

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #12-03-___

RESOLUTION APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT TO ALLOW FOR THE OPERATION OF AN ONLINE SCHOOL IN THE B-2 BUSINESS DISTRICT BASED ON FINDINGS OF FACT #_____, AND DECLARING THE TERMS OF SAME.

WHEREAS, 2-OI, LLC has properly applied to the City of Ramsey (the "City") for an interim use permit to operate an online school in the B-2 Business District on the property located at 7550 Highway 10 NW and legally described as follows:

Lot 1, Block 1 The Diamonds, Anoka County, Minnesota

(the "Subject Property"); and

WHEREAS, the Planning Commission met on March 1, 2012, conducted a public hearing and recommended that the City Council approve the request to operate an online school in the B-2 Business District for a term of five (5) years.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

This permit is issued pursuant to Section 117-52 of the Ramsey City Code. The conditions of this permit are as follows:

- 1) Based on Findings of Fact #_____, an Interim Use Permit ("Permit") to allow the operation of an online school on the **Subject Property** is hereby granted to 2-OI, LLC ("Permittee").
- 2) The term of the **Permit** shall commence on March 13, 2012 and shall expire five (5) years thereafter (March 13, 2017) or upon the **Subject Property** being rezoned to Public/Quasi Public, whichever occurs first.
- 3) This **Permit** is applicable only to the operation of an online school and accessory outdoor recreational uses on the **Subject Property**. The granting of this **Permit** does not allow for any other use that is prohibited in the B-2 Business District.
- 4) The **Permittee** shall be responsible for ensuring off-street parking regulations, as outlined in City Code, are complied with at all times. Parking along Highway 10 shall be prohibited at all times and any violation of such would cause the **Permit** to be revisited.
- 5) Outdoor recreational activities shall cease no later than 10:00p.m. and the outdoor recreational area shall be cleared of all activity by 10:30p.m. This restriction shall also apply to any lighting used in the recreational area of the **Subject Property**.

- 6) All exterior lighting, including the recreational area(s), parking lot and building, shall be arranged to deflect light away from adjoining property and public streets, and bulbs emitting in excess of 3,000 lumens shall be so directed that the bulb is not visible from off the **Subject Property** where such light source is located. All lighting used to illuminate the outdoor recreational area(s) shall be turned off by 10:30p.m.
- 7) The use of a PA system shall be permissible as long as its use complies with City Code Section 30-3 (Property Conditions Constituting a Public Nuisance) (32). Use of a PA system must cease by 10:00p.m.
- 8) Signage: All signage in the outdoor recreational area(s) shall be interior facing and none shall be visible from adjoining properties.
- 9) That the **Permittee** is responsible for obtaining all necessary permits required for any interior modifications to the building and said modifications shall comply with all applicable building, fire and zoning codes.
- 10) The **Permittee** acknowledges that the City is planning for the future extension of Riverdale Drive on the northern boundary of the Subject Property and associated Highway 10 median modifications.
- 11) This **Permit** shall become null and void in the event the use granted under this **Permit** permanently ceases prior to the expiration date or upon the expiration date, whichever occurs first.
- 12) That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.
- 13) That the City Administrator or his or her designee shall have the right to inspect the **Subject Property** for compliance at any reasonable time.
- 14) That the failure of the **City** at any time to require performance by the **Permittee** of any provisions herein shall in no way affect the right of the **City** thereafter to enforce the same. Nor shall waiver by the **City** of any breach of any of the provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.
- 15) That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
- 16) That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the **City** and the **Permittee**.
- 17) That if the **Permittee** or its successors or assigns violates any material term or condition of this **Permit**, it is grounds for suspension or revocation hereof consistent with applicable law. Specifically, but without limiting the foregoing, the **City** may amend, suspend, or revoke this **Permit**, consistent with applicable law, if the City Council reasonably determines that continued operation of the facility places the public health, safety or welfare or the

environment in jeopardy or creates a public nuisance due to odors, litter, debris or other nuisance factors. The change, alteration or amendment of any statute, regulation, ordinance or permit condition by any governmental authority other than the **City**, shall not excuse the **Permittee** from compliance with statutes, regulations, ordinances or **Permit** conditions in effect on the date of the original issuance of this **Permit** unless compliance is waived or excused by the **City**.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 13th day of March, 2012.

2-OI, LLC

By: _____

Its: _____

STATE OF _____)
) ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of 2-OI, LLC, a limited liability corporation under the laws of Minnesota, on behalf of the corporation.

Notary Public

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this ____ day of _____, _____, before me, a Notary Public, personally appeared Bob Ramsey and JoAnn M. Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal Corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council and said Bob Ramsey and JoAnn M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
The City of Ramsey
7550 Sunwood Dr NW
Ramsey, MN 55303

This document reviewed by:
Randall & Goodrich
2140 Fourth Avenue
Anoka, MN 55303