

STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE
AND INTERIOR DESIGN

In the matter of
William Jones, Unlicensed

SETTLEMENT AGREEMENT
AND
CEASE AND DESIST ORDER

Board File No. 2003-0069

TO: William Jones
P.O. Box 48
Park Rapids, MN 56470

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (Board) is authorized pursuant to Minnesota Statutes §§ 214.10 and 326.111 (2002) to review complaints concerning the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience and interior design, and to take action pursuant to those statutes whenever appropriate.

The Board received a complaint concerning Mr. William Jones (Respondent). The Board's Complaint Committee (Committee) reviewed the information. The parties have agreed that the matter may now be resolved by this Settlement Agreement and Cease and Desist Order.

SETTLEMENT AGREEMENT

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. Pursuant to Minnesota Statutes § 326.111, subd. 3 (2002), the Board is authorized to issue an order requiring unlicensed individuals to cease and desist from practicing architecture and professional engineering in the State of Minnesota.

Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Settlement Agreement.

2. Facts. This Settlement Agreement is based upon the following facts:

a. Respondent is not currently and never has been licensed by the Board as an architect or professional engineer in the State of Minnesota.

b. Respondent is the owner of the building called The Crossings located in Park Rapids, Minnesota.

c. According to the October 1, 2001 building permit, the building was originally constructed as a storage facility. This nonexempt structure has two floors and is 4,128 square feet. A true and correct copy of the October 1, 2001 building permit is attached as Exhibit A.

d. On October 25, 2002, Respondent applied for a conditional use permit with Hubbard County. The conditional use permit was to establish a restaurant/bar in the building, in addition to a variety of other uses in the building. Respondent prepared drawings submitted with the conditional use permit. Respondent later withdrew this conditional use permit from Hubbard County. A true and correct copy of the October 25, 2002 conditional use permit and drawings are attached as Exhibit B.

e. On February 20, 2003, Respondent again requested a conditional use permit from Hubbard County to establish a restaurant/bar in the building, in addition to a variety of other uses in the building. In Respondent's request for the conditional use permit, he states:

"I am requesting that I be allowed to use the building known as The Crossings at Park Rapids for a variety of purposes. I would like to establish a bar/restaurant in the building which will have a licensed kitchen and bar facility. A portion of the building may be used for retail for gift/souvenir items.

I will also have an office on site which would be used for the various businesses and might include my Law Office. The lower level of the building would be utilized for meeting rooms, a health club with weight machines, tread mills and other equipment in addition to having bathroom shower facilities for the campground and health club. The basement might also have a pizza shop or other restaurant. The building will have a garage area used for equipment to maintain the campground and storage of equipment. The Building may include a caretakers apartment.

Additional uses for the building will be for wedding receptions, anniversary parties, graduation parties, family reunions and other community or corporate activities which need this sort of facility. The facility will be handicapped accessible. I have had brief discussions with individuals who might want to have winter auctions at the site, but this would not be a primary use for the building. Any activity taking place in the building would be fully licensed pursuant to Minnesota Law and within the guidelines of the Hubbard County Shoreland Ordinance."

The County approved the conditional use permit on June 10, 2003. A true and correct copy of the conditional use permit is attached as Exhibit C.

f. On May 21, 2003, a building permit was issued by Hubbard County to add a 1,872 square foot addition onto the existing building. The permit included adding one deck with dimensions of 200 feet long by 20 feet wide, and a second deck with dimensions of 14 feet long by 20 feet wide. Respondent prepared the drawings submitted with the permit. A true and correct copy of the May 21, 2003 building permit and drawings are attached as Exhibit D.

g. In a June 16, 2003 letter to the Board, Respondent addresses the allegations. Respondent states:

"For your information, all plans that have been prepared for my building were done by myself and have been submitted to Hubbard County pursuant to their ordinance."

A true and correct copy of the June 16, 2003 letter is attached as Exhibit E.

h. Respondent sought the approval of the Minnesota Department of

Health for the kitchen and bar plans. On July 1, 2003, Respondent wrote to Mr. Steve Craig at the Department of Health explaining the plans of the kitchen and bar for the restaurant. A true and correct copy of the July 1, 2003 letter and drawings are attached as Exhibit F.

i. In a September 19, 2003 letter to the Board, Respondent informed the Board that he was the general contractor and he drew the plans for the structure.

Respondent states:

"I have pulled all of the permits for the buildings through them, I am the general contractor and I have done my own plans for the structure. There is no other contractor on the project."

A true and correct copy of the September 19, 2003 letter is attached as Exhibit G.

3. Violations. The Committee's position is that the facts specified above constitute violations of Minnesota Statutes §§ 326.02, Subd. 1, 2, 3 and 326.03 (2002), and that those facts are sufficient grounds for the remedy specified below. Respondent denies that he violated any laws or rules within the Board's jurisdiction. However, the Committee and Respondent wish to resolve the complaint against Respondent by mutually agreeing to the remedy specified in paragraph 4 below.

4. Remedy. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

a. Cease and Desist Order. Respondent shall not practice architecture and professional engineering in Minnesota in violation of Minnesota Statutes 326.02 to 326.15 (2002) until such time as he becomes licensed as an architect and/or professional engineer in the State of Minnesota.

b. Written Report. Respondent shall hire an architect and a professional engineer licensed by the Board to inspect the building known as The Crossings of Park

Rapids and described in paragraphs 2(b-f) above as it was built to prepare a written report on code compliance, and health and safety issues. Respondent shall pay the architect and professional engineer for the preparation of the report and all related activities at his sole expense. The report shall be submitted to the Board within six (6) months of the date of the Board Order approving this settlement.

c. Civil Penalty. Respondent shall pay a civil penalty of twenty thousand dollars (\$20,000.00) to the Board, of which twenty thousand dollars (\$20,000.00) will be stayed on the condition that Respondent does not violate Minnesota Statutes §§ 326.02 and 326.03 (2002) for two (2) years beginning on the date that the Board Chair signs the attached Order.

5. Additional Remedies for Violations of Order. In the event the Committee alleges that Respondent has violated paragraph 4(a), 4(b), or 4(c) above and Respondent does not agree, the Committee shall initiate a contested case hearing pursuant to the Administrative Procedures Act. Minn. Stat. ch. 14. Respondent retains the right to initiate judicial review of a final decision of the Board in a contested case pursuant to Minn. Stat. § 14.63. In accordance with Minn. Stat. § 16D.17, Subd. 2 (2002), in the event there is a final determination that Respondent has violated paragraph 4(a), 4(b), or 4(c) above, Respondent agrees that the Board may lift the stay on the civil penalty imposed by paragraph 4(c), and that the Board may file and enforce the unpaid portion of the civil penalty as a judgment without additional proceedings. The Board shall provide notice to Respondent if judgment is entered.

6. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested

case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before the date of this Settlement Agreement and Cease and Desist Order and which is not directly related to the building which is the subject matter of this agreement. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurs after the date of this Settlement Agreement and Cease and Desist Order and which is not directly related to the specific facts and circumstances set forth herein.

7. Waiver of Respondent's Rights. For the purpose of this Settlement Agreement only, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent and to dispute the appropriateness of discipline in a contested proceeding pursuant to Minnesota Statutes Chapter 14. Respondent agrees that upon the application of the Committee with notice to or an appearance by Respondent, the Board may issue an Order containing the remedy specified in paragraph 4 herein. Respondent waives the right to any judicial review of the attached Order by appeal, writ of certiorari, or otherwise.

