



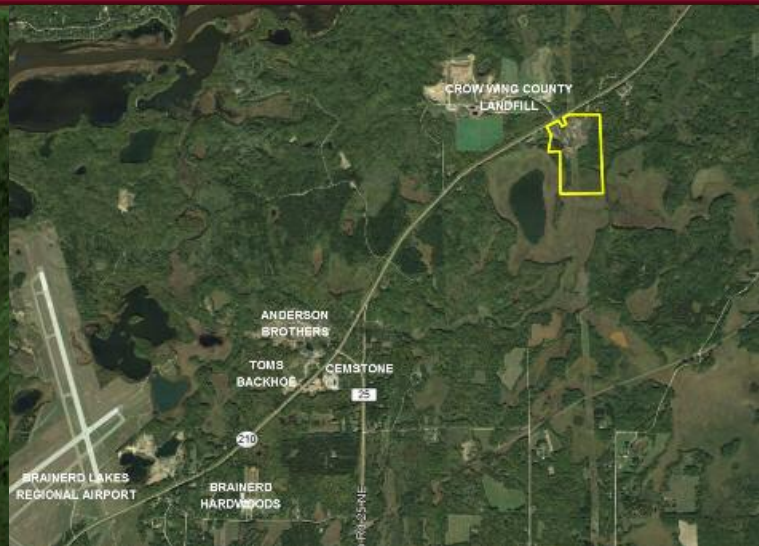
Close ~ Converse

COMMERCIAL & PREFERRED PROPERTIES

— PRESENTS —

LAND FOR SALE

HWY 210, BRAINERD, MN, 56401



COMMERCIAL REAL ESTATE | BUSINESS BROKERAGE | LAND & BUILDING DEVELOPMENT
INVESTMENT & INCOME PROPERTIES | TAX DEFERRAL STRATEGIES

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{ Features }

Develop or Dig Potential.

80+ Acres located just northeast of Brainerd on Hwy 210, just after the Brainerd Airport. Zoning is currently rural residential, however the site has been used for sand and gravel extraction. The property is a mix of upland and wetland with rolling topography featuring wooded areas and open land.



Location:	Hwy 210, Brainerd, MN 56401
Directions:	From Brainerd - East on Hwy 210 past the Brainerd Airport - Property is located on the right (south) side of Hwy 210 across from the Crow Wing County Landfill access Road (CR 147)
Lot Size:	87.91 Acres
Upland:	64.7 Acres
Wetland:	23.21
Lot Dimensions:	501.2' x 250' x 150' x 250' x 274.5' x 1,011.86' x 2,637.92' x 1,332.81' x 1,320.52' x 404.14' x 542.03' x 385'
Frontage:	501.2' and 274.5' along Hwy 210
Purchase Price:	\$220,000
2019 Taxes:	\$1,228

Continued on next page.

{ Features }

- Available Utilities:** Natural Gas, Electric, Phone, Internet
- Road Tonnage:** Hwy 210 is constructed to a 10 ton capacity and is subject to the same spring load limits as the rest of the state system. Any internal public roadway network will be designed and constructed to the capacity necessary to serve the development.
- Material Extraction:** The site has been used for sand and gravel extraction and class 5 production. The site has had Conditional Use Permits for extraction (See Crow Wing County Land Services for details). Additional material can be mined from the site, however, quantities have not been determined by Seller. Prospective purchases will need to determine that the site will serve their desired purposes.
- Zoning:** Rural Residential 5, Rural Residential 20 and Shoreland District

{ Legal Description }

PID#: 81360548
Legacy PID: 800361100AA0009
NE1/4 of NE1/4 Sec. 36 ex. part to Ethel Patrick. & except part to State of Minnesota shown as Parcel 244 E on Minnesota Department of Transportation ROW Plat 18-10 on file in the Co. Records Office.

PID#: 81360501
Legacy PID: 800361200D00009
That part of the NW1/4 of NE1/4, lying E'ly of the following desc line, comm at the NE corner of said Sec 36, then N 89 Deg 56 Min 42 Sec W, assumed bearing alg the N lien of said Sec 36, a dist of 1011.86 ft to the SE'ly ROW line of MN DOT ROW Plat #18-10, Then S 60 Deg 59 Min 00 Sec W, a dist of 925.70 ft alg the SE'ly line of said ROW Plat #18-10 to the point of beg of the line to be desc, then S 29 Deg 01 Min 00 Sec E, a dist of 385 ft, then S 09 Deg 30 Min 04 Sec W a dist of 542.03 ft to the S line of said NWNE and said line there terminating. Except that part of the N1/2 of NE1/4, said Sec 36 desc as follow comm at the NE corner of said Sec36, then N 89 Deg 56 Min 42 Sec W, assumed bearing alg the N lien of said Sec 36, a dist of 1251.78 ft, then S 00 Deg 03 Min 18 Sec W, a dist of 104.25 ft to the S'ly ROW of State Hwy #210 the point of beg of the tract of land to be desc, then S 29 Deg 00 Min 40 Sec E, a dist of 250 ft, then S 60 Deg 59 Min 00 Sec W, a dist of 150 ft, then N 29 Deg 00 Min 40 Sec W a dist of 250 ft to said S'ly ROW, then N 60 Deg 59 Min 00 Sec E, alg said S'ly ROW a dist of 150 ft to the point of beg.

PID#: 81360539
Legacy PID: 800361400000009
36 SE1/4 OF NE1/4

{ Photos }



Hwy 210 Looking West - Property on Left



Hwy 210 Looking South at Property



Hwy 210 Looking SW - Property on Left



Hwy 210 Looking SE - Property on Right

{ Photos } Gravel Pit



{ Aerial Photo }



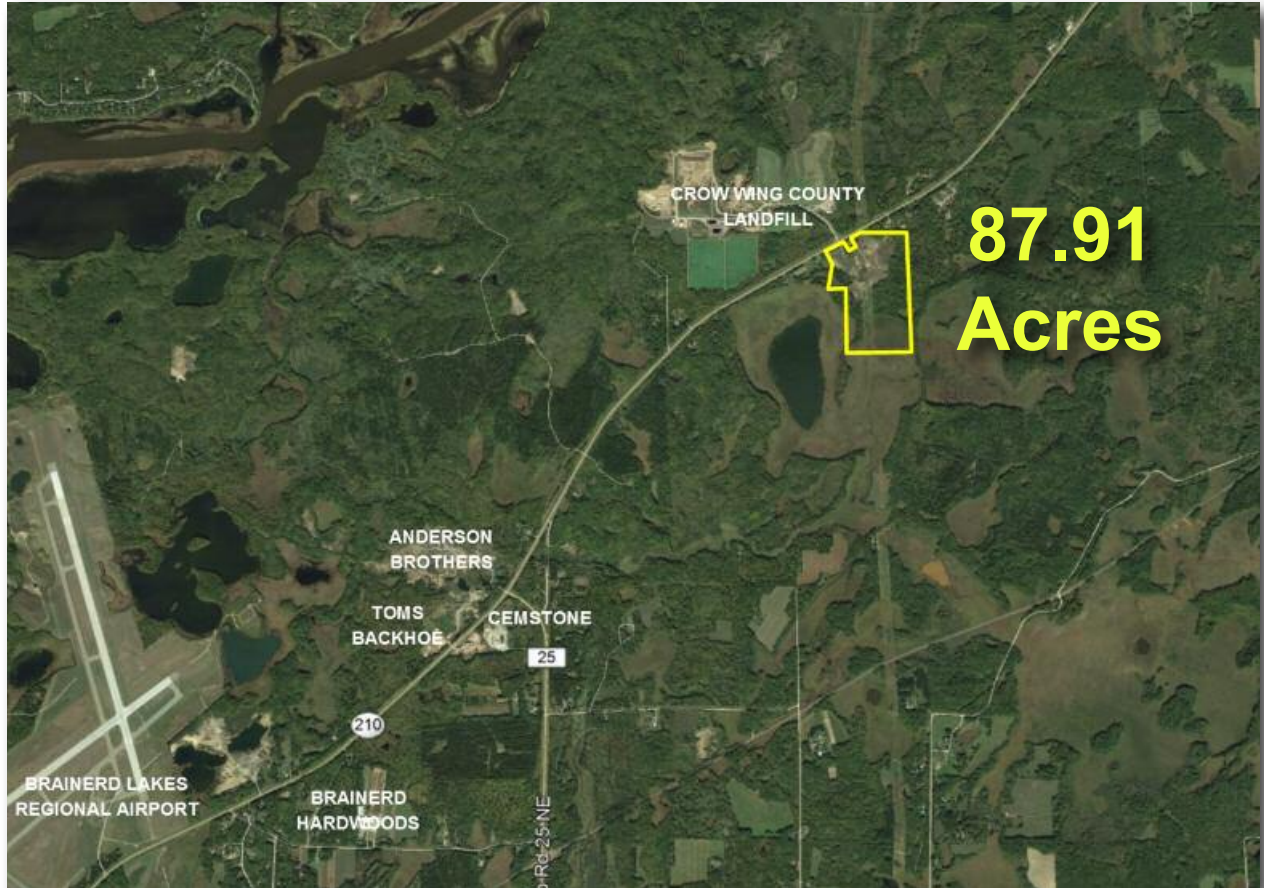
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{ Aerial Photo }



