

**HAVEN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA
RESOLUTION NO. R – 2022 – 02**

**RESOLUTION ADOPTING FINDINGS OF FACT WITH CONDITIONS,
AND APPROVING APPLICANT FARAH MUSE’S
REQUEST FOR AN INTERIM USE PERMIT**

RECITALS

WHEREAS, on or around April 14, 2022, Haven Township (“Township”) received an Interim Use Permit (“IUP”) application from Farah Muse (“Applicant”);

WHEREAS, the Applicant has requested an Interim Use Permit (IUP) to use the Real Property legally described in attached **Exhibit A**, PID No. 25-006-2200 (“Property”);

WHEREAS, the request is for a business to sell vehicles;

WHEREAS, the Property is zoned as Commercial District under the Haven Township Zoning Ordinance;

WHEREAS, pursuant to Section 12, Subdivision 1 of the Haven Township Zoning Ordinance, IUPs may be approved in accordance with Minn. Stat. § 462.357;

WHEREAS, on May 11, 2022, the Township Planning Commission held public a Hearing on Applicant’s IUP application in accordance with Minn. Stat. Ch. 462 and the Haven Town Zoning Ordinance;

WHEREAS, Notice of the Hearing was served and published as required by Haven Township Zoning Ordinance Section 16, Subdivision 5 (3). In addition, all affected adjacent property owners were given Notice; and

WHEREAS, the Township Board has considered the Application, the recommendation of the Town Planning Commission, the testimony of the Applicant’s Representatives and parties in attendance at the Hearing and Finds as follows:

FINDINGS OF FACT AND CONDITIONS OF PERMIT

- A. Applicant Farah Muse is applying on behalf of the Property Owner, iLimited, LLC. iLimited, LLC purchased the Property pursuant a Quit Claim Deed dated May 8, 2002, and recorded on July 12, 2002, as Document No. 473922.

- B. The Property is zoned Commercial. Businesses selling vehicles, boats or farm implements are permitted with an IUP in the Commercial District pursuant to Section 8, Subdivision 3; and Section 12, Subdivision 5 of the Haven Township Zoning Ordinance.

- C. Applicant wishes to run a business that sells vehicles.

- D. Pursuant to Minn. Stat. § 462.3597, Subd. 2, as well as Section 12 of the Haven Township Zoning Ordinance, the Township may grant an interim use of property when the following are met:
 - 1. No item shall be parked on any required parking or driveway setback.
 - 2. Other requirements normally applying to commercial development are followed.
 - 3. Applicant to comply with all other Town Zoning Ordinances and all local, state, and federal laws.
 - 4. The Applicant shall agree to permit the Town to inspect the Property any time.
 - 5. No use is permitted that impacts the Town NPDES or MS-4 Permit. If any use is determined to impact, cause or create any NPDES, MS-4 or other Government permit requirements, the permit holder shall pay all of Haven Township's costs to comply.
 - 6. The rights of Haven Township under this permit may be transferred to another Government entity.
 - 7. The Findings in Section 14, Subd. 4 of the Haven Town Zoning Ordinance have been made.

NOW, THEREFORE, BE IT RESOLVED BY THE HAVEN TOWN BOARD THAT:

- 1. An IUP is granted to Applicant, subject to these Findings and Conditions, for a business selling vehicles.

2. The above Findings of Fact and conditions are adopted and all conditions are made a part of this permit.
3. The IUP will terminate upon the earlier of: (a) the violation of any condition of this permit; (b) the date that is sixty (60) consecutive days after Applicant ceases to operate under this Permit. This does not include days shut down for winter or end of seasons; or (c) the date of any of the events stated in Section 12, Subd. 2 and Section 16, Subd. 5 of the Haven Township Zoning Ordinance.
4. The Township hereby terminates any and all other conditional use permits and interim use permits on the Property.

Adopted May 11, 2022.

HAVEN TOWNSHIP, MINNESOTA

By Kath Sims Kosloski
 Kathi Sims-Kosloski, Haven Zoning
 Administrator and Town Board Chair

ATTEST:

By Tammy Schefers
 Tammy Schefers, Deputy Clerk, Acting Clerk

STATE OF MINNESOTA)
 Stearns) SS
 COUNTY OF ~~SHERBURNE~~)

This instrument was acknowledged before me this 19 day of July, 2022, by Kathi Sims-Kosloski, Haven Zoning Administrator and Town Board Chair.



Kristie A. Kroll
 Notary Public

STATE OF MINNESOTA)
 Stearns) SS
COUNTY OF ~~SHERBURNE~~)

This instrument was acknowledged before me this 12 day of July, 2022, by
Tammy Schefers, Deputy Clerk, Acting Clerk.

