August 9, 1990, filed September 18, 1990 as Document Number 5702973.