{ Section Map }



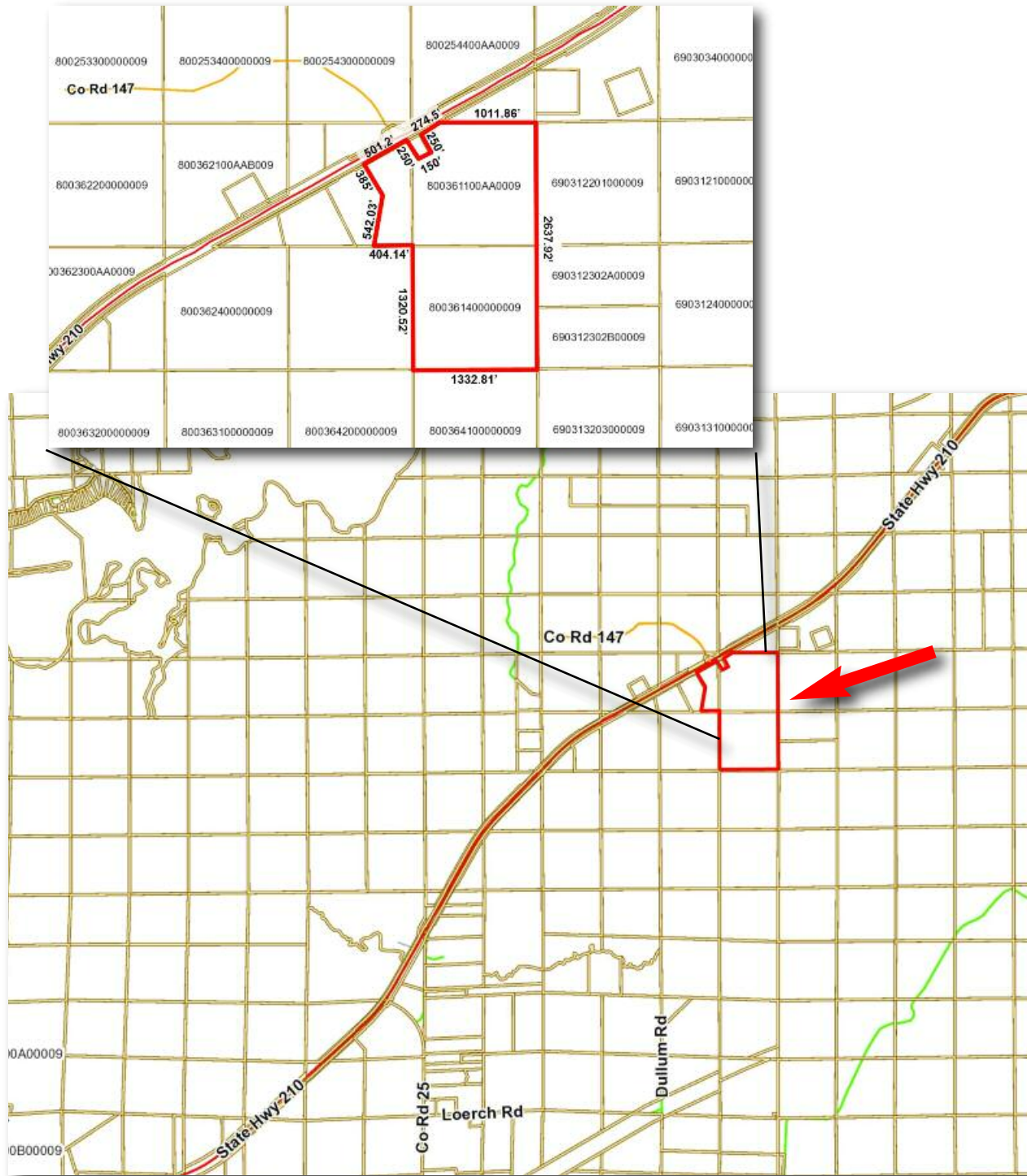
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{ Section Map }



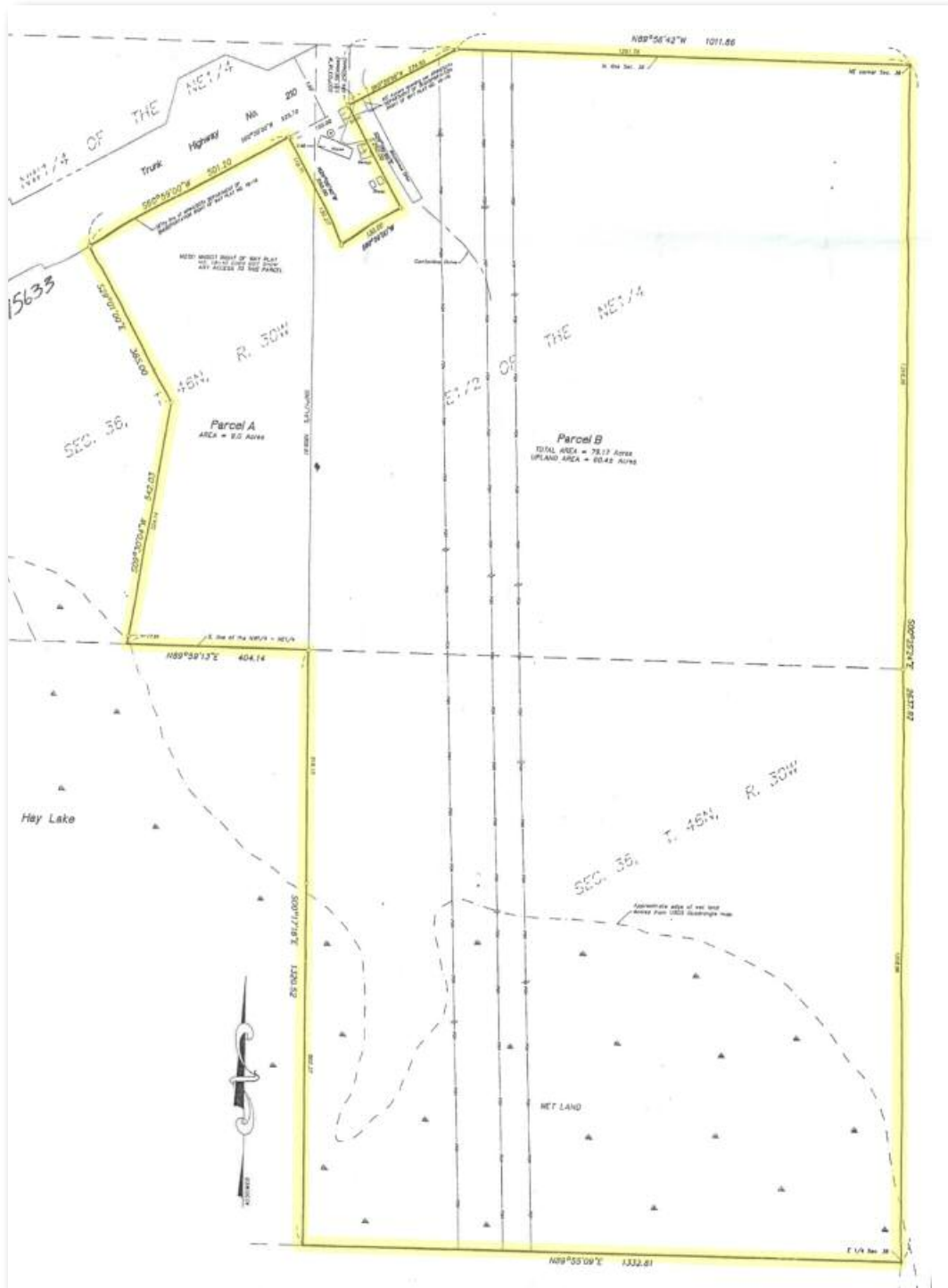
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{ Survey }



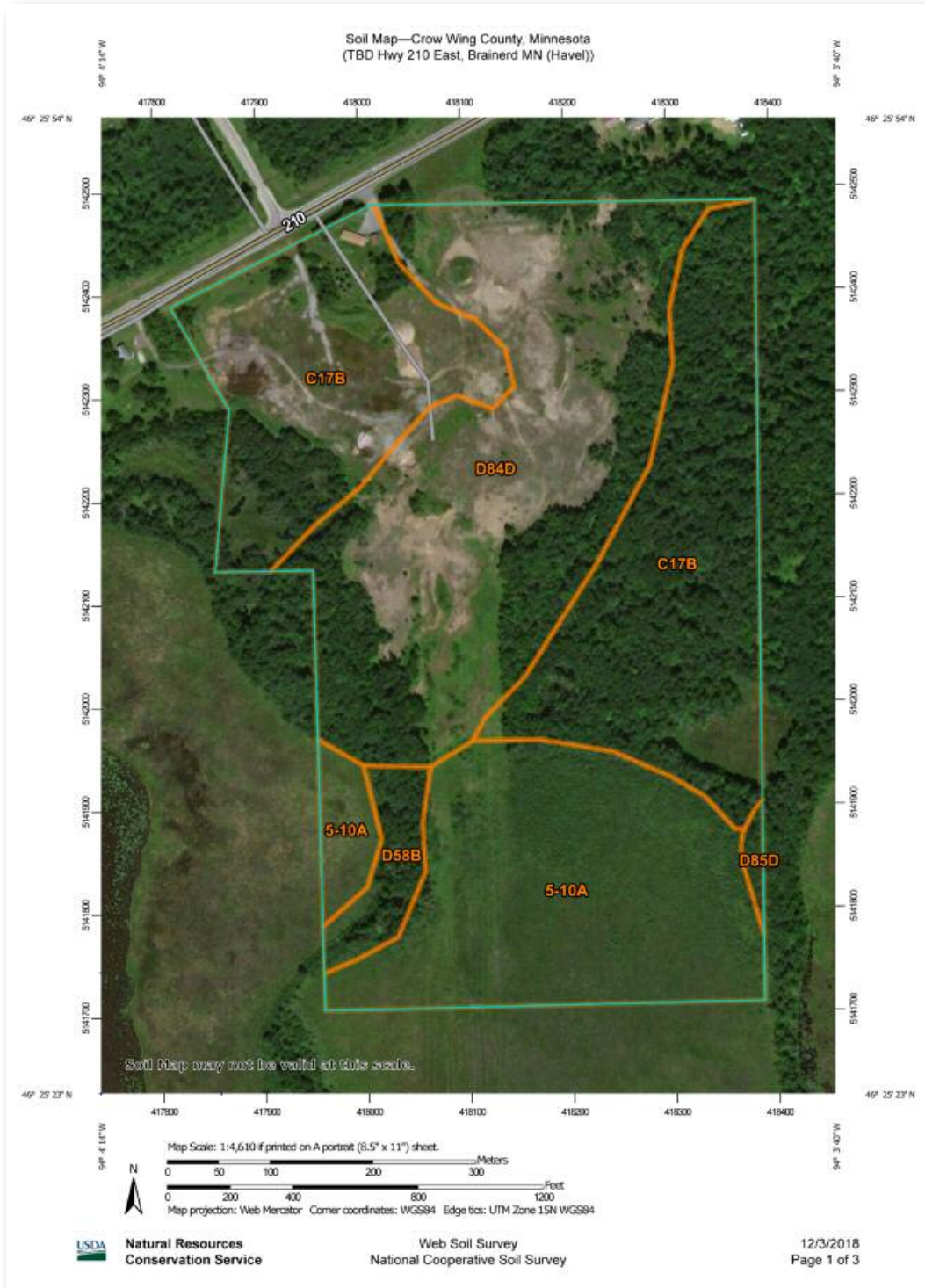
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{ Soil Map }



