

(reserved for recording information)

FIRST AMENDMENT TO DEVELOPMENT CONTRACT AND PLANNED UNIT DEVELOPMENT AGREEMENT

NEW PERSPECTIVE SENIOR LIVING (PC 22-023)

THIS FIRST AMENDMENT TO DEVELOPMENT CONTRACT AND PLANNED UNIT DEVELOPMENT (“PUD Amendment”) is dated May 16, 2023, by and between the **CITY OF ARDEN HILLS**, a Minnesota municipal corporation (“City”), and **ARDEN HILLS RE, LLC**, a Minnesota limited liability company (the “Owner” or “Developer”).

RECITALS

A. The City and Developer previously entered into a Development Contract and Planned Unit Development Agreement dated July 12, 2021 and recorded August 11, 2021 with the Ramsey County Recorder’s Office as Document No. A04901493 (“Development Contract”).

B. The Developer is the fee owner of the property located at 3565 Pine Tree Drive legally described as **Lot 1, Block 1, 2 Pine Tree North**, Ramsey County, Minnesota (“Property”).

C. On November 17, 2022, the Developer submitted an application to amend the Development Contract in seeking flexibility on the location, number, and size of wall and monument signs to be located at the Property. Currently the Developer shares an existing multi-

tenant sign with Bethel University and is proposing three additional signs as part of their signage plan which include: (i) a main entrance monument sign, (ii) a wall sign, and (iii) a directional sign as depicted on Exhibit “A” (consisting of 2 pages) attached hereto.

D. Pursuant to Paragraph 33.E. of the Development Contract, any requested amendments shall be approved by written resolution of the City Council.

E. On December 7, 2022 the Planning Commission reviewed and recommended approval of the Developer’s application subject to conditions. The Developer tabled its Planning Case to address the comments and concerns expressed at the Planning Commission and submitted modified plans on January 25, 2023. The City Council reviewed and approved the proposed PUD Amendment on February 13, 2023, subject to the conditions listed on Exhibit “A” attached hereto. All conditions of approval set forth in Exhibit “A” are hereinafter the obligations of the Developer and made a part of this PUD Amendment.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The City hereby approves the Developer’s request for a PUD Amendment to the Development Contract subject to the review and approval of Developer’s submitted Sign Plans, as amended by the conditions in the February 13, 2023 Report to the City Council; herein listed in Exhibit “A”.

2. Prior to the City’s issuance of a sign permit, Developer is required to obtain written approval, to be provided to the City, from Bethel University (the owner of Outlot A) for (i) permitting the placement of landscaping on its property; and (ii) permitting the construction of the monument sign on its property.

3. Prior to the City’s issuance of a sign permit, Developer is required to obtain written approval, to be provided to the City, from Lake Johanna Fire Department (owner of Lot 2, Block 1) for permitting the placement of landscaping on its property.

4. The Developer must obtain a sign permit from the City prior to the installation of any signs.

5. The City hereby approves the additional Development Contract amendments as outlined in the Recitals above.

6. Developer shall comply with all conditions of the original Development Contract and Planned Unit Development recorded as Ramsey County Document No. A04901493.

7. Except as otherwise specifically amended herein, the Development Contract shall remain in full force and effect. This Amendment shall be binding on the parties, their heirs, successors and assigns and shall be recorded against the Property in the office of the Ramsey County Recorder as promptly as possible after it has been executed by the parties.

*Remainder of page intentionally left blank.
Signatures on the following pages*

EXHIBIT “A”

Page 1

Developer’s Conditions

- All conditions of the original Preliminary/Final Plat, Planned Unit Development, Conditional Use Permit, and Site Plan Review shall remain in full force and effect.
- A separate sign permit shall be required for all proposed signage.
- All signage shall meet all other requirements of Sign District 4.
- As modified, to reflect recommendations by the Planning Commission which included for the reduction in size of the sign copy area of Sign 2 which is the western facing on Snelling Avenue.
- As modified, to reflect recommendations by the Planning Commission for the second monument sign as identified on the site plan as Sign 1 that has extension of sign base materials to meet City Code design standards in Sign District 4.