8. Board Rejection of Settlement Agreement and Cease and Desist Order. In the event the Board in its discretion does not approve this Settlement Agreement or a lesser remedy than specified herein, this Settlement Agreement and Cease and Desist Order shall be null and void and shall not be used for any purpose by either party hereto. If this Settlement Agreement is not approved and a contested case proceeding is initiated

pursuant to Minnesota Statutes Chapter 14, Respondent agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Settlement Agreement and the record.

9. Record. The Settlement Agreement, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Settlement Agreement.

10. Data Classification. Under the Minnesota Data Practices Act, this Settlement Agreement and Cease and Desist Order is classified as public data upon its issuance by the Board. Minnesota Statutes § 13.41, subd. 5 (2002). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Order will appear in the Board's newsletter.

11. Entire Agreement. Respondent has read, understood, and agreed to this Settlement Agreement and is freely and voluntarily signing it. The Settlement Agreement contains the entire agreement between the parties. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

12. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

13. Service. If approved by the Board, a copy of this Settlement Agreement and Cease and Desist Order shall be served personally or by first class mail on Respondent.

The order shall be effective and deemed issued when it is signed by the Chair of the Board.

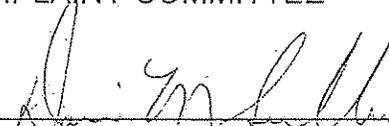
RESPONDENT



William Jones

Dated: 3-11-05, 2004

COMPLAINT COMMITTEE

By: 

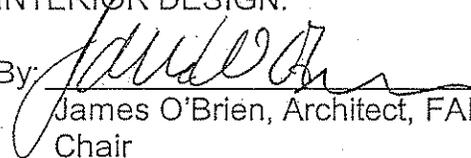
Doris Preisendorf Sullivan, LA, FASLA
Committee Chair

Dated: Mar 17, ²⁰⁰⁵ ~~2004~~

ORDER

Upon consideration of the foregoing Settlement Agreement and based upon all the files, records and proceedings herein, all terms of the Settlement Agreement are approved and adopted and hereby issued as an Order of this Board on this the 18 day of March, 2004/5

MINNESOTA BOARD OF
ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE
ARCHITECTURE, GEOSCIENCE AND
INTERIOR DESIGN.

By: 

James O'Brien, Architect, FAIA
Chair

RECEIVED

JUN 30 2003

ENVIRONMENTAL SERVICES OFFICE
HUBBARD COUNTY COURT HOUSE
PARK RAPIDS, MN

B) -3890

56470

APPLICATION FOR PERMITS

LEGAL DESCRIPTION AND LOCATION	HNR LONG LAKE PARK OUTLOT 1 EX PT FR SW COR PB N270 E183 S TO HWY SW AL HWY TO PB & EX HWY		Date	10/1/01
			Tax Parcel Number	13.42.03900
		E911 Address 17791 STATE 34		
Lake #	Lake Name	Lake Class	Sec/Twp/Range	Twp Name
29-0161HE	LONG	REC DEV	20 140 34	HENRIETTA
OWNER Name	Address		City/State/Zip	Phone
JONES, WILLIAM F	PO BOX 48 PARK RAPIDS MN 56470			732-3000

area	12.02 ACRE	sq ft	Water frontage	ft	Lot depth	400 ft	Max. land ht above high water mark on lot	20 ft
land ht above high water mark at bldg line	25 ft		Bldg setback from high water mark	600 ft	Bldg setback from nearest lot line	10 ft	Bldg setback from nearest ROW line	100 ft

Building Permit Fee \$50.00

Land Use	Commercial	Contractor	OWNER	Permit Number: 12950
Use as	NEW BUILDING	License #	SELF	
Bedrooms	0	Size	43 Ft wide	
Bathrooms	0	Basement	<input type="checkbox"/>	X 96 Ft long
	Stories above basemnt		2	= 4128 SqFt

Appeal Date: _____ Appeal Num: _____

Revision: *11-8-02: Amend To Lead 7' X 24' Entrance EAST SIDE OF BUILDING*

Comments: 2 Story Picnic Pavillion - Currently no sewer or water. Lot split currently being recorded (as per conversation with Judy Harsha. Will note on file split as it occurs.

When working in wetlands, contact the DNR, Army Corp of Engineers, and the Hubbard County Wetland Act Administrator.

AGREEMENT: I the undersigned hereby make application for work described and located as shown herein. I hereby certify that the information contained herein is correct and agree to do the work in accordance with the provision of the Ordinances of Hubbard County, MN. I further agree that any plans and specification submitted herewith shall become part of this application, and I agree to an onsite inspection visit by Hubbard County without further notice.

Dated 10-01-01 _____
Signature of Owner or Agent

PERMIT: Permission is hereby granted to the above named applicant to perform the work described in the above statement. This permit is granted upon the express condition that the person to whom it is granted, and his/her agent, employees and workers shall conform in all respects to the Ordinances of Hubbard County, MN. This permit may be revoked at any time upon violation of said Ordinances.

Dated 10-1-01 _____
PLANNING & ZONING ADMINISTRATOR

NOTE: Any change in the above plans must be approved by the Hubbard County Environmental Services Office. All disposal systems shall be approved by the Environmental Services Office before covering. Permit is valid for a period of 12 (twelve) months.

BUILDER/LICENSE NO.
SELF
OWNER

HUBBARD COUNTY, MINNESOTA

BUILDING

PERMIT

DATE ISSUED
10/1/01
PERMIT EXPIRES
10/1/02

HAS BEEN
ISSUED TO
JONES, WILLIAM F

PARCEL #
13.42.03900

LOCATION
LONG
E911 ADDRESS
17791 STATE 34

LAKE NAME
LONG
TOWNSHIP NAME
HENRIETTA
SECTION
20
TWP
140
RANGE
34
LAKE CLASS.
REC DEV

LEGAL
DESCRIPTION
HNR LONG LAKE PARK OUTLOT 1 EX P1 R SW COR PB N270 E183 S TO HWY SW AL HWY TO PB & EX HWY

PERMIT #
12950: NEW BUILDING/Storage Building

COMMENTS
file split as it occurs.
2 Story Platic Pavillion - Currently no sewer or water. Lot split currently being recorded (as per conversation with Judy Hartsa. Will note on file split as it occurs.

POST ON PREMISES IN PLAIN VIEW (NO MORE THAN 12 FEET ABOVE GRADE ON THE PREMISES. ALL HIGH WORK IS TO BE DONE).
ALL SEPTIC SYSTEM INSTALLATIONS MUST BE INSPECTED PRIOR TO BACKFILLING

PLANNING ZONING ADMINISTRATOR


ENVIRONMENTAL SERVICES OFFICE
 HUBBARD COUNTY COURT HOUSE
 PARK RAPIDS, MN

56470

APPLICATION FOR CONDITIONAL USE

3) 732-3890

LEGAL DESCRIPTION AND LOCATION	HNR LONG LAKE PARK OUTLOT 1 EX PT FR SW COR PB N270 E183 S TO HWY SW AL HWY TO PB & EX HWY		Date	10/25/2002	App #	7-CU-02
			Tax Parcel Number	13.42.03900		
		E911 Address		17791 STATE 34		
	Lake #	Lake Name	Lake Class	Sec/Twp/Range	Twp Name	
	29-0161HE	LONG	REC DEV	20 140 34	HENRIETTA	
OWNER	Name	Address		City/State/Zip		Phone
	JONES, WILLIAM FP.	O. BOX 48 PARK RAPIDS MN 56470				732-3000

Applicant is a corporation; state incorporated in is: N/A Applicant is? OWNER

Applicant is part of a partnership. If yes, list partner's name and address below.
 NAME: ADDRESS: 0

This application for conditional use is for the following use (describe your requested use in detail):

of Outlot No. 1 Long Lake Park, Section Twenty (20), Township One Hundred forty (140), Range Thirty-four (34), Henrietta Township on Long Lake, Parcel #13.42.03900. Applicant is requesting to be allowed to use the building known as 'The Crossings at Park Rapids' for a variety of purposes. Applicant would like to establish a bar/restaurant in the building which will have a licensed kitchen and bar facility. A portion of the building may be used for retail for gift/souvenir items related to the campground operation and other licensed operations. There will be an office on site which would be used for the various businesses and might include the applicant's law office. The lower level of the building would be utilized for meeting rooms of a health club with gym machines, tread mills and other equipment used in physical fitness training in addition to having bathroom facilities and shower facilities for use by campground and the health club. A portion of the building will have a garage area used for equipment to maintain the campground and storage of equipment. The building would also have a warming house for wintertime activities. The building will be used as a viewing area for licensed snowmobile racing. The snowmobile racing would take place on property which does not fall within 1,000 feet of the Shoreland Ordinance.