{ Soil Map Legends }

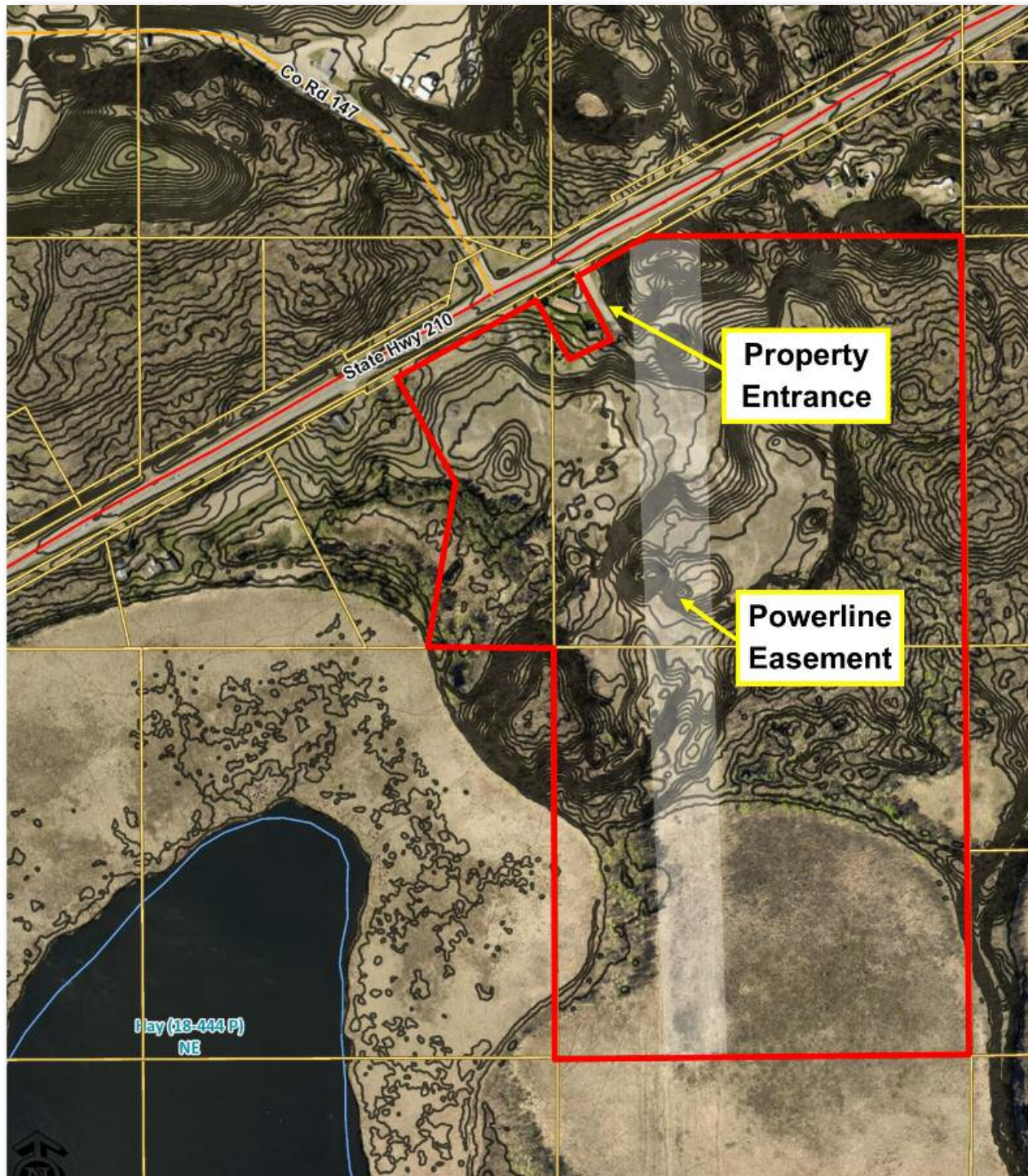
MAP LEGEND

Area of Interest (AOI)	Spoil Area
Soils	Stony Spot
Soil Map Unit Polygons	Very Stony Spot
Soil Map Unit Lines	Wet Spot
Soil Map Unit Points	Other
Special Point Features	Special Line Features
Blowout	Water Features
Borrow Pit	Streams and Canals
Clay Spot	Transportation
Closed Depression	Rails
Gravel Pit	Interstate Highways
Gravelly Spot	US Routes
Landfill	Major Roads
Lava Flow	Local Roads
Marsh or swamp	Background
Mine or Quarry	Aerial Photography
Miscellaneous Water	
Perennial Water	
Rock Outcrop	
Saline Spot	
Sandy Spot	
Severely Eroded Spot	
Sinkhole	
Slide or Slip	
Sodic Spot	

Map Unit Legend

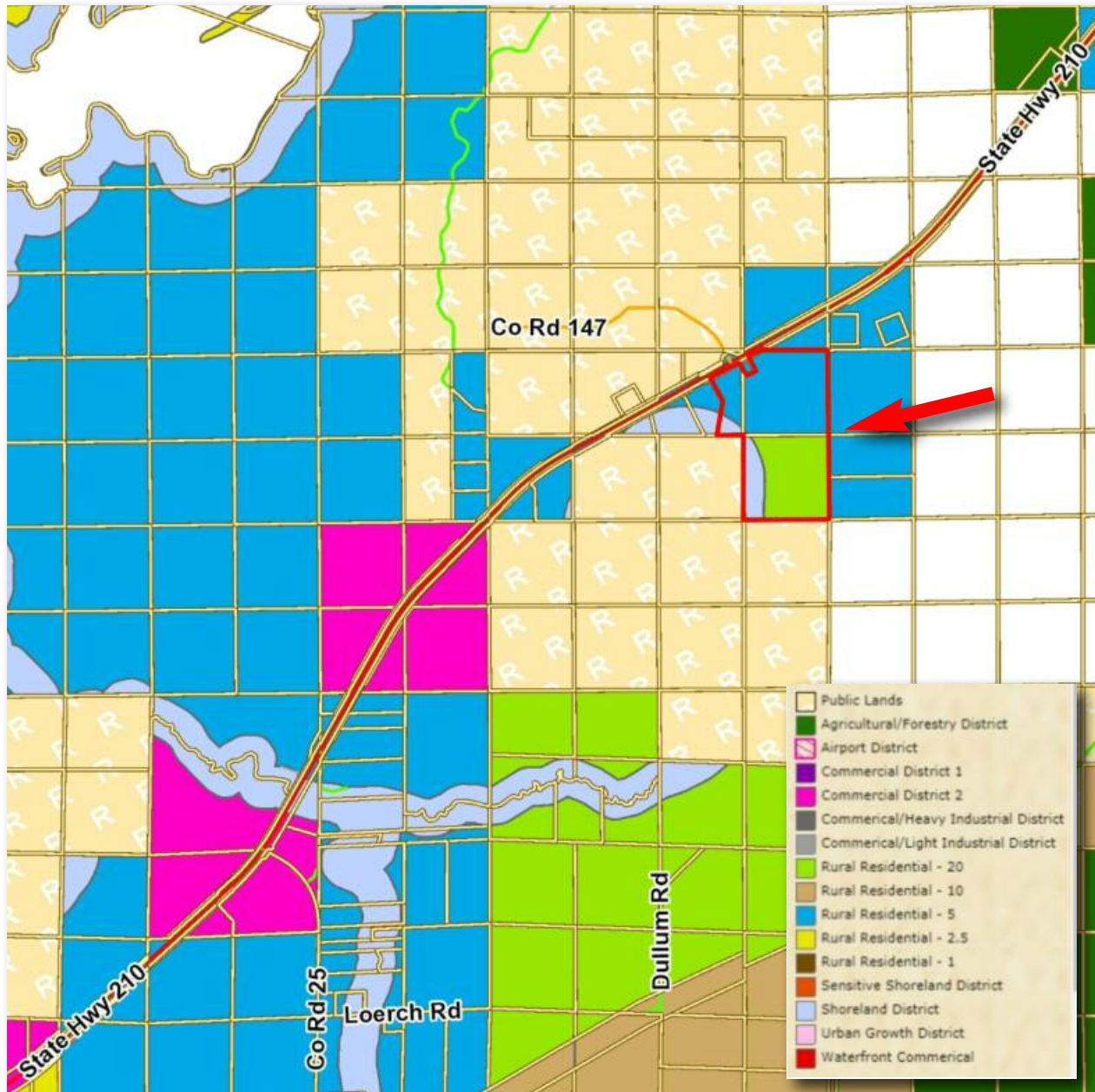
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5-10A	Uskabwanka-Seelyeville-Markey complex, 0 to 1 percent slopes	22.0	24.3%
C17B	Rosholt-Chetek complex, 2 to 8 percent slopes	34.3	37.8%
D58B	Roscommon-Gnesen-Meehan complex, 0 to 3 percent slopes	2.6	2.9%
D84D	Etrudepts-Graycalm-Rollins complex, 10 to 20 percent slopes	31.4	34.6%
D85D	Emmert-Gerrish complex, 12 to 25 percent slopes	0.4	0.5%
Totals for Area of Interest		90.7	100.0%

