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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 11**

**TransID 18867**

**Fees**

**\$15.00 DOC**

**\$5.00 SUR**

**\$10.00 NS**

**\$30.00 Total**

**This document was recorded with missing contents or pages**



# CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 4972

BOX 491

**A RESOLUTION GRANTING  
A CONDITIONAL USE PERMIT  
PER MUNICIPAL ZONING CODE  
SECTION 10.20, SUBDIVISION 3 (G)  
FILE #2506**

**WHEREAS**, Edward H. Hamm\*, (hereinafter "the applicant") is owner of the property located at 485 Orono Orchard Road South within the City of Orono (hereinafter "City") and legally described as:

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

**WHEREAS**, after due published notice and mailed notice in accordance with Minnesota Statutes and the City of Orono Zoning and Planning Codes, the Orono Planning Commission held a public hearing on August 16, 1999, at which times all persons desiring to be heard concerning this application were given the opportunity to speak thereon; and

**WHEREAS**, the applicants have applied to the City for a conditional use permit to Municipal Zoning Code Section 10.20, Subdivision 3 (G) for a guest house; and

**WHEREAS**, the City Council of the City of Orono previously adopted a Resolution granting a Conditional Use Permit for Property at 485 Orono Orchard Road South on August 23, 1999 as Resolution No. 4335, the original of which Resolution was given to the applicant for execution and either lost or destroyed; and the City Council and applicant wish to reconfirm the prior City Council Resolution.

\*as Trustee under the Trust of Edward H. Hamm originally established on August 14, 1992, as subsequently amended and restated in its entirety by Amendment and Restatement of Trust of Edward H. Hamm dated October 10, 1995, and as further amended and restated by Amendment and Restatement of trust of Edward H. Hamm dated February 26, 1999.



# CITY of ORONO

## RESOLUTION OF THE CITY COUNCIL

NO. 4972

Minnesota: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of Orono,

### FINDINGS

1. This application was reviewed as Zoning File #2506.
2. The property is located in the RR-1B Zoning District, where 2 acres or 87,120 s.f. is the minimum lot area. The property consists of 18 acres.
3. The Planning Commission reviewed this application on August 16, 1999 and recommended approval on a vote of 5 to 0.
4. The Planning Commission made the following findings of fact:
  - A. Guest houses are considered dwelling units and are required to meet the allowed density for the zoning district. The applicant has requested continued use of two guest houses in the 2 acre zoning district. Property would have 3 dwelling units on 18 acres.
  - B. On April 12, 1999 the Orono City Council approved a request by Mr. Hamm to allow the property to be served by sanitary sewer. A condition of approval is the property owner shall file an application for a conditional use permit to allow continued use of two guest houses on the property.
  - C. Guest houses meet all required principal building setbacks.
  - D. Property owner agrees to file a restrictive covenant on the title stating this property shall not be allowed more than three dwelling units.
5. The City Council finds that granting a conditional use permit to allow continued use of two guest houses will not be detrimental to the health, safety or general welfare of the public, would not adversely affect light, air nor pose a fire hazard or other danger to neighboring properties, nor will its use depreciate surrounding property values and that the proposed level of use of the property will be in keeping with the intent and objectives of the Zoning Code and Comprehensive Plan of the City.



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6. The City Council has considered this application including the findings and recommendations of the Planning Commission, reports by staff and comments of the applicant and the affect of the proposed use on the health, safety, and welfare of the community.

### **CONCLUSIONS, ORDER AND CONDITIONS**

Based upon one or more of the findings noted above, the Orono City Council hereby grants a conditional use permit per Municipal Zoning Code Section 10.20, Subdivision 3 (G) to permit continued use of two guest houses, subject to the following conditions:

1. Property owner files the Declaration of Subdivision Covenants on the title stating the property shall not develop to more the three units.
2. Authorities granted by this resolution are permissive only and must be exercised by application for a building permit within one year of the date of Council approval or this conditional use permit will expire on that date (August 23, 2000).
3. 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.
4. The undersigned applicant 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.



# CITY of ORONO

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NO. 4972

Adopted by the Orono City Council on this 12<sup>th</sup> day of May, 2003.

ATTEST

Linda S. Vee  
Linda S. Vee, City Clerk

Barbara A. Peterson

Barbara A. Peterson, Mayor

Edward H. Hamm  
Property Owner Edward H. Hamm, Trustee\*

STATE OF MINNESOTA )

SS.

COUNTY OF HENNEPIN )

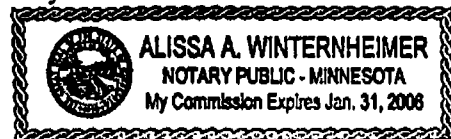
The foregoing instrument was acknowledged before me on this 12<sup>th</sup> day of May, 2003 Barbara A. Peterson and Linda S. Vee, Mayor & City Clerk of the City of Orono, a Minnesota municipal corporation and said instrument was executed on behalf of the City.