Additional uses for this building will be for wedding receptions, anniversary parties, graduation parties, family reunions and other community or corporate activities which need this sort of facility. The facility will be handicapped accessible. Discussions with individuals who might want to have winter auctions at site occurred, but this would not be a primary use for the building. Any activity taking place in the building would be fully licensed pursuant to local law and within the guidelines of the Hubbard County Shoreland Ordinance. Long Lake is a recreational development lake.

In order to have your appeal properly evaluated, please provide as much supplementary information as possible. Examples include maps, plans, information about surrounding property, directions to property, etc.

APPEAL FEE: \$250.00

 SIGNATURE OF APPLICANT
 -DO NOT USE SPACE BELOW-

Date of application file with Planning/Zoning Office: 10/23/2002
 Date of acknowledgement by: Gary Johanson by JMT
 Date, time and place of hearing: 11/12/2002 Hubbard County Courthouse Lower Level Mtg R
 Date of decision of the County Board of Commissioners:

PERSON:

If any aggrieved person or persons, any Department, Board, Commission of the jurisdiction or of the State shall have the right to appeal within 30 days after receipt of notice of the decision, to the district court in the County in which the land is located on questions of law and fact.

PLANNING ZONING ADMINISTRATOR'S SIGNATURE: _____ DATE: _____ 20

Applicant and MNDNR notified on _____

GARRY JOHANSON
 PLANNING/ZONING ADMINISTRATOR
 HUBBARD COUNTY, MINNESOTA

EXHIBIT B

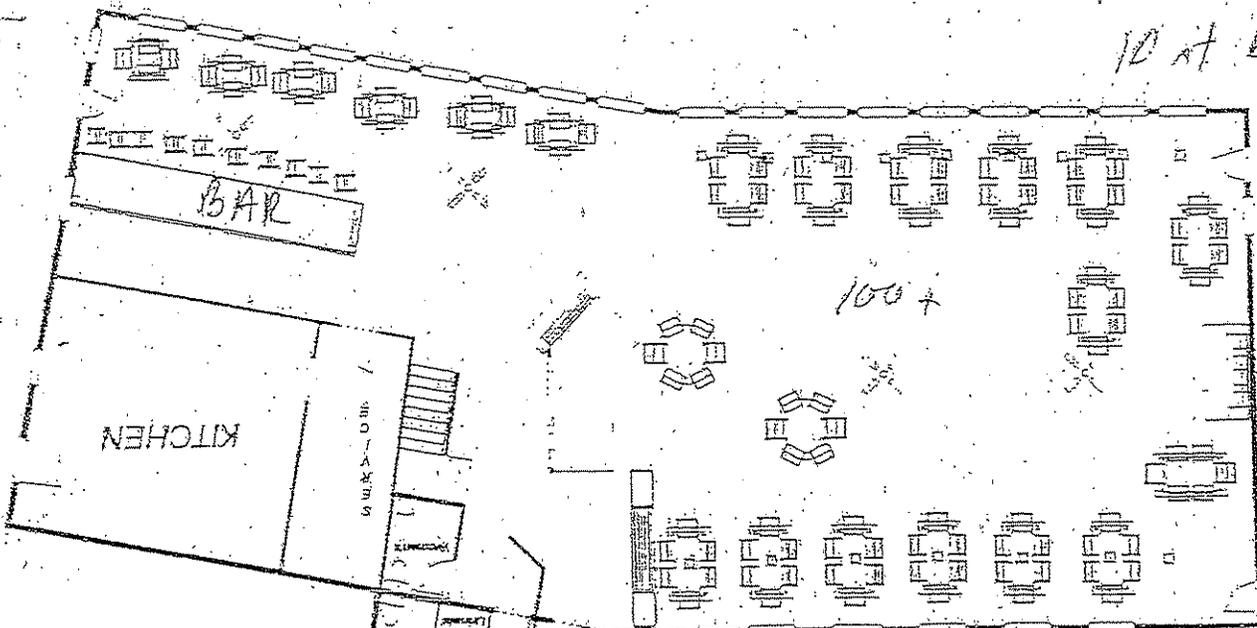
RECEIVED
7 3 2002
HUBBARD COUNTY ENVIRONMENTAL

