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**A RESOLUTION GRANTING
AN EXTENSION OF THE
COMMERCIAL SITE PLAN APPROVAL
FOR WJM PROPERTIES, LLC
GRANTED PER RESOLUTION #5470
FILE #09-3430**



CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 5875

**A RESOLUTION GRANTING
AN EXTENSION OF THE
COMMERCIAL SITE PLAN APPROVAL
FOR WJM PROPERTIES, LLC
GRANTED PER RESOLUTION #5470
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WHEREAS, the City of Orono is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Orono (hereinafter "City Council") has adopted land development regulations for the orderly, economic and safe development of land within the City; and

WHEREAS, WJM Properties, LLC ("the Applicant") has applied for an extension of the approvals granted under Resolution No. 5470 for property located at 2605 Wayzata Boulevard West and legally described as:

Exhibit "A" attached, Hennepin County, Minnesota
(hereinafter "the property"); and

WHEREAS, the City Council has considered the application by the Applicant for an extension of the approvals granted under Resolution No. 5470 for development of the Property; and

WHEREAS, on May 22, 2006 the City Council granted a conditional use permit per Municipal Zoning Code Section 78-823 and industrial site plan approval per Section 78-831 to permit a 25,620 s.f. one-story addition to the principal structure, a 250 s.f. addition to connect existing accessory buildings, proposed revisions to approved parking layout; and approved the proposed amendment of Resolution No. 4845 as described in Resolution No. 5470 with regard to conditions placed on outside storage; and denied the requested conditional use permit for flagpoles in excess of 40 feet in height; and



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WHEREAS, the Applicant was not able to commence construction of certain of the approved additions and improvements within the allotted one-year established by Resolution No. 5470, and was granted by Resolution No. 5593 an extension of the approvals until December 31, 2008; and

WHEREAS, the Applicant was not able to commence construction of the addition before December 31, 2008, and was granted an extension of the approvals until December 31, 2009 by Resolution No. 5757; and

WHEREAS, the Applicant has not been able to and does not expect to be able to commence construction of the addition before December 31, 2009, and has requested an extension of the approvals until December 31, 2010; and

WHEREAS, pursuant to mailed and published public notice, the Orono Planning Commission held a public hearing on the extension request on October 19, 2009, at which time all persons wishing to comment on the proposal were allowed to comment; and

WHEREAS, on October 19, 2009, the Orono Planning Commission on a vote of 5-0 recommended approval of the proposed extension.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orono does hereby grant an extension to December 31, 2010 of the approvals granted under Resolution No. 5470 for WJM Properties, LLC, subject to the following conditions:

1. Authorities granted by this resolution run with the property not with the applicants, but are permissive only and must be exercised by obtaining building permits and/or land alteration permit by December 31, 2010 or the approvals will expire on that date.
2. All other findings, conclusions, and conditions of Resolution No. 5470 shall remain in effect.
3. Violation of or non-compliance with any of the terms and conditions of the conditional use permit approval and industrial site plan approval shall constitute a violation of the zoning code, shall automatically terminate any authority granted herein, and shall be punishable as a misdemeanor.



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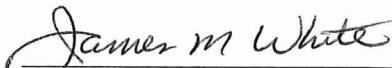
4. The undersigned owner has read, understands and hereby agrees to the terms of this resolution and on behalf of himself, his heirs, successors and assigns, hereby agrees to the recording of this resolution in the Chain of Title of the property.

Adopted by the City Council of Orono this 26th day of October, 2009.

ATTEST:



Linda S. Vee, City Clerk



James M. White, Mayor



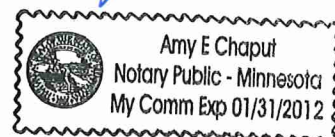
Applicant

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This instrument was acknowledged before me on this 11 day of NOVEMBER 2009, by Maurice J. Wagener, Chief Manager of WJM Properties, LLC, a Minnesota limited liability corporation, on behalf of the corporation.



Notary Public



LEGAL DESCRIPTION

Parcel 1:

That part of the South half of the Northeast Quarter of Section 33, Township 118, Range 23, which lies East of the East line of the plat of Orono Industrial Park and its extensions, and West of the West line of the plat of Long Lake West Industrial Park and its extensions, Hennepin County, Minnesota; and

Parcel 2:

Lots 1 through 12, Inclusive, Block 1, Orono Industrial Park, and all of Lincoln Drive, vacated, as shown on the plat of said Orono Industrial Park, Hennepin County, Minnesota.

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The undersigned, being duly qualified and appointed City Clerk of the City of Orono, Minnesota, certifies that I compared the foregoing resolution adopted at the meeting of the Orono City Council on October 26, 2009, with the original thereof on file in my office, and the same is a correct transcription thereof.

WITNESS my hand officially as such City Clerk and the Corporate seal of the City this 2nd day of November, 2009.

(seal)



City Clerk