Alissa A. Winterheimer  
Notary Public

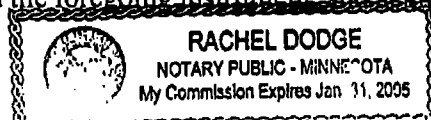
STATE OF MINNESOTA )

SS.

COUNTY OF HENNEPIN )



On this 2<sup>nd</sup> day of May, 2003, before me a Notary Public within and for said County, personally appeared Edward H. Hamm, Trustee\*, <sup>whose identity I proved on the basis of MN DL</sup> known to me to be the person described in and who executed the foregoing instrument, and acknowledged the he executed the same as his free act and deed.



Rachel Dodge  
Notary Public

\*as Trustee under the Trust of Edward H. Hamm originally established on August 14, 1992, as subsequently amended and restated in its entirety by Amendment and Restatement of Trust of Edward H. Hamm dated October 10, 1995, and as further amended and restated by Amendment and Restatement of trust of Edward H. Hamm dated February 26, 1999.

1. That part of the Southwest Quarter, which lies North of the South line of the Northwest Quarter of the Southwest Quarter, of Section 2, Township 117 North, Range 23 West of the Fifth Principal Meridian described as follows:

Beginning at the northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 2; thence South along the East line of said Southwest Quarter of the Southwest Quarter a distance of 434.3 feet to a point designated and hereinafter referred to as "Point A"; thence northwesterly deflecting 101 degrees 43 minutes to the right from last described course a distance of 182 feet; thence northwesterly on a tangential curve to the right with a radius of 4,687.5 feet a distance of 60 feet; thence northwesterly on a tangential curve to the right with a radius of 222.45 feet a distance of 200 feet; thence northerly on a tangential curve to the right with a radius of 237.56 feet a distance of 175 feet; thence northerly on a tangential curve to the right with a radius of 527.42 feet a distance of 50 feet; thence northeasterly on a line tangent to last described curve a distance of 62.55 feet to a point in the South line of the Northwest Quarter of the Southwest Quarter of said Section 2 distant 360 feet West of the point of beginning; thence continuing northeasterly on an extension of last described course a distance of 48.55 feet; thence northerly on a tangential curve to the left with a radius of 181.4 feet a distance of 100 feet; thence northwesterly on a tangential curve to the left with a radius of 283.7 feet a distance of 125 feet; thence northwesterly on a line tangent to last described curve a distance of 267.4 feet; thence northwesterly deflecting 2 degrees 23 minutes to the left from the last described course a distance of 169.3 feet; thence northwesterly and westerly on a tangential curve to the left with a radius of 61.13 feet a distance of 64.62 (43.01 measured) feet, more or less, to a point designated and hereinafter referred to as "Point B", said point being in the West line of the East Half of the Northwest Quarter of the Southwest Quarter of said Section 2 exclusive of highway upon easterly side thereof, said East Half being ascertained after taking from the Northwest Quarter of the Southwest Quarter of said section said highway upon easterly side, and which "Point B" is 636.66 (625.61 measured) feet North of the southwest corner of said East Half so ascertained; thence North along the West line of said East Half so ascertained a distance of 679.85 feet to the northwest corner thereof; thence East along the North line of the Southwest Quarter of said Section 2 to the northeast corner of the Northwest Quarter of the Southwest Quarter of said Section; thence South along the East line of the Northwest Quarter of the Southwest Quarter of said Section to the point of beginning.

Subject to and together with an easement for right of way for driveway purposes over a strip of land along the southerly and westerly boundary lines of the premises above described and extending from above designated "Point A" along said boundary line to above designated "Point B", said strip of land being 16 feet in width, 8 feet on each side of the line forming the southerly and westerly boundary of the premises hereinabove first described.

Also subject to public easement in existing highways.

2. Also that part of the Southwest Quarter of said Section 2, Township 117, Range 23, described as follows:

Beginning at the northeast corner of the West Half of the Northwest Quarter of the Southwest Quarter of said Section 2 exclusive of the highway upon easterly side thereof, said West Half being ascertained after taking from Northwest Quarter of the Southwest Quarter of

said Section 2 said highway upon easterly side; thence South along the East line of said West Half so ascertained a distance of 679.85 feet, more or less, to a point distant 636.66 feet North of the southeast corner of said West Half; thence deflecting right at an angle of 83 degrees 53 minutes on a line bearing South 83 degrees 53 minutes West a distance of 33.68 feet; thence South 82 degrees 41 minutes West a distance of 66.32 feet; thence northwesterly in a straight line 710.6 (721.11 measured) feet, more or less, to a point in the North line of the Southwest Quarter of said Section 2 distant 237 feet West of the point of beginning; thence East along said North line 237 feet of the point of beginning.

Subject to an easement for right of way for driveway purposes over the southerly 16.5 feet of said last described tract. And together with an easement for like purposes over a strip of land 16.5 feet in width lying southerly of and immediately adjacent to the southerly line of the premises hereinabove last described, and between the southerly extensions of the easterly line and westerly line of said premises last described.

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