Kristie A Kroll
Notary Public

THIS INSTRUMENT DRAFTED BY:

Rinke Noonan (DJM/mjr)
1015 W. St. Germain St., Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
File No. 5097-0127



EXHIBIT A

That part of the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Six (6), Township Thirty-Five (35), Range Thirty (30), Sherburne County, Minnesota, described as follows: Commencing at the Northwest corner of said West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$; thence East on an assumed bearing along the North line of said West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ a distance of 64.27 feet to its intersection with the Southerly right-of-way line of U.S. Highway '10'; thence South 43°03'00" East along said right-of-way line a distance of 1261.80 feet to the point of beginning of the land to be described; thence South 46°57'00" West a distance of 100.00 feet to a point hereinafter referred to as Point "A"; thence South 84°58'22" West 624.39 feet; thence South 00°41'16" East parallel with the West line of said West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, 42.65 feet; thence South 89°48'44" West 185.00 feet; thence North 00°41'16" West parallel with said West line a distance of 187.00 feet; thence South 89°18'44" West a distance of 33.00 feet to a point in said West line, distant 903.40 feet from said Northwest corner; thence South 00°41'16" East along said West line 423.29 feet to its intersection with the Northerly right-of-way line of Burlington Northern Railroad; thence South 63°13'58" East along the last described right-of-way line 618.24 feet; thence North 26°46'02" East 265.57 feet; thence South 76°08'08" East 417.85 feet; thence North 47°19'38" East 250.00 feet to the intersection with said Southerly right-of-way line to a point hereinafter referred to as Point "B"; thence Northwesterly 74.95 feet along said Southerly right-of-way line and along a non-tangential curve concave to the Southwest having a radius of 11,382.80 feet and a central angle of 00°22'38", the chord of said curve bears North 42°51'41" West; thence North 43°03'00" West, tangent to said curve and along said Southerly right-of-way line 440.05 feet to the point of beginning

Subject to and together with an easement for the purpose of ingress and egress which lies 33.00 feet on each side of a line drawn from the point of beginning to the aforementioned Point "A" and subject to a 40.00 foot easement for the purpose of ingress and egress, which lies adjacent to and Southwesterly of a line drawn from the point of beginning to the aforementioned Point "B". According to the U.S. Government Survey thereof

(PID No. 25-006-2200)

Times MEDIA

St. Cloud Times | sctimes.com

PART OF THE USA TODAY NETWORK

AFFIDAVIT OF PUBLICATION

[FORM Rev. 7/16]

of Affidavits: 1

RINKE NOONAN
PO BOX 1497

SAINT CLOUD, MN, 56302

Account Number STC-00018268

Ad Number 0005237462

This is not an invoice

RE: NOTICE OF A SPECIAL MEETING OF THE PLANNING COMMISSION FOR HAVEN TOWNSHIP, SHERBURNE COUNTY, MN

I, being first duly sworn, on oath states as follows:

1. I am the publisher of the St. Cloud Times, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in newspaper issues dated as follows:

05/01/2022

Etc.

P.O.#

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06 <<https://www.revisor.mn.gov/statutes/?id=331A.06>>, is as follows:

1.70 daily / \$2.25 Sunday per agate line

5. [NEW] Mortgage Foreclosure Notices [Effective 7/1/15]. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Stearns County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.



LEGAL CLERK

Subscribed and sworn to before me

on this 2 nd day of May, 2022



State of Wisconsin, County of Brown Notary Public

8-25-23
Notary Expires

SHELLY HORA
Notary Public
State of Wisconsin

NOTES ON REVISED AFFIDAVIT FORM

The 2015 Legislature enacted amendments to the Minnesota law which governs mortgage foreclosure by advertisement. Those amendments appear in Chapter 14 of the 2015 session laws. They are effective on July 1, 2015.

Most importantly, a new statute was added (§580.033) that specifies where a notice of foreclosure should be published, something that was ambiguous under prior law. This statute also requires that affidavits of publication issued by a newspaper must contain certain language related to the published foreclosure notice.

The affidavit of publication form above includes (in paragraph 5) the language called for by the new statute. The form also complies with the general requirements for affidavits of publication found in Minnesota Statute, §331.07. The form is drafted so that it can be used for any published notice, not just mortgage foreclosure notices: in other words, you don't need to use a different form for other kinds of notices.

**NOTICE OF A SPECIAL
MEETING OF THE PLANNING
COMMISSION FOR HAVEN
TOWNSHIP, SHERBURNE
COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the Planning Commission for Haven Township, Sherburne County, Minnesota will hold a special meeting on May 11, 2022, at 7:00 PM, or as soon thereafter as possible, at the Haven Township Hall located at 4230 - 45th Avenue SE, St. Cloud, County of Sherburne, State of Minnesota 56304 to act on an Interim Use Permit Application from Farah Muse regarding property located along US Highway 10 SE, St. Cloud, Minnesota (PID No. 25-006-2200) requesting an Interim Use Permit for a business selling vehicles. Along with any other matters that could come before the Planning Commission. This is an open, public meeting.

**NOTICE OF SPECIAL MEETING
OF THE TOWNSHIP BOARD
FOR
HAVEN TOWNSHIP,
SHERBURNE COUNTY,
MINNESOTA**

NOTICE IS HEREBY GIVEN that the Township Board for Haven Township, Sherburne County, Minnesota will hold a special meeting on May 11, 2022, immediately after the above Special Planning Commission Meeting, or as soon thereafter as possible, at the Haven Township Hall located at 4230 - 45th Avenue SE, St. Cloud, County of Sherburne, State of Minnesota 56304, to act on the recommendations of the Planning Commission for Haven Township regarding an Interim Use Permit Application from Farah Muse regarding property located along US Highway 10 SE, St. Cloud, Minnesota (PID No. 25-006-2200) requesting an Interim Use Permit for a business selling vehicles. Along with any other matters that could come before the Township Board. This is an open, public meeting. Inquiries should be directed to Haven Township Clerk, 320-248-5866.