Upper level

Upstairs

108 seated

10 at Bar

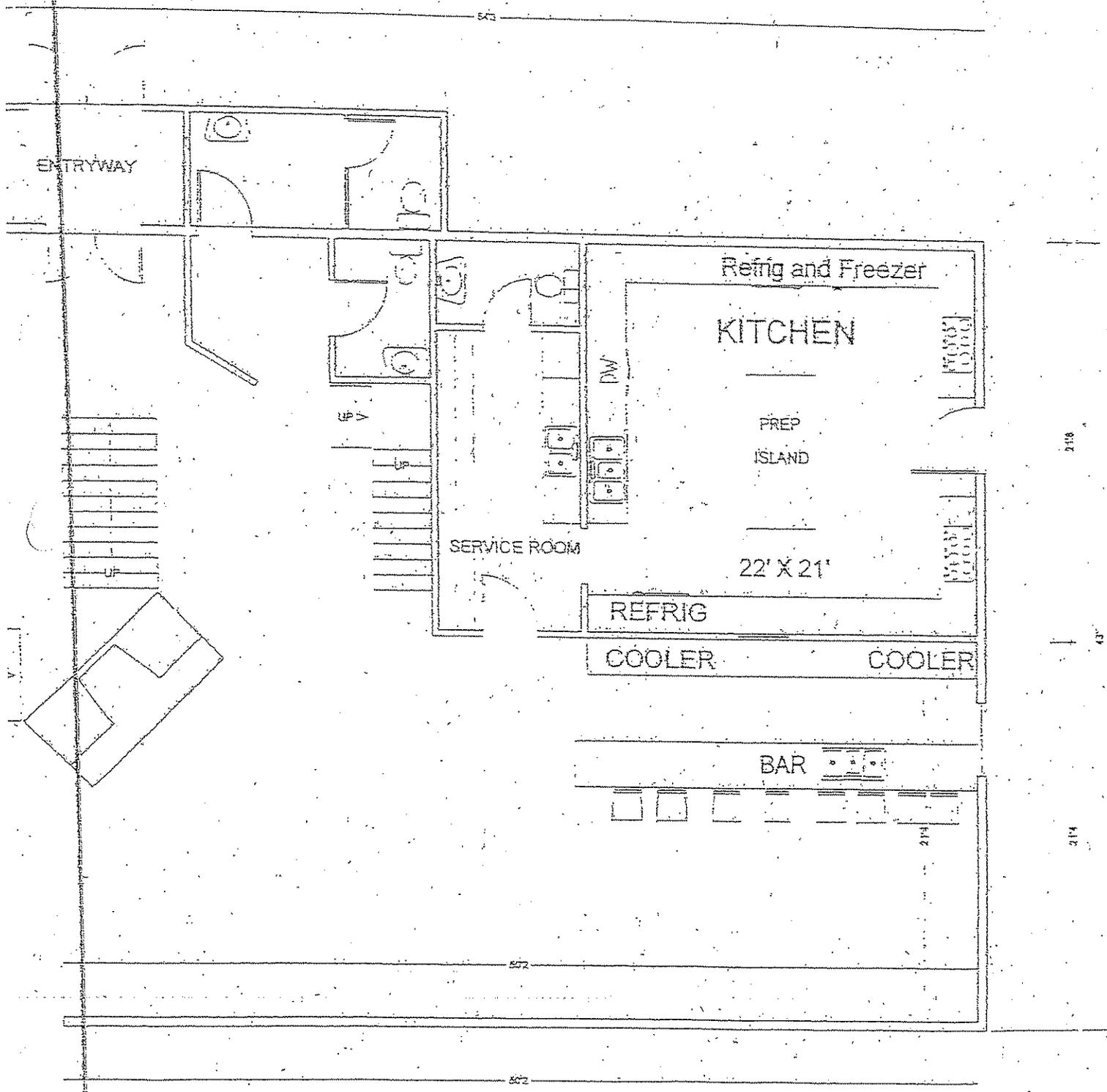


100+

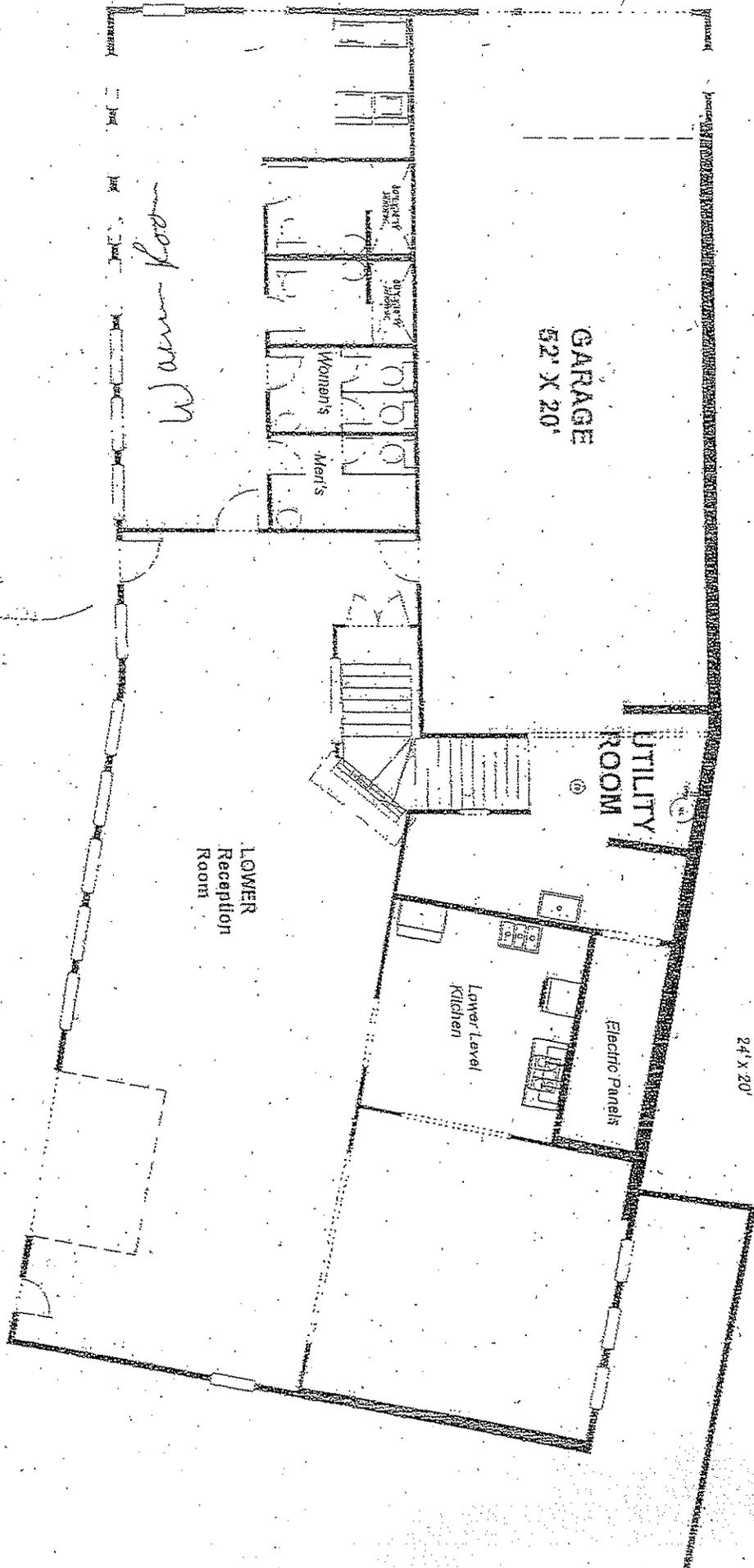
Carport

My notes
"Amended" Add-on
11/8/04
(41%) 1/2 entrance
(57%) 1/2 mens Rooms
Bar M R

Detail Kitchen



Lower level



ORIGINAL

HUBBARD COUNTY SHORELAND MANAGEMENT ORDINANCE

HUBBARD COUNTY COURT HOUSE
PARK RAPIDS, MN

732-3890

56470

APPLICATION FOR A CONDITIONAL USE

LEGAL DESCRIPTION AND LOCATION	See attached --Exhibit "B"	Date	02/20/03		
		Tax Parcel Number	13.42.03900		
		E911 Address	17791 State 34		
		Application Number	3-CU-03		
	29-0161HE Long	REC DEV	20	140	34 Henrietta
	Lake No. Lake Name	Lake Class	Sec.	Twp.	Range Twp. Name

OWNER	Name	Mailing Address	Zip Code	Telephone
	Jones, William F.	PO Box 48, Park Rapids MN	56470	218-732-3000

Applicant is a corporation; state incorporated in is NA

Applicant is? Owner Lessee Occupant Agent Other

Applicant is a part of a partnership. If yes, list partner's name and address below.

NAME	ADDRESS	ZIP
------	---------	-----

This application for conditional use is for the following use. Describe your requested use in detail.

See attached - Exhibit "C" & Amended Exhibit "D"

In order to have your appeal properly evaluated, please provide as much supplementary information as possible, such as: maps, plans, information about surrounding property, directions to property, etc.

FILING FEE \$250.00

W. Jones
SIGNATURE OF APPLICANT

—DO NOT USE SPACE BELOW—

Date of application file with Planning-Zoning Office 02/20/03 Filing acknowledgement by Garry Johansen

Date, time and place of hearing County Board Meeting 5/13/2003, Hubbard County Courthouse

Decision of the County Board of Commissioners: On a motion of Mr. Frank, seconded by Mr. Nelson and carried unanimously, the following Findings of Fact were adopted and the application of William F. Jones for a conditional use appeal #3-CU-03, Henrietta Township; for a restaurant/bar was approved with the following list of specific conditions of approval:

REASON: See Attached Exhibit "A" Conditions

This is in accordance with Section 1106 of the Hubbard County Shoreland Management Ordinance and the findings of fact on file with the Planning & Zoning Office.

