

# REQUEST FOR COUNCIL ACTION

DATE: 2/23/2009  
ITEM NO: 12.d

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Department Approval



City Manager Approval



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Item Description: Request by Ramsey County Library and property owner FJR & RJR Investments, LLC for approval of the proposed **Interim Use** of the office/warehouse facility at 2680 Arthur Street for library purposes while the existing library is under construction (**PF09-004**).

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1 **1.0 REQUESTED ACTION**

2 The Ramsey County Library seeks approval of an INTERIM USE so they can continue to  
3 provide limited library services in an office/warehouse building at 2680 Arthur Street  
4 while the permanent library facility is being renovated according to a Planned Unit  
5 Development that has received General Concept PUD approval. Ramsey County wants to  
6 be sure that the temporary location is acceptable before seeking final approval of the  
7 PUD and beginning construction.

8 **Project Review History**

- 9
- 10 • Application submitted: January 9, 2009; Determined complete: January 22, 2009
  - 11 • Sixty-day review deadline: March 10, 2009
  - 12 • Project report recommendation: February 4, 2009
  - 13 • Planning Commission recommendation (7-0 to approve): February 4, 2009
  - Anticipated City Council action: February 23, 2009

14 **2.0 SUMMARY OF RECOMMENDATION**

15 The Planning Division concurs with the Planning Commission recommendation to  
16 approve the proposed INTERIM USE; see Section 8 of this report for the detailed  
17 recommendation.

18 **3.0 SUMMARY OF SUGGESTED ACTION**

19 By resolution, approve the proposed INTERIM USE, pursuant to §1005 (Business Districts)  
20 and §1013 (Interim Uses) of the City Code; see Section 9 of this report for the detailed  
21 action.

22 **4.0 BACKGROUND**

23 4.1 The property at 2680 Arthur Street has a Comprehensive Plan designation of Business  
24 Park (BP) and a zoning classification of Retail Office Service District (B-4).

25 4.2 This INTERIM USE request has been prompted by the applicant’s desire to establish a  
26 temporary and limited library facility in a location where the zoning does not permit  
27 libraries. Although the Library has not yet applied for approval of the Final PUD for the  
28 expansion of its permanent facility, the intended timeline between the anticipated interim  
29 use approval and the start of construction at the permanent facility does not leave much  
30 time for transferring the media collection to the proposed temporary facility. Concurrent  
31 with this application, Ramsey County Library has applied for the building permits needed  
32 to make the interior modifications for the temporary facility and, as long as the applicant  
33 is willing to accept the risk that the interim use could be denied, Community  
34 Development staff will issue the building permit as soon as the tenant improvement plans  
35 have been approved.

36 4.3 Such applications were formerly referred to as Interim Use *Permits*, but the word  
37 “permit” is being eliminated in an effort to sharpen the distinction between land use  
38 approvals and building permits. Although this represents a change in terminology, the  
39 nature of interim use approvals will remain the same because they never actually  
40 involved permits *per se*.

41 **5.0 INTERIM USE APPLICATIONS**

42 Section 1012.09 (Interim Uses) of the City Code establishes the regulations pertaining to  
43 INTERIM USES.

44 5.1 Section 1012.09A states: *The City Council may authorize an interim use of property.*  
45 *Interim uses may not be consistent with the land uses designated on the adopted Land*  
46 *Use Plan. They may also fail to meet all of the zoning standards established for the*  
47 *district within which it is located.*

48 5.2 Section 1012.09B states: *The City Council may attach conditions to Interim Use Permits*  
49 *[sic]. In reviewing [such] applications, the City will establish a specific date or event*  
50 *that will terminate the use on the property. The Council will also determine that the*  
51 *approval of the interim use would not result in adverse effects on the public health,*  
52 *safety, and general welfare, and that it will not impose additional costs on the public if it*  
53 *is necessary for the public to take the property in the future.*

54 **6.0 STAFF COMMENTS**

55 6.1 Section 1005.015 (Business District Uses) of the zoning regulations prohibits public uses  
56 (e.g., libraries) in B-4 districts, which are intended to facilitate relatively high intensity,  
57 regional commerce. The primary goal of the proposed INTERIM USE is to continue  
58 providing limited library services while the existing Ramsey County Library facility is  
59 being expanded as proposed in the Library’s PUD application; Ramsey County is still in  
60 the process of applying for Final PUD approval.

61 6.2 A building permit is required for various improvements to make the office/warehouse  
62 space suitable for the Library’s needs, and although special approvals are being sought to  
63 allow this temporary use, any building modifications must meet the requirements of the  
64 building code.