{ Topo Map }

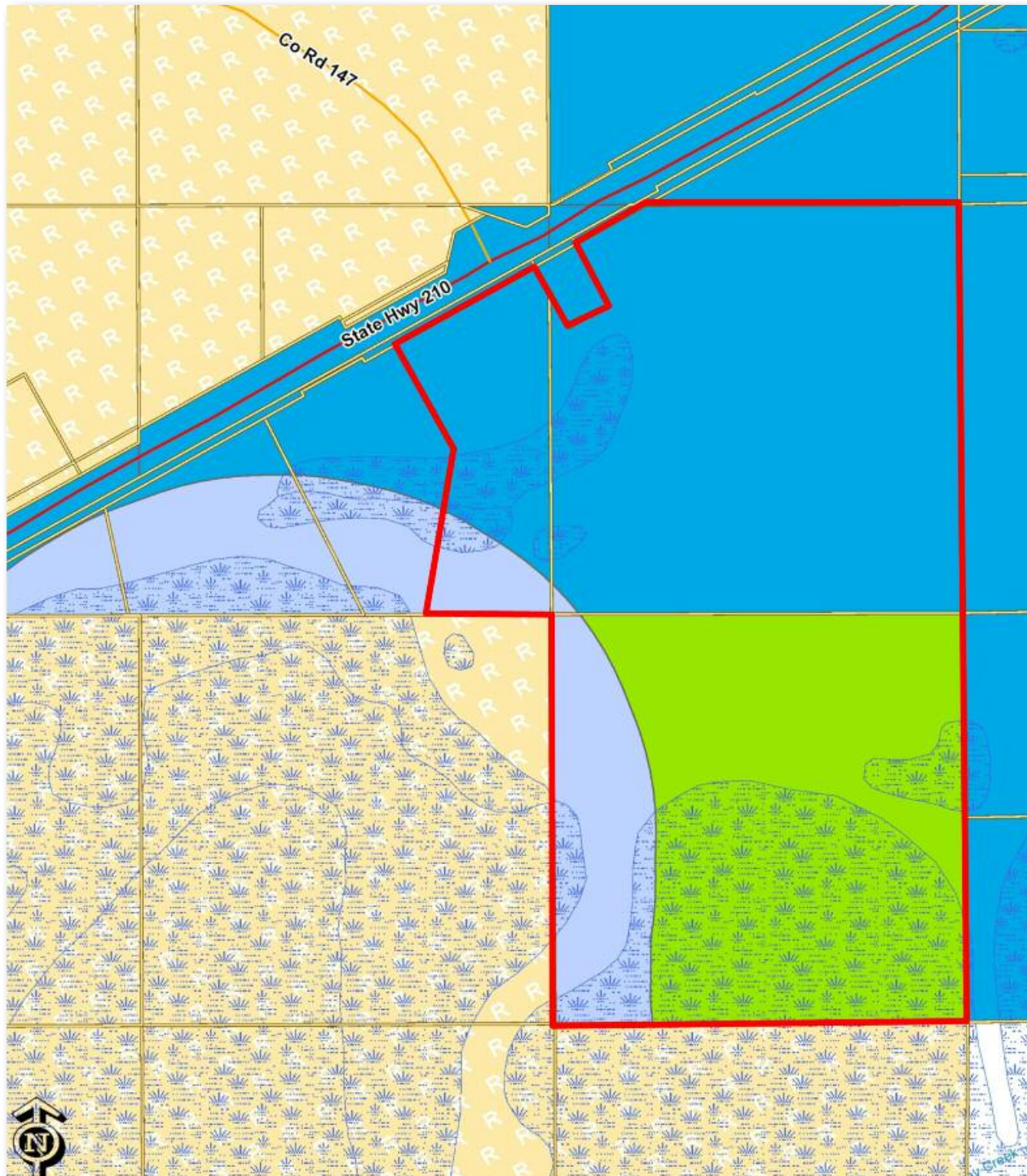


{ Zoning Map } Crow Wing County

Rural Residential 5, Rural Residential 20 & Shoreland Dist.



{ Zoning w/ Wetland }



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{ Zoning Description }

ARTICLE 14---RURAL RESIDENTIAL DISTRICT STANDARDS

14.1 PURPOSE

C. Rural Residential-5, 10, and 20 (RR-5, RR-10, RR-20). The purpose of these districts is to promote low-density development in those portions of the County outside the shoreland district and beyond areas of anticipated municipal growth where decreased development densities are most suitable. The primary uses within these districts are single family residential with larger lot sizes to protect agricultural areas or critical habitats, or preserve the rural character of an area.

14.2 DENSITY AND DIMENSIONAL STANDARDS

All lots, structures, and uses in the Rural Residential District shall meet the following density and dimensional requirements:

Table 14.1 Lot Size, Width, Setback and Height Standards for Rural Residential Districts

District	Minimum Lot Area	Minimum Lot Width	Structure Lot Line Setbacks	Road Right – of-Way Setback	Wetland Setback	Structure Height
RR-1	1 acre	150'	10'	35'	15'	35'
RR-2.5	2.5 acres	165'	10'	35'	15'	35'
RR-5	5 acres	300'	10'	35'	15'	35'
RR-10	10 acres	300'	10'	35'	15'	35'
RR-20	20 acres	400'	10'	35'	15'	35'

14.3 GENERAL STANDARDS

A. Lot fronting on two roads. Where a lot is located at the intersection of two or more roads or highways, structures shall meet all required setbacks from both roads.

B. Maximum impervious surface coverage: The maximum impervious surface coverage for any lot shall meet the standards in Article 41.2.

C. Guest Cottages/Guest Quarters

A guest cottage or guest quarter may be permitted on a lot in the Rural Residential District provided that:

A. It meets all required setbacks.

B. The maximum impervious surface limits for the lot shall not be exceeded.

C. The maximum building footprint for a guest cottage does not exceed 900 square feet.

D. The building footprint for an accessory structure containing a guest quarter is limited by Article 14.3 C 2 and the liveable area shall not exceed 900 square feet.

E. A guest quarter cannot exceed 30 feet in building height.

F. Only one guest cottage or guest quarter is allowed per lot.

Zoning Description

ARTICLE 11--SHORELAND DISTRICT STANDARDS

11.1 PURPOSE AND INTENT

The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, protect wetlands, steep slopes, bluff areas, riparian habitat, filter stormwater runoff and control nutrient movement and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Compatible commercial or water-oriented commercial uses may be allowed as permitted or conditional uses.

11.2 PUBLIC WATERS CLASSIFICATION SYSTEM

A. Lake classification system. The Public Waters lakes of Crow Wing County, Minnesota are hereby classified into the following categories:

1. Natural environment lakes (NE). Natural Environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
2. Natural environment - special shallow lakes (NE-SS). This is a subclass of the natural environment lake class. These lakes are generally large, shallow lakes with critical wildlife habitat and a history of highly valued traditional outdoor recreational uses. The lakes usually do not have much existing development.
3. Recreational development lakes (RD). These lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. At the time of the original classification, they were characterized by moderate levels of recreational use and existing development consisting mainly of seasonal and year-round residences and recreationally oriented commercial uses.
4. General development lakes (GD). These lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development at the time of the original classification. These lakes often are extensively used for recreation.

B. River classification system. The Public Waters rivers of Crow Wing County, Minnesota are hereby classified into the following categories:

1. Cold Water Rivers (CWR). This river class includes trout streams designated in Crow Wing County under Minnesota Rules, Chapter 6264.0050.
2. Natural Environment Rivers (NER). This river class includes previously classified remote, forested, transitional, and tributary river segments that flow into natural environment lakes. The types and intensities of recreational uses within this class vary widely.
3. General Development Rivers (GDR). This river class includes previously classified agricultural and urban river segments and those tributary river segments that do not flow into natural environment lakes. This class has a wide variety of existing land and recreational use characteristics.

C. A complete list of Crow Wing County protected waters is included in Appendix A of this ordinance.

11.3 LOT AREA, BUILDABLE AREA, AND WIDTH STANDARDS

After the effective date of this ordinance, all new lots in a Shoreland District created by plat, minor subdivision, or metes and bounds as described in Article 33 of this Ordinance, shall meet the minimum lot area, buildable area, and lot width requirements in the tables below. Only land above the ordinary high water level of public waters can be used to meet lot area and buildable area standards.