Any aggrieved person or persons, any Department, Board, Commission of the jurisdiction or of the State shall have the right to appeal within 30 days after receipt of notice of the decision, to the district court in the County in which the land is located on questions of law and fact.

CHAIRMAN'S SIGNATURE

[Signature]

DATE June 10 20 03

Applicant and MN Dept. of Natural Resources notified June 10, 2003

[Signature]
6-10-03
PLANNING-ZONING ADMINISTRATOR, HUBBARD COUNTY, MINNESOTA

William F. Jones Conditional Use Appeal #3-CU-03

Exhibit "A" Conditions

1. Land restoration of the race track, within 1000 feet of the lake, to its natural condition with installation of vegetation along CR 107 to be complete within one year of this conditional use approval.
2. One main property business entrance on State Hwy 34 with property entrances from CR 107 restricted to two.
3. Restaurant seating capacity not to exceed 400.
4. Maintain receipt ratio not to exceed 30/70 - alcohol to restaurant receipts, alcohol 30% max.
5. Provide adequate parking on premises.
6. Outside music decibals not to exceed the property lines.
7. Customer and commercial access shall be posted on State Hwy 34, per Hubbard County Ordinances.
8. No racing events to be conducted on the property.

This is in accordance with Section 1106 of the Shoreland Management Ordinance and the findings of fact on file with the Planning and Zoning Office.

EXHIBIT "B"

The Conditional Use is requested for the following property located within the Shoreland Ordinance:

That part of Outlot No. 1, LONG LAKE PARK, according to the plat thereof on file and of record in the Office of The Recorder, Hubbard County, Minnesota, described as follows:

Commencing at the southwest corner of Section 20, Township 140 North, Range 34 West; thence on an assumed bearing of North 89 degrees 43 minutes 50 seconds East along the South line of said Section 20 a distance of 2692.06 feet to the South Quarter corner of said Section 20; thence North 38 degrees 34 minutes 20 seconds East a distance of 2128.46 feet to the West line of said Outlot No. 1, as occupied; thence North 0 degrees 17 minutes 55 seconds West along said West line a distance of 245.03 feet; thence North 89 degrees 42 minutes 5 seconds East a distance of 183.83 feet to the point of beginning of the tract to be described; thence South 89 degrees 42 minutes 5 seconds West a distance of 183.83 feet to the said West line of Outlot No. 1 as occupied; thence North 0 degrees 17 minutes 55 seconds West along said West line a distance of 626.46 feet to the southerly right-of-way of Minnesota Trunk Highway No. 34; thence North 77 degrees 56 minutes 18 seconds East along said right-of-way a distance of 1075.59 feet; thence South 0 degrees 17 minutes 55 seconds East a distance of 91.62 feet to the northwesterly right-of-way of Hubbard County Road No. 107; thence southwesterly along said right-of-way to its intersection with a line that bears South 0 degrees 17 minutes 55 seconds East from the point of beginning; thence North 0 degrees 17 minutes 55 seconds West a distance of 125.92 feet to the point of beginning and there terminating.

Less and except

That part of Outlot No.1 LONG LAKE PARK, according to the plat thereof on file and of record in the office of the recorder, Hubbard County, Minnesota, described as follows:

Commencing at the Southwest corner of Section 20, Township 140 North, Range 34 West; thence on an assumed bearing of North 89 degrees 43 minutes 50 seconds East along the South line of said Section 20 a distance of 2692.06 feet to the South quarter corner of said Section 20; thence North 38 degrees 34 minutes 20 seconds East a distance of 2128.46 feet to the West line of said Outlot No. 1, as occupied; thence North 0 degrees 17 minutes 55 seconds West along said West line a distance of 245.03 feet to the point of beginning of the tract to be described; thence continuing North 0 degrees 17 minutes 55 seconds West along said West line a distance of 626.46 feet to the Southerly right-of-way of Minnesota Trunk Highway No. 34; thence North 77 degrees 56 minutes 18 seconds East along said right-of-way a distance of 289.80 feet; thence South 0 degrees 59 minutes 35 seconds West a distance of 583.95 feet; thence South 40 degrees 25 minutes 42 seconds West a distance of 134.23 feet; thence South 89 degrees 42 minutes 05 seconds West a distance of 183.83 feet to the point of beginning and there terminating. Containing 4.06 acres, more or less.

Subject to other easements, restrictions and reservations of record, if any.

E911 Address: 17789 State Hwy 34, Park Rapids, MN 56470

Lake Name: Long Lake

Lake Class: Recreational Development

20-140-34 under Section, township, range

Henrietta Township

Exhibit "C"

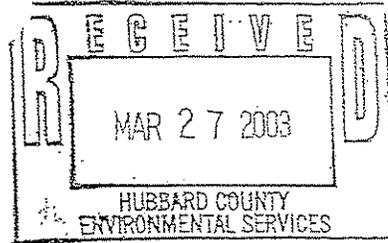
The following is a description of the uses which I am applying for in my application for Conditional Use for The Crossings at Park Rapids, Inc.

I am requesting that I be allowed to use the building known as The Crossings at Park Rapids for a variety of purposes. I would like to establish a bar/restaurant in the building which will have a licensed kitchen and bar facility. A portion of the building may be used for retail for gift/souvenir items. I will also have an office on site which would be used for the various businesses and might include my Law Office. The lower level of the building would be utilized for meeting rooms, a health club with weight machines, tread mills and other equipment in addition to having bathroom shower facilities for the campground and health club. The basement might also have a pizza shop or other restaurant. The building will have a garage area used for equipment to maintain the campground and storage of equipment. The Building may include a caretakers apartment.

Additional uses for the building will be for wedding receptions, anniversary parties, graduation parties, family reunions and other community or corporate activities which need this sort of facility. The facility will be handicapped accessible. I have had brief discussions with individuals who might want to have winter auctions at the site, but this would not be a primary use for the building. Any activity taking place in the building would be fully licensed pursuant to Minnesota Law and within the guidelines of the Hubbard County Shoreland Ordinance.

Exhibit "D"

FAX TRANSMISSION



DATE: March 27, 2003

TO: Garry Johanson

AT FAX PHONE NUMBER: 732-7993

NUMBER OF PAGE(S) BEING
SENT(including this sheet): 4

MESSAGE:

FROM: William F. Jones, Attorney at Law
P.O. Box 48
101 West 2nd Street
Park Rapids, MN 56470
Ph: (218) 732-3000 Fax: (218) 732-4000

PLEASE CALL THE OFFICE IF YOU DO NOT RECEIVE ALL PAGES.

Thank you,

WILLIAM F. JONES, Attorney

The information contained in this facsimile message is privileged and confidential. It is intended only for the use of the individual or entity to whom it is addressed. If the recipient of this transmittal is not the intended recipient, or an agent or employee responsible to deliver it to the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and request return instructions.

Exhibit "D"

William F. Jones Law Office

101 West Second Street P.O. Box 48
Park Rapids, MN 56470
Telephone (218) 732-3000 Fax: (218) 732-4000
E-Mail: wjoneslaw@yahoo.com

WILLIAM F. JONES
ATTORNEY AT LAW

Via Fax: 732-7993

March 27, 2003

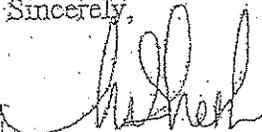
Garry Johanson
Environmental Service
Hubbard County Courthouse
Park Rapids, MN 56470

Re: Stockade Campground and Current Building Project

Dear Garry:

Please find enclosed with this letter an Amended Statement of Use pursuant to the township meeting wherein Floyd Frank requested a more narrowed down statement of use for the Crossings/Stockade Campground. Please call Mr. Jones with any questions that you may have.