- 65 6.3 The only potential points of concern identified by Community Development staff were  
66 the adequacy of parking and the location of a trash container.
- 67 **a.** It appears that modifications to the interior space will preclude storage of a trash  
68 container within the building as required by the zoning ordinance. While not consistent  
69 with zoning requirements, Planning Division staff believes that a trash container may be  
70 located in the rear of the building (i.e., the east side) for the duration of the temporary use  
71 without having a significant impact on the adjoining properties.
- 72 **b.** As for parking, §1018 (Parking Requirements) of the City Code requires libraries  
73 to provide 4.1 spaces per 1,000 square feet. Ramsey County Library has been given  
74 permission to utilize some parking spaces in the Twin Lakes Medical Center parking lot,  
75 giving the proposed temporary facility a total of almost 5 spaces per 1,000 square feet;  
76 Planning Division believes this level of parking will be adequate, especially since the  
77 library will not have community meeting space available, which is a major traffic  
78 generator at the permanent facility.
- 79 6.4 An open house meeting as required for INTERIM USE applications was held on January 21,  
80 2009; a summary of the meeting is included with this staff report as Attachment F.  
81 Nobody attended the open house and nobody has contacted City staff about the proposal.
- 82 6.5 Part of the applicant's request involves signage. Signs on the building identifying the  
83 library and other directional signage on the site are permitted by the City Code and can  
84 be accommodated with a typical sign permit application. A freestanding sign not  
85 exceeding 100 square feet would also be allowed; because of the space constraints along  
86 the County Road C right-of-way, however, Planning Division staff recommends  
87 installing a freestanding sign just outside of the southwestern corner of the parking area  
88 (as illustrated in Attachment G) which could be accommodated in the overall sign permit  
89 as no special approvals would be required.
- 90 6.6 A drop box for book returns, the subject of the proposed directional signage on the  
91 property, is also proposed for the rear of the building. Planning Division staff is  
92 supportive of such a drop box and would like to continue working with the Library to  
93 determine the most suitable location since trash and recycling containers will also be  
94 behind the building.
- 95 6.7 Sale of coffee and prepackaged food is identified in the application as a desired  
96 component of the INTERIM USE, perhaps a limited version (i.e., no drive-through, no  
97 coffee roasting, less beverage-making capacity, etc.) of the Dunn Brothers café in place  
98 at the permanent location. Planning Division staff doesn't have any concerns about this  
99 part of the proposal.
- 100 6.8 Some INTERIM USE requests represent uses with potentially significant impacts to be  
101 mitigated through conditions of approval and/or very limited timelines. Since this request  
102 does not present those same issues or concerns, staff recommends approving the INTERIM  
103 USE through 2010; this is longer than the requested 13 months, but the extra time should  
104 help to mitigate potential construction delays at the permanent site.

105 **7.0 PUBLIC HEARING**

106 7.1 The duly-noticed public hearing for this application was held by the Planning  
107 Commission on February 4, 2009. One person in attendance expressed some concern  
108 about the uncontrolled turning movements between County Road C and Arthur Street;  
109 City staff responded by indicating that the intersection is adequate to handle the  
110 anticipated traffic of the existing uses as well as the proposed interim library use.

111 7.2 After closing the public hearing, the Planning Commission had further discussion about  
112 the adequacy of parking on or near the property before voting unanimously (7-0) to  
113 approve the proposed interim use with the conditions identified in Section 8 of this staff  
114 report. Draft minutes of the public hearing are included with this report as Attachment I.

115 **8.0 RECOMMENDATION**

116 Based on the comments and findings outlined in Sections 5-7 of this report, the Planning  
117 Division recommends approval of the proposed INTERIM USE to allow the temporary  
118 library facility at 2680 Arthur Street, pursuant to §1012.09 (Interim Uses) of the  
119 Roseville City Code subject to the following conditions:

- 120 a. The applicant shall provide a signed parking agreement securing the use of 20  
121 additional parking spaces near the subject property;
- 122 b. The applicant shall work with staff to resolve any problems related to the  
123 unenclosed trash and recycling containers as they arise;
- 124 c. The applicant shall work with staff to determine a suitable location for a return  
125 book drop box; and
- 126 d. The INTERIM USE shall be discontinued at the end of December 31, 2010. Any  
127 continuation of the use beyond this date shall only be allowed pursuant to the  
128 approval of a new application.

