

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

AMENDED RESOLUTION #12-06-___

A RESOLUTION APPROVING THE ASSIGNMENT OF A CONDITIONAL USE PERMIT TO MSM AUTO LLC TO CONDUCT MOTOR VEHICLE SALES IN THE B-2 BUSINESS DISTRICT AND DECLARING TERMS OF SAME:

WHEREAS, Tris Star Enterprise, hereinafter referred to as the “Permittee” has properly applied for a Conditional Use Permit to conduct motor vehicle sales in the B-2 Business District on the property generally known as 6740 Highway 10 NW and legally described as follows:

Lot 3, Block 1, Riverside West, Anoka County, Minnesota, subject to easement of record.

(“Subject Property”)

WHEREAS, Lakeview Development Inc. of Minnesota is the fee title owner of the Subject Property; and

WHEREAS, the Planning Commission met on July 7, 2011, conducted the public hearing and recommended City Council approval of the request; and

WHEREAS, Resolution #11-07-130B was approved by the Ramsey City Council on July 26, 2011, which resolution granted a conditional use permit to Tris Star Enterprise for operation of motor vehicle sales on the Subject Property; and

WHEREAS, Tris Star Enterprises has failed to proceed with the Conditional Use Permit (the “CUP”) and act upon the use permitted by its resolution; and

WHEREAS, MSM Auto LLC desires to undertake the same use on the Subject Property, which was permitted by the CUP; and

WHEREAS, Less than one (1) year has transpired since the issuance of the CUP and thus, the CUP has not expired as outlined in City Code Section 117-51 (Conditional Use Permits); and

WHEREAS, Pursuant to State Statutes, conditional use permits run with the land and not with the Permittee; and

WHEREAS, Lakeview Development Inc. of Minnesota, as the fee title owner of the Subject Property, states that it agrees with assigning this CUP to MSM Auto LLC and further Lakeview Development Inc. of Minnesota states it does not have a lease with Tris Star Enterprise for use of the Subject Property.

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

1. That the conditions and benefits of the CUP are hereby assigned to MSM Auto LLC for use of the Subject Property for motor vehicle sales.
2. That a copy of Resolution #11-07-130B is attached hereto and incorporated herein, which contains the terms and conditions by which MSM Auto LLC, the new "Permittee", will be required to comply with in the conduct of its motor vehicle sales on the Subject Property.

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 26th day of June, 2012

MSM Auto LLC hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: _____

Its: _____

STATE OF MINNESOTA)

) SS.

COUNTY OF _____)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of MSM Auto LLC, a Limited Liability Corporation under the laws of Minnesota, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

Lakeview Development Inc. of Minnesota hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: _____

Its: _____

STATE OF MINNESOTA)

) SS.

COUNTY OF _____)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Lakeview Development Inc. of Minnesota, a Domestic Corporation under the laws of Minnesota, on behalf of the Corporation, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

