

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2024-023**

*A RESOLUTION APPROVING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT  
FOR EBERTZ ADDITION*

**WHEREAS**, the City of Lake Elmo (the “City”) is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, the Lake Elmo City Council adopted Resolution No. 2023-046 on May 16, 2023 approving the Development Agreement related to the final plat and final PUD plan for EBERTZ Addition; and

**WHEREAS**, the executed Development Agreement was recorded on July 6, 2023; and

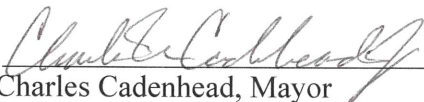
**WHEREAS**, Section 23 of the Development Agreement requires all public improvements to be installed and accepted by the City prior to issuance of a Certificate of Occupancy for Lot 1, Block 2;

**WHEREAS**, construction of the building on Lot 1, Block 2 is nearing completion, but there remains construction of public improvements (a trail), installation of landscaping, and submittal of as-built drawing and acceptance by the City Engineer; and

**WHEREAS**, the Developer has requested an amendment to the Development Agreement to allow for a temporary 180-day Certificate of Occupancy to occupy the building on Lot 1, Block 2 while completing the outstanding public improvements and related items; and

**NOW, THEREFORE**, the City Council of the City of Lake Elmo hereby approves the First Amendment to Development Agreement for EBERTZ Addition and authorizes the Mayor and City Clerk to execute it.

Passed and duly adopted this 20<sup>th</sup> day of February 2024 by the City Council of the City of Lake Elmo, Minnesota.

  
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Charles Cadenhead, Mayor

ATTEST:

  
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Julie Johnson, City Clerk