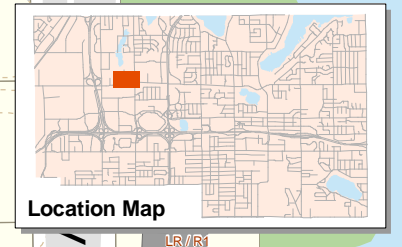
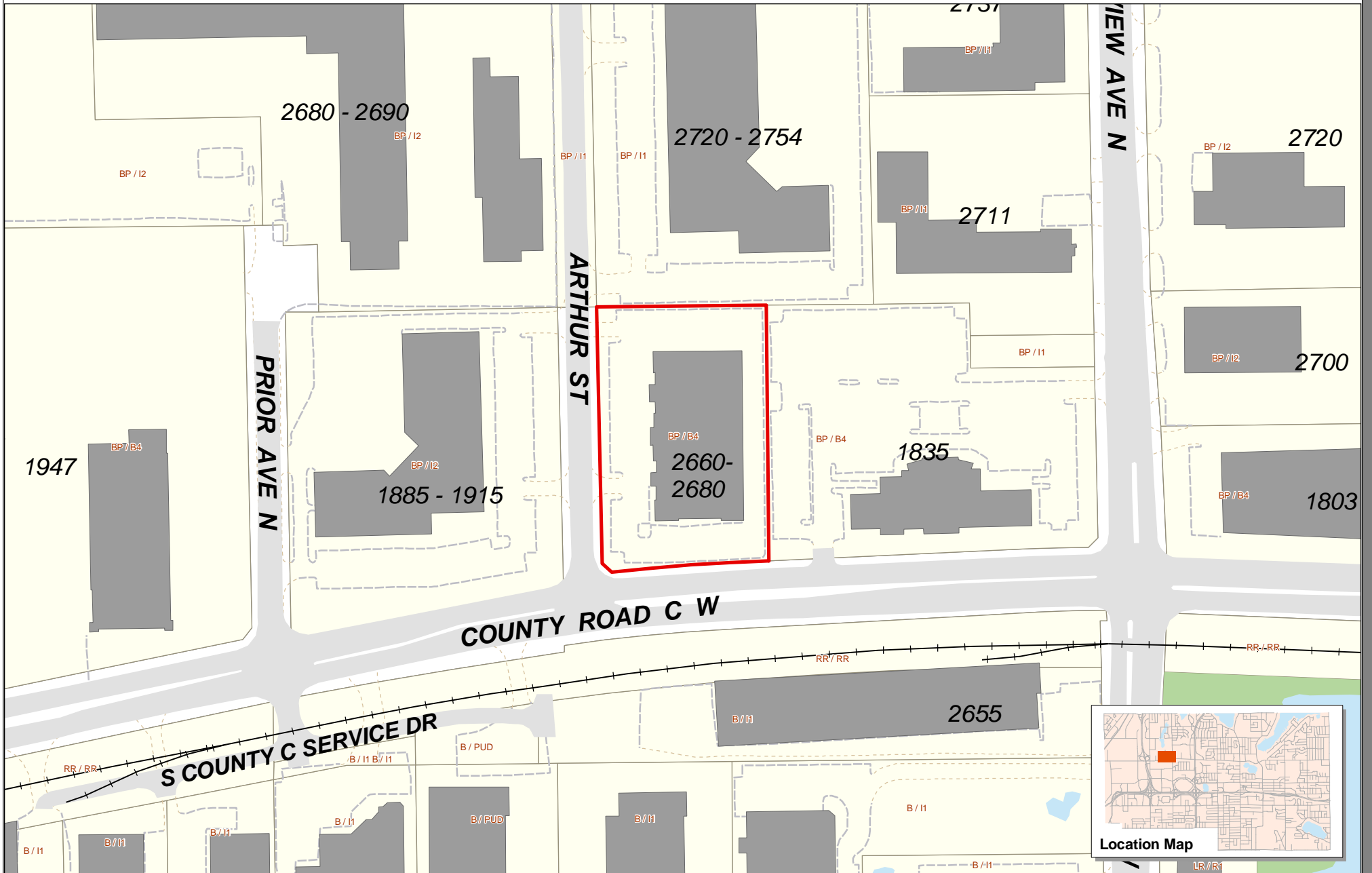
129 **9.0 SUGGESTED ACTION**

130 **Adopt a resolution approving the proposed INTERIM USE** of the existing building at  
131 2680 Arthur Street as a temporary library facility, based on the comments and findings of  
132 Sections 5-7, and the conditions of Section 8 of the project report dated February 23,  
133 2009.

**Prepared by:** Associate Planner Bryan Lloyd

Attachments:	A: Area map	F: Open house summary
	B: Aerial photo	G: Sign Illustration
	C: Narrative	H: Planning Commission minutes
	D: Site plan with parking	I: Parking agreement
	E: Floor plan	J: Draft resolution

# Attachment A: Location Map for Planning File 09-004



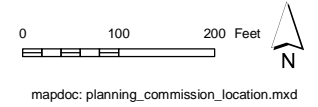
Prepared by:  
 Community Development Department  
 Printed: January 20, 2009



**Site Location**  
 LR / R1 Comp Plan / Zoning Designations

**Data Sources**  
 \* Ramsey County GIS Base Map (1/6/2009)  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

**Disclaimer**  
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



mapdoc: planning\_commission\_location.mxd

# Attachment B: Aerial Map of Planning File 09-004



Prepared by:  
Community Development Department  
Printed: January 20, 2009



Site Location

#### Data Sources

- \* Ramsey County GIS Base Map (1/6/2009)
- \* Aerial Data: Pictometry (4/2008)

For further information regarding the contents of this map contact:  
City of Roseville, Community Development Department,  
2660 Civic Center Drive, Roseville MN

#### Disclaimer

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0 50 100 Feet



## Roseville Library Interim Use Permit Application

### 7. Additional Information

- a. Legal Description                      Lot 2, Block 1, Twin Lakes Center  
PIN                                              04.29.23.34.0032
  
- b. Proposed Plans  
Included are diagrammatic drawings showing proposed interior wall demolition and a sketch layout of the Library furniture and shelving. An 1/8" scale drawing of the existing plan is available. Also included is a site plan indicating parking spaces. No site drainage, landscaping or exterior building elevation changes are contemplated.
  
- c. Open House Summary  
An open house has not been held. Please advise if one is required.
  