TABLE 11.1 Lot Area, Buildable Area, and Lot Width Requirements for the Shoreland District

Lake Classification	SINGLE FAMILY RESIDENTIAL			DUPLEX RESIDENTIAL LOT		
	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)
General Development -Riparian	30,000	100	12,000	40,000	200	27,000
General Development -Non-Riparian	40,000	150	20,000	60,000	265	40,000
Recreational Development- Riparian	40,000	150	16,000	60,000	225	30,000
Recreational Development-Non-Riparian	60,000	150	25,000	80,000	265	40,000
Natural Environment-Riparian	80,000	200	40,000	120,000	400	60,000
Natural Environment-Non-Riparian	120,000	200	60,000	160,000	400	80,000
Natural Environment--Special Shallow Riparian	100,000	250	50,000	*	*	*
Natural Environment--Special Shallow Non-riparian	140,000	265	70,000	*	*	*
Sensitive Shoreland Districts--Riparian--all lake classes	80,000	200	40,000	120,000	300	60,000
Sensitive Shoreland Districts--Non-riparian--all lake classes	80,000	200	40,000	160,000	400	80,000

*-- Duplex lots are not allowed within natural environment - special shallow lake shorelands.

River Classification	SINGLE FAMILY RESIDENTIAL			DUPLEX RESIDENTIAL LOT		
	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)**
Cold Water-Riparian	90,000	300	45,000	135,000	450	65,000
Cold Water -Non-Riparian	120,000	300	60,000	175,000	450	80,000
Natural Environment -Riparian	80,000	200	40,000	120,000	400	60,000
Natural Environment -Non-Riparian	120,000	200	60,000	160,000	400	80,000
General Development -Riparian	30,000	100	12,000	40,000	200	20,000
General Development -Non-Riparian	40,000	150	20,000	60,000	265	30,000

Continued on next page.

Zoning Description

11.4 SETBACKS AND PLACEMENT OF STRUCTURES

A. Structures shall meet all required setbacks.

B. Measurement. All setbacks shall be measured as the shortest horizontal distance between the structure and the feature from which the setback is required. All setbacks shall be measured to the vertical side of the structure. No part of the structure, such as eaves, can overhang or reduce such setback by more than three feet.

C. Lake and River Setbacks

TABLE 11.2 Structure and SSTS setbacks from Public Waters in feet from the OHWL

Class of Public Water Lakes:	Standard Setbacks	Conservation Development Structure Setback	Conservation Development Density Incentive Structure Setback	SSTS Setback
General Development (GD)	75	120	150	75
Recreational Development (RD)	100	160	200	100
Natural Environment (NE)	150	200	250	150
Natural Environment Special Shallow (NE-SS)	180	200	250	150
Sensitive Shoreland District (SS)				
All Lake Classes	150	200	250	150
Rivers:				
Cold Water	200	200	250	150
Natural Environment	150	200	250	150
General Development	100	200	200	100

D. Additional structure setbacks. The following additional structure setbacks apply, regardless of publicwater classification:

TABLE 11.3 Additional Structure Setbacks

Setback from:	Setback (in feet)
Bluff (top, bottom)	30
Significant Cultural or Historic Site	50
Unplatted Cemetery	50
Township, County, State, or Federal road right-of-way	35
All Other Roads	10
Property Line	10
Publicly-owned Recreational Trail (not easements)	10
Subsurface Sewage Treatment System--Septic Tank (to dwelling unit)	10
Subsurface Sewage Treatment System--Drainfield (to dwelling unit)	20
Minnesota Department of Natural Resources permitted harbors	One-half (1/2) of the lake setback for the respective class of public water
Wetland	15

E. Riparian Commercial Lots

1. Commercial, industrial, public or semipublic uses on commercially zoned lots without water-oriented needs shall meet a double setback from the ordinary high water level or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf on conditions.

F. High Water Elevations

1. For lakes, rivers and streams by placing the lowest floor at a level at or above the established regulatory flood protection elevation. If no regulatory flood protection elevation is available, all structures must be elevated so that the lowest floor is three feet above the highest known water level. If highest known water level is not available, all structures must be elevated so that the lowest floor is at least three feet above the ordinary high water level (OHWL).

2. All buildings hereafter erected in the flood plain shall not be constructed unless in compliance with Article 21 of this ordinance.

11.5 SHORELAND DISTRICT PERFORMANCE STANDARDS

A. The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Protection Zone:

1. Analysis of existing shoreland vegetation according to the Crow Wing Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article 11.20.

2. Footing placement inspection by Department staff as defined in Article 46.

3. Analysis of stormwater runoff –BMP’s, plan, or engineered plan according to the standards in Article 41.

4. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.

5. Evidence of subsurface sewage treatment system (SSTS) compliance and assessment as provided in Article 37. 10 C and Minnesota Rules Chapter 7080.0175, Subpart 2 & 3.

6. Calculation of total impervious coverage meeting the standards set forth in Article 41.

B. The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Buffer Zone:

Continued on next page.

{ Zoning Description }

1. Analysis of stormwater runoff BMP's, according to the standards in Article 41 of this ordinance.
2. Evidence of subsurface sewage treatment system (SSTS) compliance and assessment as provided in Article 37.10 C and Minnesota Rules Chapter 7080.0175, Subpart 2 & 3.
3. Calculation of total impervious coverage meeting the standards set forth in Article 41.

11.6 HEIGHT OF STRUCTURES

Unless otherwise specified, structures in the shoreland district shall not exceed 35 feet in height and shall be defined as the vertical distance between the lowest adjacent grade at the structure or ten feet above the lowest ground level whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel or pitched or hipped roofs.

11.7 DECKS

Construction on new decks or replacement of existing decks shall require permits and comply with the following standards:

- A. Decks adjacent to dwellings shall meet structure setbacks in Tables 11.2 and 11.3 of this Article except as provided under Article 11.7 B or E of this ordinance.
- B. A 4-foot walkway, for access purposes, may be added without a variance lake ward and located closer than the required structure setback from the ordinary high water level. A permit shall not be necessary for a 4 foot walkway.
- C. Deck construction shall comply with all provisions of Articles 11 and 41 of this ordinance
- D. Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.
- E. Decks that do not meet required setbacks from public waters may be allowed without a variance to structures in existence prior to January 6, 1970 if the following criteria are met:
 1. An evaluation of the property and structure reveals no reasonable location for a deck meeting the OHW setback;
 2. The deck encroachment toward the OHW does not exceed 15% of the existing public water setback and does not encroach any closer than 30 feet, whichever is more restrictive;
 3. The deck is constructed as a pervious surface and is not roofed or screened; and
 4. Maximum size of the deck is 250 square feet.

11.8 PATIOS

Patios placed within the structure setback require a shoreland alteration permit.

A. Patios within the structure setback shall comply with the following standards:

1. Not be located in shore impact zone 1 except as a water-oriented accessory structure according to Article 11.13;
2. Be free standing;
3. Have no railings;
4. Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented Stormwater Management Plan according to Article 41 of this ordinance;
5. Not be more than one foot below or above natural ground level; and
6. Construction complies with all provisions of Articles 11 and 41 of this ordinance
7. The maximum impervious surface limits for the lot shall not be exceeded.

B. Patios are allowed behind the structure setback without a permit provided that all setbacks are met and the property does not exceed the maximum allowable impervious surface standards.

11.9 STAIRWAYS, LIFTS, AND LANDINGS

Stairways, lifts and landings for public water access shall require shoreland alteration permits and comply with the following standards:

- A. Preferred to topographic changes. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
- B. Maximum width. Stairways and lifts shall not exceed four feet in width on residential lots. Up to eight foot wide stairways may be permitted on water-oriented commercial lots.
- C. Construction complies with all provisions of Articles 28 11 and 41 of this Ordinance
- D. The maximum impervious surface limits for the lot shall not be exceeded.
- E. Landings. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area and be integral to the function of the stairway and not constitute a deck. Landings for stairways and lifts on water-oriented commercial lots must not exceed 64 square feet in area and be integral to the function of the stairway and not constitute a deck.
- F. Roofs. Canopies or roofs are not allowed on stairways, lifts or landings.
- G. Design. Stairways, lifts and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
- H. Location. Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions.
- I. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:
 1. The department determines that there is no other reasonable way to achieve access, and;

Continued on next page.

{ Zoning Description }

2. The dimensional and performance standards of this section are met, and;
3. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.

11.10 GUEST COTTAGE/GUEST QUARTERS

A guest cottage or guest quarter may be permitted on a residential lot in the Shoreland District and shall comply with the following standards:

- A. All required setbacks are met.
- B. The maximum impervious surface limits for the lot shall not be exceeded.
- C. The maximum building footprint for a guest cottage does not exceed 700 square feet.
- D. The building footprint for an accessory structure containing a guest quarter is limited by impervious surface limits according to Article 11.10 B and the livable area shall not exceed 700 square feet.
- E. Construction complies with all provisions of Articles 11 and 41 of this ordinance.
- F. A guest cottage does not exceed 15 feet in building height.
- G. A guest quarter does not exceed 30 feet in building height.
- H. It is located or designed to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- I. Analysis of existing shoreland vegetation according to the Crow Wing Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article 11.
- J. Only one guest cottage or guest quarter is allowed on a lot.

11.11 DUPLEX DWELLINGS

A duplex dwelling may be permitted on a residential lot in the Shoreland District provided it meets the following standards:

- A. The lot meets the duplex lot standards in Table 11.1
- B. Each duplex unit shall meet the required setbacks in Table 11.2 except that duplex units on natural environment lakes shall meet a 200 foot setback from the ordinary high watermark
- C. Each building shall have a conforming sewage treatment and water systems.
- D. Watercraft docking facilities shall be centralized in one location and serve both dwelling units in the building.
- E. The maximum impervious surface limits for the lot are not exceeded.
- F. No more than 25 percent of any natural environment lake shoreline can be in duplex development
- G. Construction complies with all provisions of Articles 11 and 41 of this ordinance.