Sincerely,



Michelle Sherk
Jones Law Office

enclosure

G:\WEDOC\SJONES\PER\Crossings at PR\Johanson.12.wpd

Amended Statement of Use

The following is a description of the uses which I am applying for in my application for Conditional Use for The Crossings at Park Rapids, Inc.

I am requesting that I be allowed to use the building known as The Crossings at Park Rapids for a variety of purposes. I would like to establish a bar/restaurant in the building which will have a licensed kitchen and bar facility. The lower level of the building would be utilized for the campground registration and recreation as well as the normal campground amenities. The building will have a garage area used for equipment to maintain the campground and storage of equipment. The Building may include a caretakers apartment.

The building will be used for wedding receptions, anniversary parties, graduation parties, family reunions and other community or corporate activities which need this sort of facility. The facility will be handicapped accessible. Any activity taking place in the building would be fully licensed pursuant to Minnesota Law and within the guidelines of the Hubbard County Shoreland Ordinance.

Exhibit "D"

The Conditional Use is requested for the following property located within the Shoreland Ordinance:

That part of Outlot No. 1, LONG LAKE PARK, according to the plat thereof on file and of record in the Office of The Recorder, Hubbard County, Minnesota, described as follows:

Commencing at the southwest corner of Section 20, Township 140 North, Range 34 West; thence on an assumed bearing of North 89 degrees 43 minutes 50 seconds East along the South line of said Section 20 a distance of 2692.06 feet to the South Quarter corner of said Section 20; thence North 38 degrees 34 minutes 20 seconds East a distance of 2128.46 feet to the West line of said Outlot No. 1, as occupied; thence North 0 degrees 17 minutes 55 seconds West along said West line a distance of 245.03 feet; thence North 89 degrees 42 minutes 5 seconds East a distance of 183.83 feet to the point of beginning of the tract to be described; thence South 89 degrees 42 minutes 5 seconds West a distance of 183.83 feet to the said West line of Outlot No. 1 as occupied; thence North 0 degrees 17 minutes 55 seconds West along said West line a distance of 626.46 feet to the southerly right-of-way of Minnesota Trunk Highway No. 34; thence North 77 degrees 56 minutes 18 seconds East along said right-of-way a distance of 1075.59 feet; thence South 0 degrees 17 minutes 55 seconds East a distance of 91.62 feet to the northwesterly right-of-way of Hubbard County Road No. 107; thence southwesterly along said right-of-way to its intersection with a line that bears South 0 degrees 17 minutes 55 seconds East from the point of beginning; thence North 0 degrees 17 minutes 55 seconds West a distance of 125.92 feet to the point of beginning and there terminating.

Less and except

That part of Outlot No.1 LONG LAKE PARK, according to the plat thereof on file and of record in the office of the recorder, Hubbard County, Minnesota, described as follows:

Commencing at the Southwest corner of Section 20, Township 140 North, Range 34 West; thence on an assumed bearing of North 89 degrees 43 minutes 50 seconds East along the South line of said Section 20 a distance of 2692.06 feet to the South quarter corner of said Section 20; thence North 38 degrees 34 minutes 20 seconds East a distance of 2128.46 feet to the West line of said Outlot No. 1, as occupied; thence North 0 degrees 17 minutes 55 seconds West along said West line a distance of 245.03 feet to the point of beginning of the tract to be described; thence continuing North 0 degrees 17 minutes 55 seconds West along said West line a distance of 626.46 feet to the Southerly right-of-way of Minnesota Trunk Highway No. 34; thence North 77 degrees 56 minutes 18 seconds East along said right-of-way a distance of 289.80 feet; thence South 0 degrees 59 minutes 35 seconds West a distance of 583.95 feet; thence South 40 degrees 25 minutes 42 seconds West a distance of 134.23 feet; thence South 89 degrees 42 minutes 05 seconds West a distance of 183.83 feet to the point of beginning and there terminating. Containing 4.06 acres, more or less.

Subject to other easements, restrictions and reservations of record, if any.

E911 Address: 17789 State Hwy 34, Park Rapids, MN 56470

Lake Name: Long Lake

Lake Class: Recreational Development

20-140-34 under Section, township, range

Henrietta Township

COUNTY OF HUBBARD

CRITERIA TO BE USED IN DETERMINATIONS FOR CONDITIONAL USE PERMITS

Name of Applicant: William F. Jones Date: 05/13/03

Conditional Use Permit Requested: Applicant is requesting to be allowed to use the building as a restaurant/bar which will have a licensed kitchen and bar facility. The building will be used for wedding receptions, anniversary parties, graduation parties, family reunions and other community or corporate activities which need this sort of facility. The facility will be handicapped accessible. Any activity taking place in the building would be fully licensed pursuant to Minnesota Law and within the guidelines of the Hubbard County Shoreland Ordinance. Long Lake is a recreational development lake.

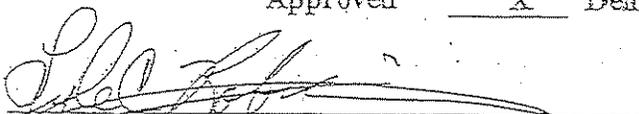
	YES	NO
1. Is the proposal consistent with the intent and purpose of the State Shoreland Management Rules, County Comprehensive Plan and Zoning Ordinance?	X	
2. Will the proposal avoid causing any unreasonable adverse effect on adjacent property?	X	
3. Will the proposal avoid substantially diminishing or impairing property values within the vicinity?	X	
4. Will the proposal insure a density of land use no greater than otherwise allowed for the zoning district the premises lie within?	X	
5. Will the proposal avoid impedance of the normal and orderly development and improvement of surrounding property for uses predominant in the area?	X	
Is the location and character of the proposed development consistent with a desirable pattern of development?	X	

IF ALL THE ANSWERS ARE YES, THE CRITERIA FOR GRANTING OF THE CONDITIONAL USE PERMIT HAVE BEEN MET. USE THE PARAMETERS OF HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC WHEN DETERMINING THE APPROPRIATENESS OF A PARTICULAR APPLICATION.

LIST SPECIFIC REASONS FOR DENIAL AND/OR CONDITIONS OF APPROVAL:

1. land restoration of the race track, within 1000 feet of the lake, to its natural condition with installation of vegetation along CR 107 to be complete within one year of this conditional use approval
2. one main property business entrance on State Hwy 34 with property entrances from CR 107 restricted to two
3. restaurant seating capacity not to exceed 400
4. maintain receipt ratio not to exceed 30/70 — alcohol to restaurant receipts, alcohol 30% max.
5. provide adequate parking on premises
6. outside music decimials not to exceed the property lines
7. Customer and commercial access shall be posted on State Hwy 34, per Hubbard County Ordinances
8. no racing events to be conducted on the property

Approved X Denied



 Signature of Chairman

05/21/03

 Date

ENVIRONMENTAL SERVICES OFFICE
 HUBBARD COUNTY COURT HOUSE
 PARK RAPIDS, MN

(8) 2-3890

56470

APPLICATION FOR PERMITS

LEGAL DESCRIPTION AND LOCATION	HNR LONG LAKE PARK OUTLOT 1 EX PT FR SW COR PB N270 E183 S TO HWY SW AL HWY TO PB & EX HWY		Date	5/2/03	
			Tax Parcel Number	13.42.03900	
		E911 Address		17791 STATE 34	
Lake #	Lake Name	Lake Class	Sec/Twp/Range	Twp Name	
29-0161HE	LONG	REC DEV	20 140 34	HENRIETTA	
OWNER Name		Address		City/State/Zip	Phone
JONES, WILLIAM F		P.O. BOX 48 PARK RAPIDS MN 56470			732-3000
area	12.02 ACRE	sq ft	Water frontage	ft	Lot depth
					400 ft
					Max. land ht above high water mark on lot
					20 ft