- d. Consultant Fees  
Not applicable
  
- e. Narrative  
Ramsey County is in the process of planning an expansion to the Roseville Library at 2180 Hamline Ave. The extent of the construction will require that all library services be discontinued and all contents be removed from the building. The closing is expected to last approximately 15 months beginning approximately March 31, 2009. On May 21, 2008, the Ramsey County Library Board considered the option of completely discontinuing Library services during the construction or providing limited services at another location. They chose to provide the limited services. In support of that decision, the Roseville City Council, at their September 22, 2008 meeting, adopted a resolution encouraging the Library's continued operation within the City limits during the construction process. At the direction of the Library Board, the Library staff reviewed a number of locations for the interim services and recommended the Twin Lakes Corporate Center III, 2680 Arthur Street in Roseville as the first choice. The size and quality of the space, the easy access and the proximity to the Rosedale Shopping Center all favored that choice. Further, they felt the quiet operation of the Library would be compatible with the office/light industrial character of the area and the existing road system would easily accommodate the traffic generated by the Library. At the December 10, 2008 Library Board meeting, the general terms of a lease for the Twin Lakes Corporate Center space were approved by the Board and staff were directed to execute the lease. That action was ratified by the Ramsey County Board of Commissioners at the December 16, 2008 Board meeting. The lease is for 15 months commencing April 1, 2009.

### Library Operation

The 20,285 square foot leased space is approximately half the size of the present Library. Only the shelving, books and other equipment needed to function in the leased space will be brought to the site. The remainder of the library contents will be stored at another County facility for the duration of the construction. The Library hopes to provide up to 75% of the present services for about 12-13 months. The services will be available seven days a week, from 10:00 in the morning to 9:00 in the evening Monday through Thursdays, with shorter weekend hours. The proposed space is well suited for the purpose intended with only minor alterations required on the interior to allow for an efficient operation. No changes to the exterior are proposed other than signage over the entrance and on the entry door. The space is well maintained, air conditioned, well lit, handicapped accessible including restrooms and has the necessary fire safety equipment. Recyclables and trash will be stored at the rear of the building in appropriate containers. The location has excellent road access and the Library will have approx 80 on-site parking spaces available plus 20 additional spaces for staff in an adjacent lot plus there is on-street parking. The Library will install a return book drop box at the rear of the building and provide directional signage to that box.

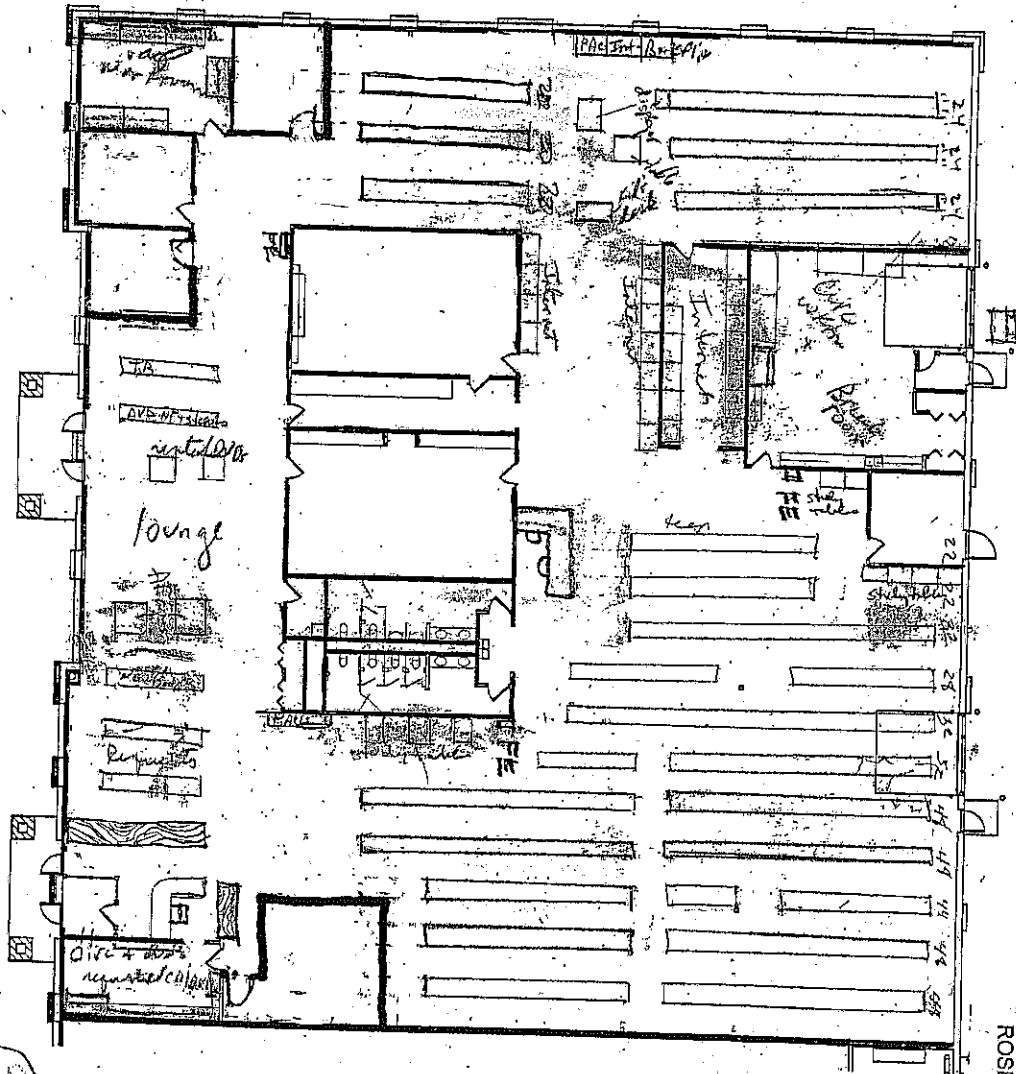
### Requests

The Library requests the following be included in the IUP conditions:

1. Permit the Library use as described in the narrative.
2. Permit the installation of a 4'x 8' sign on the County Road C Boulevard to identify the library location.
3. Permit the installation of a return drop box at the rear of the building including 18" x 24" directional signs.
4. Permit recycle and trash containers to be stored outside at the rear of the building.
5. Permit the sale coffee and prepackaged food on a limited basis.