11.12 ACCESSORY STRUCTURES - RESIDENTIAL

- A. The total cumulative area that all residential accessory structures may occupy on a lot shall be subject to the impervious coverage limits found in Article 41 of this ordinance.
- B. A permit shall not be required for up to two accessory structures totaling no more than 160 square feet.
- C. No accessory structure shall be used for human habitation except to allow for a guest quarter.
- D. All setback and building height requirements shall be met.
- E. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.
- F. Semi-trailers, railroad cars, manufactured houses, or similar structures shall not be used for storage.
- G. Private swimming pools located above the ground with or without a filtration system shall not require a permit but must meet all required setbacks. Private swimming pools located in the ground shall require a shoreland alteration permit and may be allowed in shore impact zone 2 and the rear lot zone. A pool shall not exceed 400 square feet in size. In addition, the combined size of a pool and patio shall not exceed 400 square feet in size. All dirt moving limits of this article apply to in-ground pool construction.

11.13 WATER-ORIENTED ACCESSORY STRUCTURES

1. Water-Oriented Accessory Structures on Water-Oriented Commercial Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a permit on a water-oriented commercial lot provided the following standards are met:

1. The structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 250 square feet;
2. The minimum setback of the structure or facility from the OHWL level shall be 20 feet, and/or 10 feet from a DNR permitted harbor;
3. The structure or facility is treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
4. The structure shall not be used for human habitation.
5. The structure shall not be located within a bluff impact zone.
6. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.
7. The maximum impervious surface limits for the lot are not exceeded

2. Water-Oriented Accessory Structures on Riparian Residential Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a shoreland alteration permit on a riparian residential lot provided the following standards are met:

1. The structure or facility must not exceed 12 feet in height and cannot occupy an area greater than 120 square feet.

Continued on next page.

{ Zoning Description }

2. The setback of the structure or facility from the ordinary high water level must be at least 20 feet.
 3. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions
 4. Construction complies with all provisions of Articles 11 and 41 of this ordinance.
 5. The maximum impervious surface limits for the lot are not exceeded.
 6. The structure shall not be located within a bluff impact zone.
 7. The structure shall not be used for human habitation.
 8. The structure shall not include bathroom facilities.
3. Boathouses
1. New boathouses and boat storage structures that do not meet the setback requirements in Tables 11-2 and 11-3 of this ordinance are prohibited.
 2. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. § 394.36, subd. 4.

11.14 RETAINING WALLS

A. A retaining wall may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:

1. The Department determines that there is no other alternative to control erosion.
 2. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesotalicensed professional engineer.
 3. Construction complies with all provisions of Articles 11 and 41 of this ordinance.
- B. A retaining wall may be installed without a permit behind the structure setback provided that:
1. It does not significantly alter the character of the property or does not create runoff or erosion problems.
 2. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.

11.15 BOARDWALKS

A. A boardwalk used to cross over wetlands shall require a shoreland alteration permit and meet the following standards:

1. A boardwalk shall not exceed eight feet in width.
2. May be placed on temporary or permanent supports;
3. May have railings attached;
4. Shall meet property line setbacks.

11.16 WATERCRAFT ACCESS RAMPS

Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and shall comply with the following standards:

- A Are permitted for private residential lots only on lakes without Public Accesses.
- B May be permitted for Conservation Development lake access, if authorized, or water-oriented commercial uses on any lake classified General Development or Recreational Development.
- C Shall not include asphalt in shore impact zone 1.
- D Shall not exceed 15 feet in width from the lake to the structure setback line.
- E Shall not include filling of wetlands.
- F Construction complies with all provisions of Articles 11 and 41 of this Ordinance.
- G The maximum impervious surface limits for the lot are not exceeded.

11.17 CONTROLLED AND ALTERNATIVE ACCESS LOTS

- A. Controlled access lots, or any lot, tract, or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of non-riparian lots within new minor subdivisions or plats, are prohibited.
- B. Alternative access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, shall be used where the Planning Commission/Board of Adjustment determines that direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat.

11.18 USE OF FERTILIZER

A. The Use of fertilizer, pesticides, or animal wastes in shoreland districts must conform to Minnesota Statutes, chapters 18B, 18C, 18D, and 103H, and be consistent with the latest best management practices developed for such use by the Minnesota Department of Agriculture and Pollution Control Agency.

11.19 AGRICULTURAL USE STANDARDS

- A. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- B. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States National Resource Conservation Service.

Continued on next page.

Zoning Description

11.20 SHORELAND VEGETATION AND BUFFER STANDARDS

A. SHORELINE VEGETATION STANDARDS FOR GENERAL OR RECREATIONAL DEVELOPMENT LAKES.

Removal or alterations of vegetation is allowed according to the following standards:

1. Intensive vegetation clearing within shore impact zone 1 is not allowed except as provided under Article 11.20 C with an approved shoreland alteration permit.
2. To accommodate a permitted path not to exceed a cleared width of 15 feet to access a shoreline recreation use area.
3. Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water oriented structures or facilities, as well providing a view to the water from the principal dwelling site, in shore impact zone 1 is allowed provided that:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf on conditions, is not substantially reduced;
 - b. Along rivers, existing shading of water surface is preserved; and
 - c. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose a safety hazard.

B. SHORELINE VEGETATION BUFFER STANDARDS FOR NATURAL ENVIRONMENT LAKES

Shoreline vegetation buffer standards for lots on Natural Environment Lakes include the following:

1. Any removal of woody vegetation within shore impact zone 1 requires an approved shoreland alteration permit.
2. Trees, shrubs, and low ground cover consisting of plants and understory must be maintained in a natural state as a shoreland buffer 25 feet landward from the ordinary high water level in depth, except as follows:
 - a. To accommodate a permitted water-oriented accessory structure or the placement of a stairway or lift and associated landings;
 - b. To accommodate a permitted path not to exceed a cleared width of fifteen feet to access a shoreline recreation use area;
 - c. To accommodate the creation of a permitted shoreline recreation use area pursuant to Article 11.20 C.

C. SHORELINE RECREATION USE AREAS

Shoreline Recreation Use Areas. Intensive vegetation clearing for the purpose of creating a new shoreline recreation use area within shore impact zone 1 is allowed with an approved shoreland alteration permit. The dimensions of a shoreline recreation use areas shall be determined as follows:

1. Only one shoreline recreation use area is allowed on each lot and the recreation use area must not exceed 30% of the total lot width and 25 feet landward from the ordinary high water level in depth. The maximum width of a shoreline recreation use area created under this Article shall not exceed 200 feet.
 - a. Invasive species removal or the removal of trees or branches that pose a safety hazard or are diseased is allowed;
 - b. Vegetation must be maintained to screen structures with trees and shrubs so that the structures are substantially screened from view during summer, leaf-on conditions; Sand Blankets pursuant to Article 11.21 shall be located in the shoreline recreation use area;
 - c. Stairways, lifts and landings pursuant to Article 11.9 shall terminate or be adjacent to the shoreline recreation use area;
 - d. Permitted paths pursuant to Article 11.20 A shall terminate or be adjacent to the shoreline recreation use area;

D. VEGETATIVE MITIGATION

1. To protect water quality and safeguard sensitive areas, on-site vegetative mitigation is required for:
 - a. A variance granted to the standards of the Ordinance;
 - b. Issuance of a permit for lots located on Natural Environment Lakes as per Article 11.20;
 - c. Issuance of any conditional use permit where evaluation and assessment by the Planning Commission / Board of Adjustment determines the need for additional environmental protection;
 - d. A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 20% total lot impervious coverage subject to the Shoreline Rapid Assessment Model as defined by this ordinance.
 - e. Mitigation shall be proportional to the impact of the proposed project.
 - f. Required mitigation shall be determined by the Department according to the Crow Wing County Shoreline Rapid Assessment Model approved by the County Board of Commissioners.

E. BLUFF AND STEEP SLOPE VEGETATION STANDARDS

1. A vegetation buffer consisting of trees, shrubs, and ground cover plants and understory in a natural state is required in bluff impact zones and on areas with slopes greater than 30 percent. Vegetation clearing and removal of ground cover is not allowed, except as follows:
 - a. Only removal of vegetation necessary to accommodate the placement of a stairway and associated landing, lift, and access path is allowed. Trees, shrubs, and a low ground cover consisting of plants and understory must be maintained in a natural state within these areas. An access path within this area requires a shoreland alteration permit and shall not exceed a cleared width of eight feet; and
 - b. Removal of trees or branches that pose a safety hazard or are diseased is allowed.
2. The Department shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other alterations on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion, preserve vegetation or restore vegetation to a natural state, and screen structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
3. Shoreline vegetation buffers in areas of agricultural or forestry use. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

Continued on next page.

{ Zoning Description }

11.21 – DIRT MOVING

A. The standards in this Article shall apply to all dirt moving activities within the Shoreland District. Except as specified in B, 1 through 11 below, dirt moving activities shall require permits and may require a site plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, engineered grading plans with profile view, engineered drainage plans including erosion and sediment control and stormwater management plans according to Article 41 of this ordinance.

B. The following activities shall not require a shoreland alteration permit but must meet the provisions of this Article.