EXHIBIT "A"

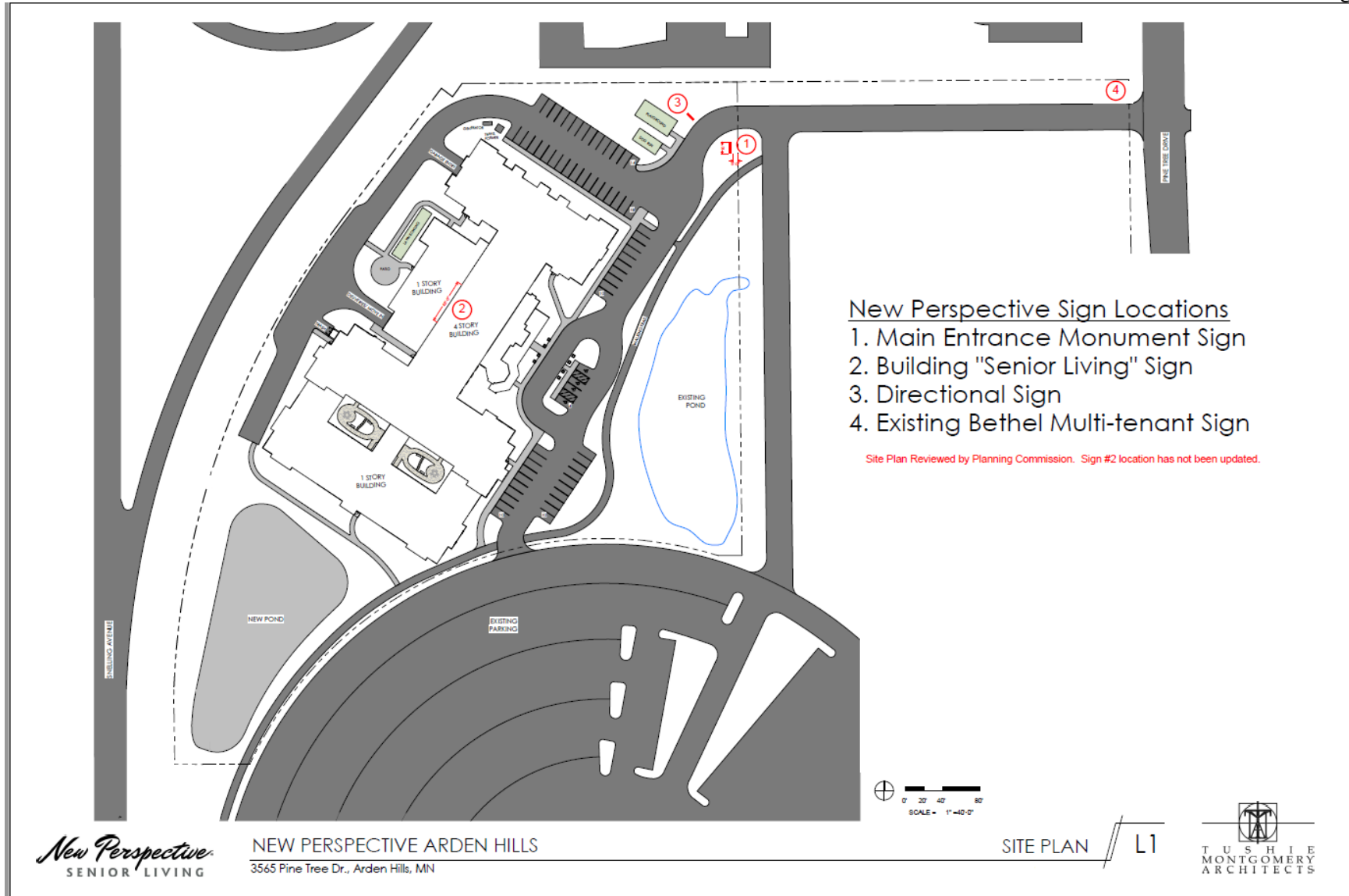


EXHIBIT "A"

