

**EIGHTH AMENDMENT TO  
PLANNED UNIT DEVELOPMENT AGREEMENT**

**THIS EIGHTH AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT FOR EAST OAKS PROJECT** (this "Amendment") is made this 17<sup>th</sup> day of December, 2020, between the City of North Oaks (the "City"), a Minnesota Municipal Corporation, and the North Oaks Company, LLC, a Minnesota limited liability company (the "Developer").

**WHEREAS**, the City and Developer entered into that Master Development Plan and Planned Unit Development Agreement for East Oaks PUD with an effective date of February 11, 1999 (the "Agreement"), which provided for the development of the Subject Property identified therein in accordance with the PUD Controls; and

**WHEREAS**, since its execution, the City and Developer have amended the Agreement a total of seven (7) times; and

**WHEREAS**, the Developer has completed development of the majority of the Subject Property within the various Development Sites constituting the East Oaks Development Area, and has submitted development plans for the site identified as Site H, Island Field (the "Island Field Development Plans"); and

**WHEREAS**, the Island Field Development Plans contemplate the construction of a forty-three (43) foot tall condominium building containing seventy-four (74) dwelling units on the development site identified in the Agreement as Site H, Island Field (the "Island Field Site"); and

**WHEREAS**, the City Council of the City of North Oaks, by way of Resolution No. 1399 adopted on October 8, 2020, articulated its interpretation and understanding of the Agreement to allow the construction of seventy-four (74) dwelling units on the Island Field Site based on the conversion of the remaining 5.73 commercial acres to twenty-eight (28) dwelling units and the addition of those commercial conversion dwelling units to the thirty-five (35) dwelling units, plus a thirty-percent (30%) density increase; and

**WHEREAS**, Developer and City have reviewed the Agreement and in order to permit the construction of the proposed forty-three foot tall (43') condominium building containing seventy-four (74) dwelling units on the Island Field Site have determined that certain amendments to the Agreement are necessary and advisable at this time.

**NOW THEREFORE**, the City and Developer hereby agreed to the following Minor Amendments to the Agreement:

1. That the maximum building height for Site H, Island Field, shall be forty-seven feet (47').

2. That any provisions to the contrary contained within the Agreement, including the provisions found in Appendix A, Section 4, Section 5, and Table 1 are hereby amended to explicitly allow a maximum building height of forty-seven feet (47') for buildings located on Site H, Island Field.
3. That Appendix 1, Section 5, Conversion of Permitted Uses is amended to add the following sentence:
  - c. Notwithstanding anything to the contrary contained herein, if the Developer elects to forego the Development of the entirety of the remaining 5.73 commercial acres, Developer shall be entitled to a total of twenty-eight (28) permitted dwelling units which may be constructed on Site H, Island Field in addition to the permitted thirty-five (35) dwelling units and permitted density increase of thirty percent (30%) (which equals 45.5 dwelling units, rounded up to 46 dwelling units), for a total of seventy-four (74) dwelling units permitted on Site H. To the extent necessary to allow the construction of a total of seventy-four (74) dwelling units on Site H, all gross density or other density-related requirements are hereby modified to allow the construction of seventy-four (74) dwelling units on Site H.
4. That except as amended herein, the Agreement shall continue in full force and effect without further change.
5. That this Amendment may be executed in counterparts, each of which shall constitute an original, and that if requested by either party, a duplicate original of this Amendment in recordable form shall be prepared and executed by the Mayor and attested by the City Clerk and by the President of North Oaks Company, LLC, and such Amendment shall be registered with the Registrar of Titles of Ramsey County, Minnesota.

IN WITNESS WHEREOF, the parties hereto have signed this Amendment to be effective as of the 17<sup>th</sup> day of December 2020.

**NORTH OAKS COMPANY, LLC**

**CITY OF NORTH OAKS**



By: PRESIDENT

Its: MARIK HAUGE

Dated: 12/28/20



By: Gregg Nelson

Its: Mayor

Dated: 12/28/2020

Attest:   
Kevin Kress

Its: City Administrator/City Clerk

Dated: 12-28-2020