# TWIN LAKES III

2676 ARTHUR STREET  
ROSEVILLE, MN

Conceptual Floor Plan

Ramsey County Library in Roseville  
Proposed Temporary Use of Space at 2680 Arthur Street, Roseville  
Summary of Community Open House

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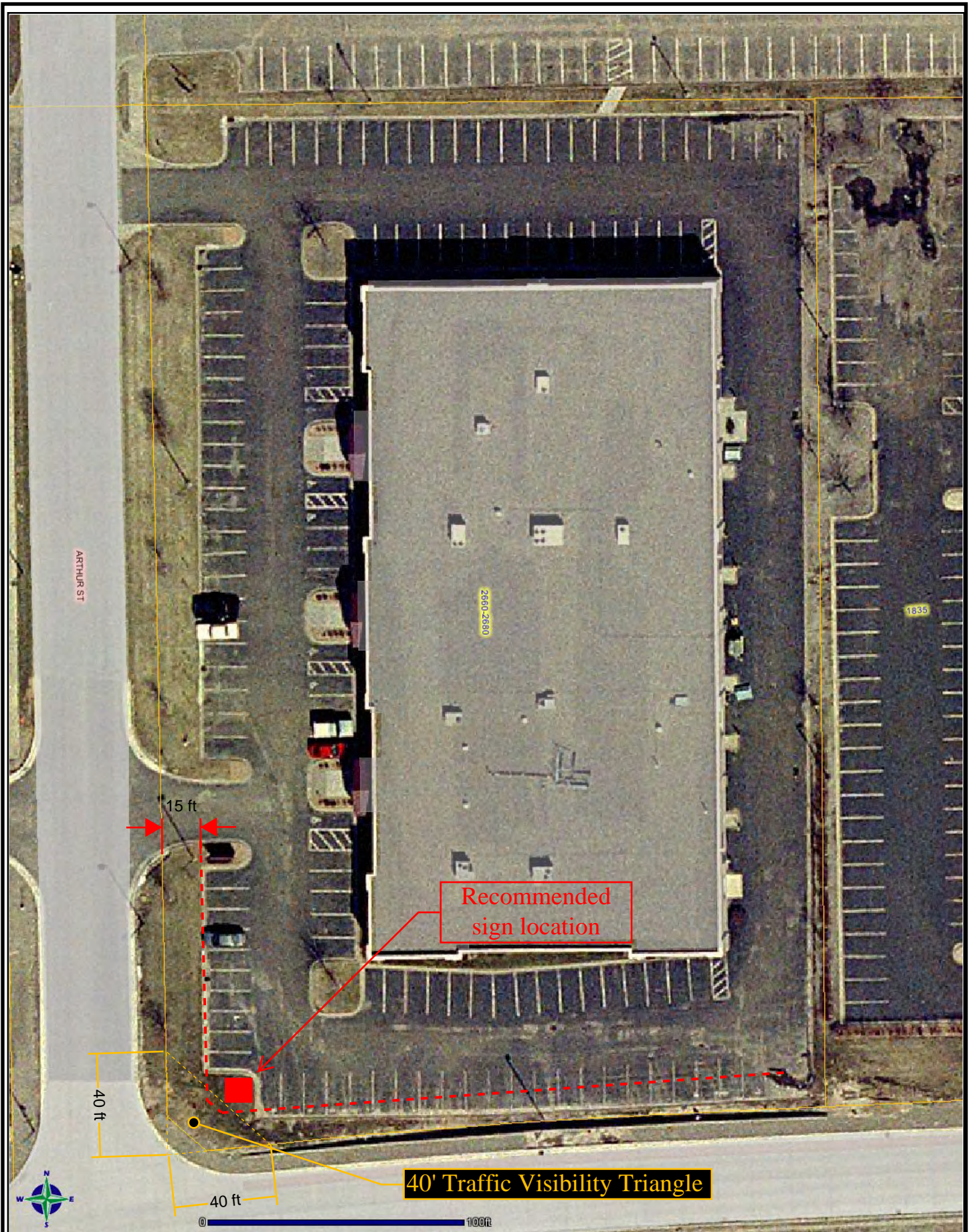
On January 21, 2009, the Ramsey County Library held a Community Open House at the Twin Lakes Corporate Center III building located at 2680 Arthur Street, Roseville. The purpose of the open house, which was held from 6:30 to 9:00pm, was to provide the community an opportunity to become familiar with the Library's proposal to provide limited library services at the building while the present Library undergoes renovation and expansion. Nineteen invitations were mailed to property owners in the vicinity of the building plus invitations were sent to the Roseville City Council and the Planning Commission. While Library staff were on hand to explain the proposed use, no one from the community attended.