Building Permit Fee \$90.00

nd ht above high 30 ft Bldg setback from 850 ft Bldg setback from 125 ft Bldg setback from 100 ft
 ter mark at bldg line high water mark nearest lot line nearest ROW line

nd Use Commercial	Contractor OWNER	Permit Number: 13707
pe ALTERATION	License # SELF	
r use as Storage Building	Size 39 Ft wide x 48 Ft long = 1872 SqFt	
Bedrooms 0	Basement <input checked="" type="checkbox"/>	
Bathrooms 0	Stories above basemt 1	

Appeal Date: Appeal Num:
 Decision:

Comments: Also adding deck with dimensions of 200' Long x 20' Wide. Contact with Jay Squires, MCIT ok'd 5-2-03. Also, a 14ft x 20 ft deck o backside of addition. (Ammended 5/21/03)

When working in wetlands, contact the DNR, Army Corp of Engineers, and the Hubbard County Wetland Act Administrator.

AGREEMENT: I the undersigned hereby make application for work described and located as shown herein. I hereby certify that the information contained herein is correct and agree to do the work in accordance with the provision of the Ordinances of Hubbard County, MN. I further agree that any plans and specification submitted herewith shall become part of this application, and I agree to an onsite inspection visit by Hubbard County without further notice.
 Dated 5-21-03 _____
 Signature of Owner or Agent

PERMIT: Permission is hereby granted to the above named applicant to perform the work described in the above statement. This permit is granted upon the express condition that the person to whom it is granted, and his/her agent, employees and workers shall conform in all respects to the Ordinances of Hubbard County, MN. This permit may be revoked at any time upon violation of said Ordinances.
 Dated 5/21/03 _____
 PLANNING & ZONING ADMINISTRATOR

NOTE: Any change in the above plans must be approved by the Hubbard County Environmental Services Office. All disposal systems shall be approved by the Environmental Services Office before covering. Permit is valid for a period of 12 (twelve) months.

EXHIBIT D

BUILDER/LICENSE NO.
SELF
OWNER

HUBBARD COUNTY, MINNESOTA

BUILDING

PERMIT

DATE ISSUED
5/2/03
PERMIT EXPIRES
5/1/04

HAS BEEN
ISSUED TO

JONES, WILLIAM F

PARCEL #
13.42.03900

LOCATION

LAKE NAME:
LONG
ESIT ADDRESS
17791 STATE 34

LEGAL
DESCRIPTION

TOWNSHIP NAME
HENRIETTA
SECTION TWP RANGE
20 140 34
LAKE CLASS
REC DEV
HNR LONG LAKE PARK OUTLOT 1 EX PT FR SW COR PB N270 E183 S TO HWY SW AL HWY TO PB & EX HWY

PERMIT #

13707: ALTERATION/Storage Building

COMMENTS

Also adding deck with dimensions of 200' Long x 20' Wide. Contact with Jay Squires, MCIT ok'd 5-2-03. Also, a 14ft x 20 ft deck o backside of addition. (Amended 5/21/03)

POST ON PREMISES IN PLAIN VIEW (NO MORE THAN 12 FEET ABOVE GRADE ON THE PREMISES ON WHICH WORK IS TO BE DONE).
ALL SEPTIC SYSTEM INSTALLATIONS MUST BE INSPECTED PRIOR TO BACKFILLING.


PLANNING-ZONING ADMINISTRATOR

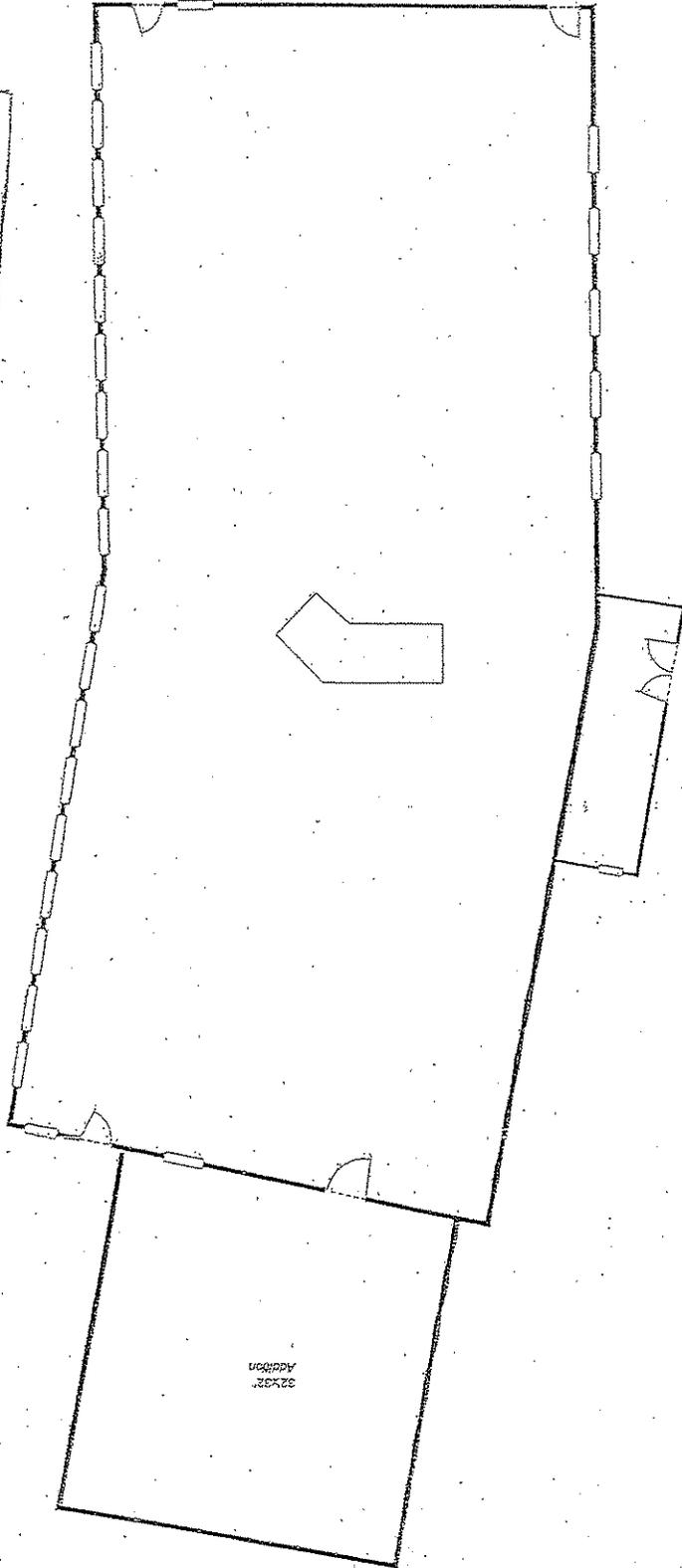
May 2, 2003
W.F.J.