1. Dirt moving associated with construction of structures. Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate shoreland alteration permit.
2. Small landscaping projects. Placement of up to 10 cubic yards of soil for the creation of a lawn or yard as long as the fill / dirt moving is not located within a bluff impact zone or shore impact zone 1.
3. Private roads or driveways. The construction of a driveway, access road, or parking area provided that they:
 - a. Meet the structure setback from the ordinary high water level from public waters
 - b. Are properly screened from adjacent properties and public waters
 - c. Are not located within wetlands, unless permitted under Article 39 of this Ordinance
 - d. Are not in a bluff impact zone or shore impact zone 1 or 2
4. Approved agricultural road. Agricultural roads for machinery, livestock crossings, or shoreline stabilization on agricultural land with a stabilization plan approved by the Department.
5. Wetland habitat improvements with approved plan. The creation of wetland habitat improvements, except in shore impact zone 1, by way of excavation / dredging of wetlands, consistent with Article 39 of this ordinance. Spoils shall be deposited in a manner consistent with this ordinance and shall require a shoreland alteration permit from the Department if the spoil deposits occur in the Shoreland District.
6. Approved agricultural improvements. The construction of livestock watering ponds, agricultural manure treatment facilities and conservation projects approved by the Natural Resource Conservation Service (NRCS), Soil and Water Conservation District (SWCD) and / or other regulatory agencies, only in the RLZ.
7. Rip rap that meets standards. Placement of natural rock rip-rap, including the necessary grading of the shoreline and placement of a filter blanket is allowed if it meets all applicable DNR rip-rap requirements and is not in wetlands.
8. Wetland Replacement Plan. A shoreland alteration permit is not required if a wetland replacement plan, exemption or no-loss has been approved pursuant to Minnesota Rules Chapter 8420.
9. Normal Agricultural Practices. To include but not be limited to tillage, planting, harvesting, fencing and proper disposal of animal mortalities pursuant to all state and federal agricultural regulations.
10. Existing Sand Blankets / Beaches. A shoreland alteration permit shall not be required to place 10 cubic yards of sand annually on an existing sand blanket / beach on residential parcels located in the shoreland district. A shoreland alteration permit shall not be required to place 50 cubic yards of sand annually on an existing sand blanket / beach on parcels located in the waterfront commercial, commercial 1 or commercial 2 district or other water oriented commercial uses with an approved conditional use permit. A shoreland alteration permit shall be required for new sand blankets or expansions to existing sand blankets and shall be subject to Article 11.21 C

C. STANDARDS FOR DIRT MOVING

1. ACTIVITIES IN THE SHORE IMPACT ZONE 1 (SIZ1)

Dirt moving activities in shore impact zone 1 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to Article 11.21 B:

- a. Sand Blanket
 - i. The maximum dimensions shall not exceed 30 percent of the total lot width by 25 feet landward from the OHWL and shall be located within the shoreline recreation use area. The maximum width of a sand blanket created under this Article shall not exceed 200 feet. A sand blanket may also be located in shore impact zone 2 and the rear lot zone.
 - ii. The natural slope of the area under the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials.
 - iii. Sand blankets shall be limited to 10 cubic yards annually.
- b. Upland Fill. A total of up to 30 cubic yards of dirt moving may be permitted, including a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
- c. Wetland Fill
 - i. No wetland fill shall be allowed in SIZ 1 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.
- d. Annual ice ridges. Annual ice ridges may be regraded to their original shoreline contour without a shoreland alteration permit provided that the work is completed in the year in which the annual ice ridge occurred. Any such regrading shall meet the following standards:
 - i. There shall be no topsoil or vegetative matter deposited in the lake.
 - ii. Any dirt moving from regrading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.
 - iii. Depositing any sand below the OHWL is subject to DNR public waters permit rules.
 - iv. Temporary erosion and sediment control best management practices shall be implemented.
- e. Historic Ice Ridges. On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:
 - i. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
 - ii. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.

Continued on next page.

{ Zoning Description }

- iii. On waterfront commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.
- iv. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.
- v. A stormwater management plan meeting the standards of Article 41 of this ordinance must be approved by the Department prior to any dirt moving.
- vi. All disturbed material shall be graded landward or removed from the site.
- vii. Any alteration below the OHWL may require approval from the Department of Natural Resources and / or U.S. Army Corps of Engineers.

2. ACTIVITIES IN THE SHORE IMPACT ZONE 2 (SIZ 2)

Dirt moving activities in shore impact zone 2 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to Article 11.21 B:

a. Upland Fill. A total of up to 50 cubic yards of dirt moving may be permitted per calendar year. Applications to move larger quantities shall be processed as conditional uses.

b. Wetland Fill

i. No wetland fill shall be allowed in SIZ 2 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

3. ACTIVITIES IN THE REAL LOT ZONE (RLZ)

Dirt moving activities in the rear lot zone shall require shoreland alteration permits and meet the following standards and meet the following standards unless the activity is exempt according to Article 11.21 B:

a. Upland Fill. A total of up to 10-100 cubic yards of dirt moving may be permitted per calendar year. Applications to move larger quantities shall be processed as conditional uses.

D. GENERAL STANDARDS

a. All dirt moving activities shall comply with the standards of Article 41 of this Ordinance.

2. Soil used as fill shall be free of state-regulated contaminants.

3. Exposure of bare ground. Dirt moving must be designed to ensure that the smallest amount of bare ground is exposed for the shortest period of time.

4. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.

5. Permanent vegetative coverage shall be established within 21 days of the completion of construction, or when vegetation establishment is not possible, other protective measures such as erosion control fabric or mulch blankets shall be installed until permanent vegetation can be established.

6. Dirt moving in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under Article 11.9 of this ordinance.

7. Steep slope stabilization. Dirt moving on steep slopes may be permitted with a stormwater and erosion control plan approved by the Department.

8. The cumulative volume of dirt permitted shall not exceed the limits set forth in this Article during a period of one calendar year.

9. No more than one dirt moving permit is allowed per three year period.

10. Lake access across wetlands in the shore impact zone shall be by boardwalk according to Article 11.15 of this Ordinance.

E. MINE PIT LAKES

Due to the fragile nature of slopes along those lakes created due to the cessation of mineral mining activities the following shall apply:

1. Setback. There shall be no dirt moving / filling or excavating within 125 feet of an eroding bluff or steep slope. Where slumping is evident, the setback shall be measured from the top edge of the eroding bluff or crest of a steep slope.

2. Erosion control. Slope and bluff erosion control measures and time frame for implementation shall be submitted to and approved by the Department.

3. Access. Access down steep slopes or bluffs shall be by above ground stairways.

4. Blasting prohibited. Blasting for foundation / footings is prohibited in mine pit areas.

5. Other provisions. All other Shoreland Alteration provisions of this Ordinance shall apply.

{ Location Map }

North



South

{ Demographics }

Figures from STDB, CCIM

Trade Area 2018 Population (Includes the following counties):

Crow Wing County	66,604
Cass County	30,715
Total Trade Area Population	97,319

2018 Population:

Brainerd	31,100
Baxter	8,295

Estimated Summer Population:

Brainerd/Baxter	200,000+
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Projected Population Growth Change 2018-2023:

Crow Wing County	0.76%
Brainerd	0.62%

Households in 2018:

Crow Wing County	27,662
Brainerd	12,692

2018 Median Household Income:

Crow Wing County	\$52,621
Brainerd	\$50,075

Crow Wing County Retail Sales in 2012:

\$1,124,967,000

Leading Employers in Crow Wing County:

Anderson Brothers	Ideal System Solutions
Ascensus	Landis Gyr
Atek Industries	Madden's Resort
Bang Printing	Mills Automotive
Bethany Good Samaritan	Minnesota Care
Brainerd Public Utilities	Nortech Systems
Brainerd School District	Northstar Plating
Breezy Point Resort	Pequot Lakes School District
Centracare Health	Ruttger's Bay Lake Resort
Central Lakes College	TDS Telecom
Chambermaster	Walmart
City of Brainerd	Woodland Good Samaritan
Clow Stamping	
Costco	
Cragun's Resort	
Crosby Ironton School District	
Crow Wing County	
Crow Wing County Landfill	
Crow Wing Power	
Cub Foods/Super Valu	
Cuyuna Regional Medical Center	
Dan's Prize	
Essentia Health	
Good Neighbor Home Health	
Grand View Lodge	

Continued on next page.

{ Demographics }

Area Businesses: (To see a list of additional businesses, please go to www.explorebrainerdlakes.com)

Financial Institutions: 16+
(multiple locations not counted)

Churches: 30+

Schools: 15+

Golf Courses: 27+

Resorts:

Bay Colony Inn
Breezy Point Resort
Craguns
Fritz's Resort
Grand View Lodge
Gull Lake Resort
Izaty's
Kavanaugh's
Lost Lake Lodge
Maddens
Quarterdeck
Ruttger's Bay Lake Lodge
Sullivans
Plus numerous others

Major Retailers:

Aldi
Anytime Fitness
Auto Zone
Best Buy
Big Lots
Book World
Brother's Motorsports
Cashwise Liquor (2)
Christmas Point
Costco
Cub Foods (2)
Dick's Sporting Goods
Discount Tire
Dondelinger
Dunham's Sports
East Brainerd Mall
(17 Retailers)
Fleet Farm
Home Depot
Jiffy Lube
Kohl's
Menards
Office Max

Major Retailers Continued:

PetSmart
Sears Hometown
Super One
Super Wal-Mart
Target
The Power Lodge
TJ Maxx
Ultra Beauty
Walgreens
Westgate Mall
(27 Retailers)
Westside Liquor

Restaurants/Fast Food:

218 Local
371 Diner
612 Station
Antler's
Applebee's
Arby's
Bar Harbor
Baxter's
Billy's
Black Bear Lodge & Saloon
Boomer Pizza
Boulder Tap House
Breezy Point Marina
Brick House Pizza
Buffalo Wild Wings
Burritos California
Caribou Coffee (3)
Cherry Berry
China Buffet
China Garden
Chipotle
Cold Stone Creamery
Country Kitchen
Cowboy's
Cragun's Legacy Grill
Cru
Culver's
Dairy Queen (3)
Diamond House
Domino's Pizza
Einstein Bagel
El Tequila
Ernie's
Four Seas

Restaurants/Fast Food Continued

Firehouse Subs
Five Guys
Giovanni's Pizza
Grizzly's Grill & Saloon
Half Moon Saloon
Hardee's
Hunt 'N Shack
Jack's House
Jake's
Jimmy John's
KFC
Lucky's
Madden's Classic Grill
Manhattan Beach
Maucieri's
McDonalds (3)
Moonlite Bay
Northern Cowboy's
Northwinds Grille
Papa Murphy's Pizza
Perkins
Pestello's
Pine Peaks
Pizza Hut
Pizza Ranch
Poncho & Lefty's
Prairie Bay
Quarterdeck
Rafferty's Pizza (3)
Riverside Inn
Ruttger's
Sakura
Sawmill Inn
Senior Patron
Sherwood Forest
Starbucks (2)
Subway (3)
Taco Bell
Taco John's
The Barn
The Chap
The Commander
The Pines at Grandview
Timberjack
Wendy's (2)
Ye Ole Wharf
Zorbaz (2)

{ Thank You }

Thank you for considering this Close - Converse opportunity

Close - Converse is pleased to present this real estate opportunity for your review. It is our intention to provide you with the breadth of information and data that will allow you to make an informed decision.