Point of information:

Two invitations for the open house were returned as "not deliverable as addressed". Both properties are owned in part by Ryan Construction, the Landlord of the Library leased space. We would not anticipate an objection to the proposed use from those two invitations. The addresses are:

FJR & RJR Investments, LLC  
C/O Ryan  
Attention: Marie Jindra  
900 2<sup>nd</sup> Ave S, Suite 700  
Mpls, MN 55402-3314

Twin Lakes Medical Center, LP  
900 2<sup>nd</sup> Ave S, Suite 700  
Mpls, MN 55402-3315



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.  
SOURCES: City of Roseville and Ramsey County, The Lawrence Group; January 9, 2009 for City of Roseville data and Ramsey County property records data,

1 a. **PLANNING FILE 09-004**  
2 **Request by Ramsey County Library and property owner FJR & RJR Investments,**  
3 **LLC for approval of the proposed Interim Use of the office/warehouse facility at**  
4 **2680 Arthur Street for library purposes while the existing library is under**  
5 **construction.**

6 Chair Bakeman opened the Public Hearing for Planning File 09-004 (6:35 p.m.).

7 Associate Planner Bryan Lloyd reviewed staff's analysis of the request of the Ramsey  
8 County Library for an INTERIM USE to continue to provide limited and temporary library  
9 services in an office/warehouse building at 2680 Arthur Street while the permanent library  
10 facility is being renovated according to a Planned Unit Development that has received  
11 General Concept PUD approval. Ramsey County wants to be sure that the temporary  
12 location is acceptable before seeking final approval of the PUD and beginning  
13 construction; as the zoning for this temporary location does not permit libraries.

14 Commissioner Gottfried arrived at this time; approximately 6:36 p.m.

15 Mr. Lloyd advised that, while the only points of concern identified by staff were the  
16 adequacy of parking and the location of the trash container. Mr. Lloyd advised that the  
17 library had been given permission to use some parking spaces in the Twin Lakes medical  
18 Center parking lot, the temporary facility would have close to five (5) spaces per 1,000  
19 square feet; and that staff opined this should be adequate on a temporary basis, and with  
20 limited library services available during this basis. Mr. Lloyd noted that zoning  
21 requirements would dictate location of the trash container within the building; however,  
22 due to modifications required within the interior space, and due to the temporary use of  
23 the facility, a trash container would need to be located in the rear of the building, and  
24 should not have significant impact on adjoining properties.

25 Mr. Lloyd noted that the applicant intended identifying signs on the building, and other  
26 directional signage on site, as permitted by City Code and that could be accommodated  
27 with a typical sign permit application. Mr. Lloyd noted that a freestanding sign, not  
28 exceeding 100 square feet, would also be allowed; however, space constraints along  
29 County Road C right-of-way suggested to staff that installing the freestanding sign just  
30 outside the southwestern corner of the parking lot could be allowed.

31 Mr. Lloyd noted that the library would work with staff on the best location for a drop box for  
32 book returns and proposed directional signage for such purpose on the property, was  
33 proposed for the rear of the building, along with recycling containers in the rear of the  
34 building.

35 Mr. Lloyd noted that sale of coffee and prepackages food was also identified in the  
36 application as a desired component of the Interim Use, similar to a limited version of the  
37 Dunn Brothers Café in their permanent library location, and staff was amenable to that as  
38 part of this proposal.

39 Mr. Lloyd suggested that the Interim Use be approved through 2010, to accommodate  
40 potential construction delays at the permanent library site.

41 Discussion included location and orientation of the freestanding sign; inclusion of the  
42 parking agreement with Twin Lakes Medical Center, with staff suggesting that this  
43 agreement could be included in the packet going before the City Council; adequacy of  
44 parking on site, in addition to those designated at the Medical Center, and the need for  
45 monitoring to ensure no further mitigation was called for; and snow storage at the Medical  
46 Center.

47 Staff recommended APPROVAL of the proposed Interim Use of the existing building at  
48 2680 Arthur Street as a temporary library facility; based on the comments and findings of  
49 Sections 5 and 6; and the conditions of Section 7 of the project report dated February 4,  
50 2009.

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**Applicant Representatives, Lynn Wyman, Ramsey County Library Board and Fred Shank, Ramsey County Property Management**

Ms. Wyman spoke to the parking space concerns, opining that the library anticipated significantly less business in the temporary location than for normal business operations, noting the permanent library location sees approximately 35% of its business from St. Paul and Minneapolis, and anticipated that those patrons would visit other library locations closer to them than to drive further north to the temporary location during the construction project. Ms. Wyman also noted that the library's temporary location would not provide for any meeting room space that would also significantly reduce parking needs.

Discussion among Ms. Wyman and Commissioners included how much of the collection would be housed at this location, estimated at 75% as their goal; vending or cart service by Dunn Brothers at the temporary site, providing for limited beverage service and some prepackaged foods, with no drive through.

**Public Comment**

**Frederick M. Christianson, 2220 Midland Grove**

Mr. Christianson expressed concern with access to the temporary site, and how that would be managed safely for vehicle traffic, as well as for bikers and pedestrians. Mr. Christianson noted the existing difficulties at that location in making left hand turns on County Road C.

