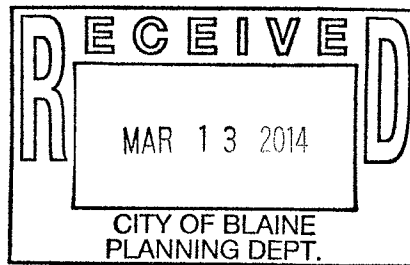


# MESSERLI & KRAMER

March 10, 2014



Messerli & Kramer P.A.  
ATTORNEYS AT LAW  
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100 South Fifth Street  
Minneapolis, MN 55402-1217  
phone 612.672.3600  
fax 612.672.3777  
messerlikramer.com

Additional offices in:  
St. Paul & Plymouth, MN

City of Blaine  
Attention: Lori Johnson, Planner  
10801 Town Square Drive NE  
Blaine, MN 55449

Writer's contact:

(612) 672-3664  
lashedley@messerlikramer.com

**Re: 10580 Baltimore Street, Blaine, Minnesota ("Property")  
Application for Termination/Removal of Conditional Use Permit  
Our File No. 13993-45**

Dear Ms. Johnson:

Our firm represents Home Federal Savings Bank ("**Home Federal**") with respect to the above-referenced matter. Home Federal is the current owner of the Property.

The Property currently has recorded against it a conditional use permit, which is dated October 3, 2002 and was recorded on October 11, 2002, as Document No. 409138 ("**2002 CUP**"). The 2002 CUP was issued by the City of Blaine, pursuant to Resolution No. 02-169, to allow construction and operation of a 62-unit Hampton Inn and Suites on the Property. For your convenience, attached is a copy of Resolution 02-169 granting the 2002 CUP. The 2002 CUP was never acted upon or used within one (1) year after the resolution. As a result of the foregoing, Home Federal seeks to have the 2002 CUP formally terminated and removed from the Property records.

Section 27.04(f)(1) of the City of Blaine Ordinances provides that conditional use permits are null and void after one (1) year if they are never acted upon. As a result, because the 2002 CUP with respect to the Property was never acted upon, it is therefore null and void. In order to have the 2002 CUP removed from the Property records, Home Federal must have the 2002 CUP declared terminated by the Blaine City Council. Therefore, please let this letter serve as a formal request by Home Federal to the City of Blaine to have the 2002 CUP against the Property terminated by the Blaine City Council. We would ask that the Blaine City Council issue a resolution or order, that terminates the 2002 CUP, and that Home Federal can record against the Property to evidence the same.

Please add this application and request to the April 3, 2014 Blaine City Council meeting agenda. The fee to process this application in the amount of \$400.00 is enclosed.


If you have any questions regarding the foregoing or need anything further to process this request, please do not hesitate to contact me directly.



City of Blaine  
March 10, 2014  
Page 2

Sincerely,

MESSERLI & KRAMER P.A.



Lisa M. Ashley  
Attorney

LMA:les

cc: Marty Mixell, Home Federal Savings Bank  
(via e-mail only)

1106939.2

CITY OF BLAINE

RESOLUTION NO. 02-169

GRANTING A CONDITIONAL USE PERMIT  
PER SECTION 31.33 (3) OF THE ZONING ORDINANCE  
OF THE CITY OF BLAINE  
RCF HOLDINGS, LLC  
10580 BALTIMORE STREET NE

WHEREAS, an application has been filed by RCF Holdings, LLC as conditional use permit Case File No. 02-59; and

WHEREAS, a public hearing has been held by the Blaine Planning Commission on September 17, 2002; and

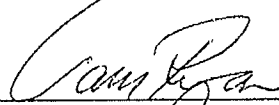
WHEREAS, the Blaine Planning Commission recommends said Conditional Use Permit be approved; and

WHEREAS, the Blaine City Council has reviewed said case on October 3, 2002.


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 31.33 (3) of the zoning ordinance to allow construction and operation of a 62-unit Hampton Inn and Suites with an indoor pool and a zero lot line allowing shared access and parking with the adjacent Culver's site at 10580 Baltimore Street NE based on the following conditions:

1. Site plan approval including grading, building and fire code requirements is required prior to a building permit being issued. The approved site plan must meet the Highway 65 Overlay District requirements.
2. The applicant must obtain a Coon Creek Watershed District (CCWD) permit prior to any work on site.
3. A shared access agreement must be executed with the property owner to the south and evidence of this agreement must be shared with the City prior to a building permit being issued for this site.

PASSED by the City Council of the City of Blaine this 3<sup>rd</sup> day of October 2002.

  
\_\_\_\_\_  
Tom Ryan, Mayor

ATTEST:

  
\_\_\_\_\_  
Jane M. Hall, CMC, City Clerk

DATED: October 3, 2002  
COUNCIL ACTION 02-341

**CITY OF BLAINE**

**RESOLUTION NO. 05-33**

**GRANTING A CONDITIONAL USE PERMIT  
PER SECTION 31.33 (3) OF THE ZONING ORDINANCE  
OF THE CITY OF BLAINE  
BLAINE HOSPITALITY, LLC  
10550 BALTIMORE STREET NE**

**WHEREAS**, an application has been filed by Blaine Hospitality, LLC as conditional use permit Case File No. 05-06; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on January 11, 2005; and

**WHEREAS**, the Blaine Planning Commission recommends said conditional use permit be approved; and

**WHEREAS**, the Blaine City Council has reviewed said case on February 3, 2005.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 31.33 (3) of the zoning ordinance to allow for the construction and operation of a 98-unit Comfort Inn and Suites with an indoor pool and a zero lot line allowing shared access and parking with the adjacent Culver's site at 10550 Baltimore Street NE based on the following conditions:

1. Site plan approval including grading, building, landscaping, and fire code requirements is required prior to a building permit being issued. The approved site plan must meet the Highway 65 Overlay District requirements. Landscape plan to be modified to meet the Highway 65 Overlay District in terms of quantity, material placement and over sizing (25% of each species to be oversized). The following number of trees are required on site:

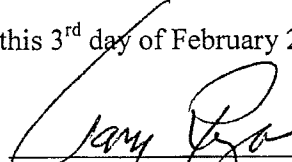
Overstory trees: 15 (2 ½" caliper) and 5 (3" caliper)=20

Conifer trees: 11 (6' in height) and 4 (8' in height)=15

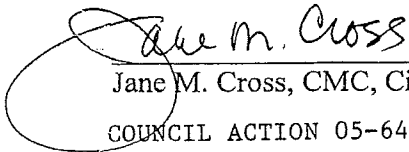
Ornamental trees: 11 (2" caliper) and 4 (2 ½" caliper)=15

2. The applicant must obtain a Coon Creek Watershed District (CCWD) permit prior to any work on site.
3. A shared access agreement must be executed with the property owner to the south and evidence of this agreement must be shared with the City prior to a building permit being issued for this site.

**PASSED** by the City Council of the City of Blaine this 3<sup>rd</sup> day of February 2005.

  
\_\_\_\_\_  
Tom Ryan, Mayor

ATTEST:

  
\_\_\_\_\_  
Jane M. Cross, CMC, City Clerk  
COUNCIL ACTION 05-64