We are here to help

Please review this package and contact us with any questions you may have. We are prepared to discuss how this property meets your needs and desires. Facts, figures and background information will aid in your decision. Should you need specialized counsel in the areas of taxation, law, finance, or other areas of professional expertise, we will be happy to work with your advisor or, we can recommend competent professionals.

How to acquire this opportunity

When you have made a decision to move forward, we can help structure a proposal that covers all the complexities of a commercial real estate transaction. As seller's representatives, we know the seller's specific needs and can tailor a proposal that expresses your desires, provides appropriate contingencies for due diligence and results in a win-win transaction for all parties.

Agency and you

Generally, we are retained by sellers or landlords to represent them in the packaging and marketing of their commercial, investment or development real estate. You are encouraged to review the Minnesota disclosure form "Agency Relationships in Real Estate Transactions" which is enclosed at the end of this package. If you have questions about agency and how it relates to your search for the right property, please ask us. We will answer all your questions and review the alternatives.

Should you wish to pursue this opportunity, please acknowledge your review of "Agency Relationships" by signing, dating and returning it to us.

Agency Disclosure

AGENCY RELATIONSHIPS IN
REAL ESTATE TRANSACTIONS

1. Page 1

2. **MINNESOTA LAW REQUIRES** that early in any relationship, real estate brokers or salespersons discuss with
3. consumers what type of agency representation or relationship they desire.¹⁵ The available options are listed below. This
4. is not a contract. This is an agency disclosure form only. If you desire representation you must enter into a written
5. contract, according to state law (a listing contract or a buyer representation contract). Until such time as you choose
6. to enter into a written contract for representation, you will be treated as a customer and will not receive any representation
7. from the broker or salesperson. The broker or salesperson will be acting as a Facilitator (see paragraph V on page
8. two (2)). Unless the broker or salesperson is representing another party, as described below.
9. **ACKNOWLEDGMENT:** I/We acknowledge that I/we have been presented with the below-described options.
10. I/We understand that until I/we have signed a representation contract, I/we am/are not represented by the
11. broker/salesperson. I/We understand that written consent is required for a dual agency relationship.
12. **THIS IS A DISCLOSURE ONLY, NOT A CONTRACT FOR REPRESENTATION.**

13. _____ (Signature) _____ (Date) _____ (Signature) _____ (Date)

14. I. **Seller's Broker:** A broker who lists a property, or a salesperson who is licensed to the listing broker, represents
15. the Seller and acts on behalf of the Seller. A Seller's broker owes to the Seller the fiduciary duties described
16. on page two (2).¹⁶ The broker must also disclose to the Buyer material facts as defined in MN Statute 82.54,
17. Subd. 3, of which the broker is aware that could adversely and significantly affect the Buyer's use or enjoyment
18. of the property. If a broker or salesperson working with a Buyer as a customer is representing the Seller, he or
19. she must act in the Seller's best interest and must tell the Seller any information disclosed to him or her, except
20. confidential information acquired in a facilitator relationship (see paragraph V on page two (2)). In that case, the
21. Buyer will not be represented and will not receive advice and counsel from the broker or salesperson.
22. II. **Subagent:** A broker or salesperson who is working with a Buyer but represents the Seller. In this case, the Buyer
23. is the broker's customer and is not represented by that broker. If a broker or salesperson working with a Buyer as
24. a customer is representing the Seller, he or she must act in the Seller's best interest and must tell the Seller any
25. information that is disclosed to him or her. In that case, the Buyer will not be represented and will not receive advice
26. and counsel from the broker or salesperson.
27. III. **Buyer's Broker:** A Buyer may enter into an agreement for the broker or salesperson to represent and act on
28. behalf of the Buyer. The broker may represent the Buyer only, and not the Seller, even if he or she is being paid
29. in whole or in part by the Seller. A Buyer's broker owes to the Buyer the fiduciary duties described on page two
30. (2).¹⁶ The broker must disclose to the Buyer material facts as defined in MN Statute 82.54, Subd. 3, of which
31. the broker is aware that could adversely and significantly affect the Buyer's use or enjoyment of the property. If
32. a broker or salesperson working with a Seller as a customer is representing the Buyer, he or she must act in the
33. Buyer's best interest and must tell the Buyer any information disclosed to him or her, except confidential information
34. acquired in a facilitator relationship (see paragraph V on page two (2)). In that case, the Seller will not be represented
35. and will not receive advice and counsel from the broker or salesperson.
36. IV. **Dual Agency - Broker Representing both Seller and Buyer:** Dual agency occurs when one broker or salesperson
37. represents both parties to a transaction, or when two salespersons licensed to the same broker each represent a
38. party to the transaction. Dual agency requires the informed consent of all parties, and means that the broker and
39. salesperson owe the same duties to the Seller and the Buyer. This role limits the level of representation the broker
40. and salesperson can provide, and prohibits them from acting exclusively for either party. In a dual agency, confidential
41. information about price, terms and motivation for pursuing a transaction will be kept confidential unless one party
42. instructs the broker or salesperson in writing to disclose specific information about him or her. Other information
43. will be shared. Dual agents may not advocate for one party to the detriment of the other.¹⁸
44. Within the limitations described above, dual agents owe to both Seller and Buyer the fiduciary duties described
45. on page two (2).¹⁶ Dual agents must disclose to Buyers material facts as defined in MN Statute 82.54, Subd. 3, of
46. which the broker is aware that could adversely and significantly affect the Buyer's use or enjoyment of the
47. property.
48. _____ I have had the opportunity to review the "Notice Regarding Predatory Offender Information" on
49. _____
51. V. **Facilitator:** A broker or salesperson who performs services for a Buyer, a Seller or both but does not represent
52. either in a fiduciary capacity as a Buyer's Broker, Seller's Broker or Dual Agent. **THE FACILITATOR BROKER
53. OR SALESPERSON DOES NOT OWE ANY PARTY ANY OF THE FIDUCIARY DUTIES LISTED BELOW,
54. EXCEPT CONFIDENTIALITY, UNLESS THOSE DUTIES ARE INCLUDED IN A WRITTEN FACILITATOR
55. SERVICES AGREEMENT.** The facilitator broker or salesperson owes the duty of confidentiality to the party but
56. owes no other duty to the party except those duties required by law or contained in a written facilitator services
57. agreement, if any. In the event a facilitator broker or salesperson working with a Buyer shows a property listed by
58. the facilitator broker or salesperson, then the facilitator broker or salesperson must act as a Seller's Broker (see
59. paragraph I on page one (1)). In the event a facilitator broker or salesperson, working with a Seller, accepts a
60. showing of the property by a Buyer being represented by the facilitator broker or salesperson, then the facilitator
61. broker or salesperson must act as a Buyer's Broker (see paragraph III on page one (1)).
-
62. ¹⁵ This disclosure is required by law in any transaction involving property occupied or intended to be occupied by
63. one to four families as their residence.
64. ¹⁶ The fiduciary duties mentioned above are listed below and have the following meanings:
65. **Loyalty** - broker/salesperson will act only in client(s)' best interest.
66. **Obedience** - broker/salesperson will carry out all client(s)' lawful instructions.
67. **Disclosure** - broker/salesperson will disclose to client(s) all material facts of which broker/salesperson has knowledge
68. which might reasonably affect the client(s)' use and enjoyment of the property.
69. **Confidentiality** - broker/salesperson will keep client(s)' confidences unless required by law to disclose specific
70. information (such as disclosure of material facts to Buyers).
71. **Reasonable Care** - broker/salesperson will use reasonable care in performing duties as an agent.
72. **Accounting** - broker/salesperson will account to client(s) for all client(s)' money and property received as agent.
73. ¹⁸ If Seller(s) decide(s) not to agree to a dual agency relationship, Seller(s) may give up the opportunity to sell the
74. property to Buyers represented by the broker/salesperson. If Buyer(s) decide(s) not to agree to a dual agency
75. relationship, Buyer(s) may give up the opportunity to purchase properties listed by the broker.

76. **NOTICE REGARDING PREDATORY OFFENDER INFORMATION:** Information regarding the predatory offender
77. registry and persons registered with the predatory offender registry under MN Statute 243.166 may be
78. obtained by contacting the local law enforcement offices in the community where the property is located,
79. or the Minnesota Department of Corrections at (651) 361-7200, or from the Department of Corrections Web site at
80. www.corr.state.mn.us.

MN-AGCYDISC-2 (8/10)

{ Contact }

Close~Converse

COMMERCIAL & PREFERRED PROPERTIES

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