City Planner Thomas Paschke advised that business would be conducted similar to today's activities, with no site modifications done at that intersection. Mr. Paschke indicated that this was a full intersection, with left and right turn lanes, as it has functioned for a number of years, with no additional problems anticipated at the site, opining that if office/showroom uses were at full capacity, they would create more traffic turning moves that that anticipated with the one library use.

Chair Bakeman closed the Public Hearing at this time (6:57 p.m.).

Commissioner Doherty expressed his appreciation that a temporary location had been located and that the library would remain utilized during the time of construction, opining that the thought of closing the Roseville facility for 15 – 18 months was daunting.

**MOTION**

**Member Doherty moved, seconded by Member Gottfried Doherty to RECOMMEND APPROVAL of the proposed INTERIM USE of the existing building at 2680 Arthur Street as a temporary library facility; based on the comments and findings of Sections 5 and 6; and the conditions of Section 7 of the project report dated February 4, 2009.**

**MOTION – Friendly Amendment**

**Member Wozniak moved, seconded by Member Gottfried Doherty to RECOMMEND APPROVAL of a friendly amendment to add a condition that a signed copy of the parking agreement between the applicant and Twin Lakes Medical Center for twenty (20) parking spaces.**

**Friendly Amendment**

**Ayes: 7**

**Nays: 0**

**Motion carried.**

**Original motion as amended**

**Ayes: 7**

**Nays: 0**

**Motion carried.**

## PARKING LICENSE AGREEMENT

This Parking License Agreement (“Agreement”) is made and entered into as of this 27 day of January, 2009, by and between Twin Lakes Medical Center Limited Partnership (“Licensor”), located at 1835 County Road C W, Roseville, MN 55113, and Ramsey County (“Licensee”), located at 50 West Kellogg Boulevard, St. Paul, MN 55102.

### RECITALS:

- A. Licensor owns certain real property located at 1835 County Road C W, Roseville, MN 55113 (the “Parking Parcel”) on which is located a paved and striped parking lot (“Parking Lot”). A depiction of the Parking Lot is attached hereto as Exhibit A.
- B. Licensee desires to use twenty (20) of the parking spaces located within the northwest portion of the Parking Lot on a non-exclusive, non-reserved temporary basis (such spaces being collectively referred to hereafter as the “Premises”) for passenger vehicle parking. The location of the Premises is as depicted on Exhibit A.

Now, therefore, in consideration of the Recitals, and the mutual covenants of the parties contained herein, it is hereby agreed as follows:

1. **Premises.** Licensor hereby grants a license (“License”) to Licensee, and Licensee hereby accepts from Licensor, the non-exclusive License to occupy the Premises.
2. **Term and Use.** The term of this License shall be for the period to commence on April 1, 2009, and, subject to earlier termination as hereinafter provided, shall continue fifteen (15) full calendar months, when this Agreement shall terminate. The Licensee will have a one-time option to extend this term for one (1) or two (2) months (that is, months sixteen (16) or seventeen (17)). Lessee must provide written notice to Licensor prior to the end of the twelfth (12<sup>th</sup>) month of the term in order to obtain this extension. The Premises may be used by Licensee, its agents, employees, guests, customers, and invitees solely for the purpose of passenger vehicle parking. Licensee shall not allow any non-authorized nor any non-operative vehicles to be parked on the Premises.
3. **Compensation.** As the consideration for Licensee’s use of said Premises, Licensee agrees to pay to Licensor a license fee of One Hundred Dollars (\$100.00) plus tax per month. Payment is due and payable on or before the first day of each and every month during the period that this license is in effect. If Licensor does not receive payment within five (5) days after the amount is due, Licensee shall pay a monthly late fee of Ten Percent (10%) of the outstanding balance owing.

**4. Licensee Covenants.**

- a. Licensee agrees to use the Premises only during the term and for the use stated in this License.
- b. Licensee agrees to conform to all city ordinances and other orders, regulations and requirements of any regulatory authority applicable to Licensee's use of the Premises.
- c. Licensee agrees to keep the Premises free of all trash and other debris.

**5. Licensee Indemnification.**

- a. Licensee agrees to defend, indemnify, and hold harmless the Licensor, its officers, employees and agents from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of Licensee, its subcontractors, anyone directly or indirectly employed by Licensee, and/or anyone for whose acts and/or omissions Licensee may be liable in the performance of this License, and against all loss by reason of the failure of Licensee to perform fully, in any respect, all obligations under this License, and any and all loss by reason of damage to the Premises or other parts of the Parking Lot resulting from Licensee's use of the Premises.

6. **Assignment.** Licensee may not assign or transfer this License or any interest therein.

7. **Revocation Rights.** Licensor, may at any time, revoke this License if Licensee shall fail to pay the license fee when due, fail to keep any term or condition of this License, or shall neglect or fail to keep, observe and perform any of the rules and regulations from time to time adopted and promulgated by Licensor, and such failure shall continue for Ten (10) days after written notice thereof to Licensee. Licensor, may at any time, revoke this License if the lease between Ramsey County and FJR & RJR Investments, LLC, for space in the Twin Lakes III building, located at 2680 Arthur Street, Roseville, MN 55113, expires or is terminated.

