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CITY OF THE VILLAGE OF MINNETONKA BEACH

RESOLUTION NO 2010-37

A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT FOR
SAFETY FENCE IMPROVEMENTS AND RESCINDING CERTAIN CONDITIONS OF
RESOLUTION 2009-29

TO THE LAFAYETTE CLUB
FOR PROPERTY AT 2800 NORTHVIEW ROAD

TENTH AMENDMENT TO THE CONDITIONAL USE PERMIT
DATED NOVEMBER 14, 1988

LEGAL DESCRIPTION AS ATTACHED
MINNETONKA BEACH, HENNEPIN COUNTY, MINNESOTA

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of the Village of Minnetonka Beach, Minnesota was held on the 13th day of September, 2010. The following members were present: Mayor Joann Anderson, Council Members Michelle Kroll, Jill Bartel, Linn Ferguson, and Treasurer Dennis Fischer. Absent: Mike Taylor,

Council Member Bartel introduced the following resolution and moved its adoption:

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

- a. The proposed fence be landscaped as per the Planning Commission and Planning and Zoning Administrator's recommendation.
 - b. The landscaping which was a condition of Resolution 2009-29 be accomplished.
2. Public Facilities and Services: With the following conditions, 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.
 - a. That the fence be at least 8 feet from the right-of-way line of Woodbridge Road.
 3. No Detrimental Effect: The proposed uses 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: With the following condition, the uses will not result in the destruction, loss or damaged of natural, scenic or historical features or major importance.
 - a. That the fence be landscaped with over story trees and conifers, base planting and vines, and that over story trees be planted north of the trail and in the location of the fence to break up the commercial character of the fence. Landscape plans are to be approved by the Planning and Zoning Administrator.
 - b. That the condition contained in Resolution 2008-34 that was not satisfied, "fence east of Woodbridge Road be landscaped" be satisfied before the new fence is installed.

Further be it resolved that Council rescinds the following conditions contained in Resolution 2009-29:

1. That the Lafayette Club and Three Rivers Park District enter into an agreement with the City of the Village of Minnetonka Beach holding the City, its Council, Employees and Consultants harmless, and agreeing to defend them from all action that may result from the improper removal and disposition of Mercury contaminated soil as well as any action that may result from the mercury contaminated soil that may be left on the site;
2. The asphalt parking lot will be stamped in a similar method as is used on other parts of the Dakota Regional Trail with a similar pattern and colored similar to pavers being replaced.

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

1. The Lafayette Club is responsible for the actions of Three Rivers Park District in the construction of the improvements.

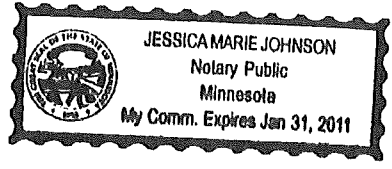
agree that the conditions contained in this Resolution are reasonable. The undersigned hereby agree to the recording of this resolution in the chain of title of the property.

Wayne B Fadden
Wayne Fadden, President

State of Minnesota)
)ss.
County of Hennepin)

The foregoing instrument was acknowledged before me this 30 day of September, 2010, by Wayne Fadden President of the Lafayette Country Club, a Chapter 317A nonprofit corporation under the laws of Minnesota, on behalf of the corporation.

Seal:



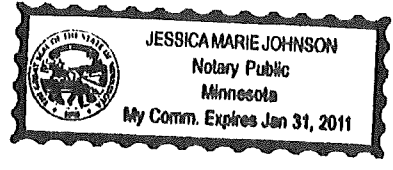
Jessica Marie Johnson
Notary Public

Scott Bremer
Scott Bremer, General Manager

State of Minnesota)
)ss.
County of Hennepin)

The foregoing instrument was acknowledged before me this 30 day of September, 2010, by Scott Bremer General Manager of the Lafayette Country Club, a Chapter 317A nonprofit corporation under the laws of Minnesota, on behalf of the corporation.

Seal:



Jessica Marie Johnson
Notary Public