RECEIVED
MAY - 12 - 03
HUBBARD COUNTY ENVIRONMENTAL



Total 200' x 20' at Max
long Width

RECEIVED
MAY 12 2007
HUBBARD COUNTY ENVIRONMENTAL



ADDRESS

JUN 18 2003

William F. Jones Law Office

101 West Second Street P.O. Box 48
Park Rapids, MN 56470
Telephone (218) 732-3000 Fax: (218) 732-4000
E-Mail: wjoneslaw@yahoo.com

WILLIAM F. JONES
ATTORNEY AT LAW

June 16, 2003

Benjamin Barker
The Minnesota Board of Architecture, Engineering, Land Surveying,
Landscape Architecture, Geoscience & Interior Design
85 East 7th Place, Suite 160
St. Paul, MN 55101

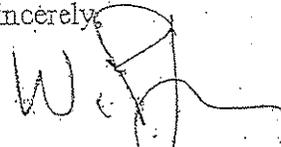
Re: William Jones, File No. 2003-0069

Dear Mr. Barker:

I am in receipt of your letter to June 10, 2003 and quite frankly am a little confused as to your interest in this property. I have spoken to Garry Johannson of the Hubbard County Environmental Services Office who does all permits, inspections and zoning issues in the county and he has told me very distinctly that Hubbard County is responsible for permitting and issues relating to the building of structures within the shoreland ordinance in Hubbard County. Based on this, he has suggested that if you have any questions you contact him directly at 218-732-3890, as Hubbard County Zoning issues permits to resorts for their cabins, food service buildings, and all other commercial structures and he is unaware that there is any requirement that there be architecture or engineered plans for these structures. Hubbard County Zoning followed the same permitting process for my property as they have for all other commercial property that they control and should you have any questions, please feel free to contact him. For your information, all plans that have been prepared for my building were done by myself and have been submitted to Hubbard County pursuant to their ordinance.

I appreciate your attention to this and please direct any further questions directly to Hubbard County, as the governing agency.

Sincerely,


William F. Jones
Attorney at Law
WFJ:mjs

GAWPDOCSUONESPERICrossings at PR\Barker.J2.wpd

EXHIBIT E

THE CROSSING AT PARK RAPIDS, INC.

789 State 34

Park Rapids, MN 56470

Telephone (218) 732-2700 Fax: (218) 732-4000

E-Mail: wieneslaw@yahoo.com



July 1, 2003

Mr. Steve Craig
Minnesota Department of Health
Metro Square Building, Suite 220
121 East Seventh Place
St. Paul, MN 55101

Re: Kitchen and Bar Drawing for The Crossings at Park Rapids, Inc.
Project #: 031357

Dear Steve:

Pursuant to your letter of several months ago, I have finally got final approval for building a bar/restaurant three miles east of Park Rapids on State Highway 34. I will go through the bullet items of paragraph 7 of your Food and Beverage Establishments document and include all of the information I can at this time.

The name of the project and the project address is: The Crossings at Park Rapids, Inc., 17789 State 34, Park Rapids, MN 56470.

The name, address and phone number of the project owner is as stated above and my phone number is 218-732-2700 or 218-732-3000.

The layout of the food and beverage service equipment in the kitchen and bar area is as included in the drawing attached and this includes a 22' stainless steel hood with a current 17' cook-line with the 5 additional feet being left for possible expansion.

Starting with the left hand side of the cook-line, the four-burner and griddle 60" is manufactured by Vulcan and has 2 ovens in the unit. Next to that is a 24" griddle which is also manufactured by Vulcan. The third item is a 24" broiler manufactured by Tec and the fourth item is a 42" broiler manufactured by Tec. Next to that are 3 18" fryers which are double-basket. All of these items are stainless steel and will be purchased from either Palm Brothers, Premier Equipment or another commercial equipment dealer and I will get the model numbers of this equipment as we purchase it. You can be assured that all of it will be commercial equipment, stainless steel and meet all requirements of the Minnesota Department of Health.

In the lower right hand corner of the drawing there is a 20' x 20' refrigerator freezer and bar cooler, which will be the standard insulated panels with stainless steel doors and will be supplied

EXHIBIT F

Mr. Steve Craig
July 1, 2003
Page 2

by either Gustaf Larson Company or Tweeton Refrigeration of Detroit Lakes. There will be beer taps located as shown on the drawing and will be purchased from a commercial vendor to ensure they meet all of your requirements.

With respect to the location of the sinks, there will be a stainless steel bar sink, as required by code, as well as a prep sink in the center of the kitchen and a sink in the dishwasher area. All countertops will be stainless steel and the dishwasher will be a commercial Hobart dishwasher with temperature boost. In addition to this, there will be a hand sink at the end of the cook-line and if you require additional hand sinks in the kitchen area, they will be installed as required. In the waitress area on the left side of the kitchen, there will be a hand sink and a stainless steel refrigerator.

The shelving to be used in the kitchen, walk-in cooler and freezer, and storage rooms will be wire, stainless steel, or coated shelving as permitted by code and there will specifically be no wood shelving, cabinetry or other wood material in the kitchen area.

The walls in the kitchen will either be stainless steel or the glass composite board which make them easily cleaned. The floor will be concrete with the epoxy coating making it a solid surface which can be easily cleaned. There will be floor drains and quick connect couplers for a power steamer that can be used for cleaning equipment. All equipment will be on rollers, such that it can be moved and there will be cable restraints to ensure that nothing gets pulled away from the wall which would then effect the gas or electric connections. The ceilings in the kitchen area will also be a glass composite, the entire kitchen will be set up for easy steam cleaning. The bar and storage areas will be cleanable glass composite and there will be no wood exposed in any of the kitchen or food preparation areas.

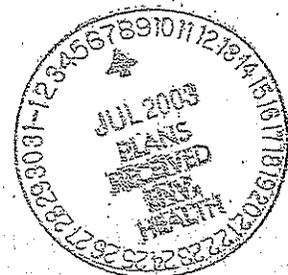
The location of the bathrooms are as noted on the drawing and I will be submitting plans to the appropriate agency for a plumbing permit.

I appreciate your attention to this and will follow-up with you as soon as I have the model numbers on the equipment, but would ask that you give me preliminary approval for the drawing as submitted. If there is additional information you need, please get back to me immediately. I will be out of the country between July 8th and July 17th so please contact me after that date.

Sincerely,



William F. Jones
Attorney at Law
WFJ:mjs
enclosure
cc Ed Aletto



RECEIVED
SEP 22 2003

William F. Jones Law Office

101 West Second Street P.O. Box 48
Park Rapids, MN 56470
Telephone (218) 732-3000 Fax: (218) 732-4000
E-Mail: wioneslaw@yahoo.com

WILLIAM F. JONES
ATTORNEY AT LAW

September 19, 2003

Benjamin Barker
The Minnesota Board of Architecture, Engineering, Land Surveying,
Landscape Architecture, Geoscience & Interior Design
85 East 7th Place, Suite 160
St. Paul, MN 55101

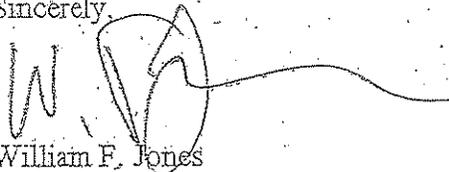
Re: William Jones, File No. 2003-0069

Dear Mr. Barker:

I am in receipt of your letter of September 8, 2003 and once again am asking you to contact Hubbard County Environmental Services and in particular, Garry Johannson, at 218-732-3890, should you have any questions on this project. I have pulled all of the permits for the buildings through them, I am the general contractor and I have done my own plans for the structure. There is no other contractor on the project. Hubbard County is somewhat confused as to your interest in this project when you have expressed no interest in the hundreds of other commercial properties built in Hubbard County and have suggested that if you have any questions on this project directly, you should contact them.

I appreciate your attention to this and look forward to having you contact Hubbard County directly.

Sincerely,



William F. Jones
Attorney at Law
WFJ:mls

G:\WP\DOCS\JONES\PER\Crossings at PR\Barker.13.wpd

EXHIBIT G