**8. Terms and Restrictions for Use of the Premises.**

- a. Licensor or its authorized agents may, without liability on its part, at any time upon reasonable written notice to Licensee except in an emergency when no notice shall be required, enter Licensee's (and Licensee's agents', employees', guests', customers', and invitees') vehicles and move such vehicles in the case of fire or other casualty on the Parking Parcel.
- b. Except to the extent arising out of the negligence or acts of Licensor, its employees, agents or contractors, Licensor shall not be liable to Licensee



- or those claiming through or under Licensee, for injury, death, or property damage occurring in, on, or about the Premises and Licensee shall indemnify the Licensor and hold it harmless from any claim or damage arising out of any injury, death or property damage occurring in, on, or about the Premises to Licensee or any agent, employee, guest, customer, or invitee of Licensee.
- c. Licensee understands and agrees that the Parking Lot is an unattended and unsupervised area and that the Licensor is not responsible for any loss of, or any damage to, the vehicles, nor any part thereof, while in or being driven to or from, said Premises, however caused.
  - d. Licensee agrees that all vehicles on said Premises shall be parked, driven, and handled at Licensee's own risk.
  - e. No employee of Licensor is authorized to accept possession, care or custody of any vehicle of Licensee, or Licensee's agents, employees, guests, customers, or invitees.
9. **Notice.** Any written notices required above, all Rent payments, and all other instruments including notices, demands, offers, and consents shall be validly given when hand delivered, sent by U.S. Mail, or sent by common carrier. Notices shall be effective upon receipt. Those sent by U.S. Mail or common carrier must be sent, postage prepaid, to:

Lessee: Ramsey County Library  
Susan Nemitz, Director  
4570 North Victoria Street  
Shoreview, MN 55126

Lessor: Twin Lakes Medical Center LP  
Care of Ryan Companies US, Inc.  
Ryan Properties  
50 South Tenth Street, Suite 300  
Minneapolis, MN 55403-2012


\* Signatures on the following page.

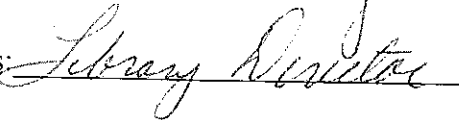
\*Licensor and Licensee, having signed this Agreement, agree to be bound by the provisions set forth herein.

Signed:

Lessee

Ramsey County

By: 

Its: 

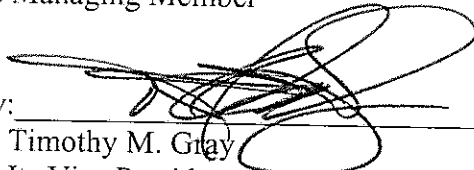
Date: 2/3/09

Lessor

Twin Lakes Medical Center Limited Partnership

By: Twin Lakes LLC  
Its General Partner

By: Ryan Companies US, Inc.  
Its Managing Member

By:   
Timothy M. Gray  
Its Vice President

Date: 2/12/09

**EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF THE CITY OF ROSEVILLE**

1 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of  
2 Roseville, County of Ramsey, State of Minnesota, was held on the 23<sup>rd</sup> day of February 2009 at  
3 6:00 p.m.

4 The following members were present: \_\_\_\_\_;  
5 and \_\_\_\_\_ was absent.

6 Council Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

7 **RESOLUTION NO. \_\_\_\_\_**

8 **A RESOLUTION APPROVING AN INTERIM USE IN ACCORDANCE WITH §1012.09**  
9 **OF THE ROSEVILLE CITY CODE FOR FJR & RJR INVESTMENTS, LLC AT 2680**  
10 **ARTHUR STREET (PF09-004)**

11 WHEREAS, FJR & RJR Investments, LLC owns the property addressed as 2660-2680  
12 Arthur Street and, in conjunction with the Ramsey County Library, has requested approval of an  
13 INTERIM USE in accordance with §1012.09 of the Roseville City Code; and

14 WHEREAS, the subject property is legally described as:

15 **Twin Lakes Center subj to St; Lot 2 Block 1**  
16 **PIN: 04-29-23-34-0032**

17 WHEREAS, the applicant seeks to operate a temporary library facility on the property;  
18 and

19 WHEREAS, The Roseville Planning Commission held a public hearing regarding the  
20 requested INTERIM USE, voting 7-0 to recommend approval of the request based on the  
21 comments and findings of the staff report dated February 4, 2009;

22 NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE  
23 the request by Ted Glasrud Associates, Inc. for an INTERIM USE PERMIT in accordance with  
24 Section §1012.09 of the Roseville City Code, subject to the following conditions;

- 25 **a.** The applicant shall provide a signed parking agreement securing the use of 20  
26 additional parking spaces near the subject property;
- 27 **b.** The applicant shall work with staff to resolve any problems related to the  
28 unenclosed trash and recycling containers as they arise;
- 29 **c.** The applicant shall work with staff to determine a suitable location for a return  
30 book drop box; and

31           **d.**       The INTERIM USE shall be discontinued at the end of December 31, 2010. Any  
32                            continuation of the use beyond this date shall only be allowed pursuant to the  
33                            approval of a new application.

34                    The motion for the adoption of the foregoing resolution was duly seconded by Council  
35   Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor: \_\_\_\_\_;  
36   and \_\_\_\_\_ voted against;

37   WHEREUPON said resolution was declared duly passed and adopted.

