



INDUSTRIAL / OFFICE / RETAIL / RESTAURANT

110 Wall Street, Onamia, MN 56359

C|C CLOSE CONVERSE
Commercial Real Estate | Business Brokerage

521 Charles Street, PO Box 327, Brainerd, MN 56401 | 218-828-3334 | www.closeconverse.com

110 Wall Street, Onamia, MN 56359

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Features

Versatile Building.

Unique opportunity to own or lease a large building located along the Hwy 169 corridor in Onamia. Building adjoins Hardware Hank and is outfitted with open retail space, private offices, a restaurant space, storage space, a large warehouse plus 2 loading docks and 2 drive-in doors. Building can be used in it's entirety or easily divided into separate sections of usage. Excellent opportunity for an owner/user to relocate and expand, or an investor to fill with tenants.



Address:	110 Wall Street, Onamia, MN 56359	
Directions:	Just south of Mille Lacs Lake, at the Junction of Hwys 27 and 169 - West on Hwy 27 - South on Wall Street - Property is on the East	
Lot Size:	2.17 Acres (94,611 sq. ft.)	
Lot Dimensions:	330.11' x 198.19' x 71.05' x 192.11' x 98.83' x 415.56'	
Building Size:	20,071 sq. ft. Total	
Industrial Space:	10,660 sq. ft.	
Office Space:	3,750 sq. ft.	
Work Space:	2,228 sq. ft.	
Restaurant Space:	2,265 sq. ft.	
Mezzanine:	1,168 sq. ft.	
PRICE REDUCED:	\$1,100,000	\$594,000
Lease Rate:	\$4.00/sq. ft. Triple Net	
2025 Real Estate Taxes:	\$26,616	

Continued on next page.

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Features

Water & Sewer:	City
Heating/Cooling:	9 Roof-Top Natural Gas Forced Air Combination Units plus 1 Ground Mounted Air Conditioning Unit utilized as backup for the industrial area
Electric:	Multiple Amperage Panels, Three Phase
Lighting:	Exposed Fluorescent & Track Lighting
Year Built:	2005
Construction:	Steel Frame
Foundation:	Poured Concrete
Common Wall:	North Side Wall is a Common Wall with Hardware Hank
Roof:	Standing Seam Steel Panel
Exterior:	Stucco, Stone & Steel Panel
Overhead Doors:	2 (9' x 10') Drive-Ins 2 (8' x 10') at Loading Docks
Loading Docks:	2
Ceiling Height:	Office Area: 20.5' - 24.5' Industrial Area: 17.5' - 20.5'
Sprinkled:	Yes
Floor Covering:	Stained Concrete, Carpet, Ceramic Tile & Wood
Bathrooms:	Office/Industrial Area: 1 Each Mens & Womens w/ 3 Stalls Each Restaurant Space: 1 Each Mens & Womens

Continued on next page.

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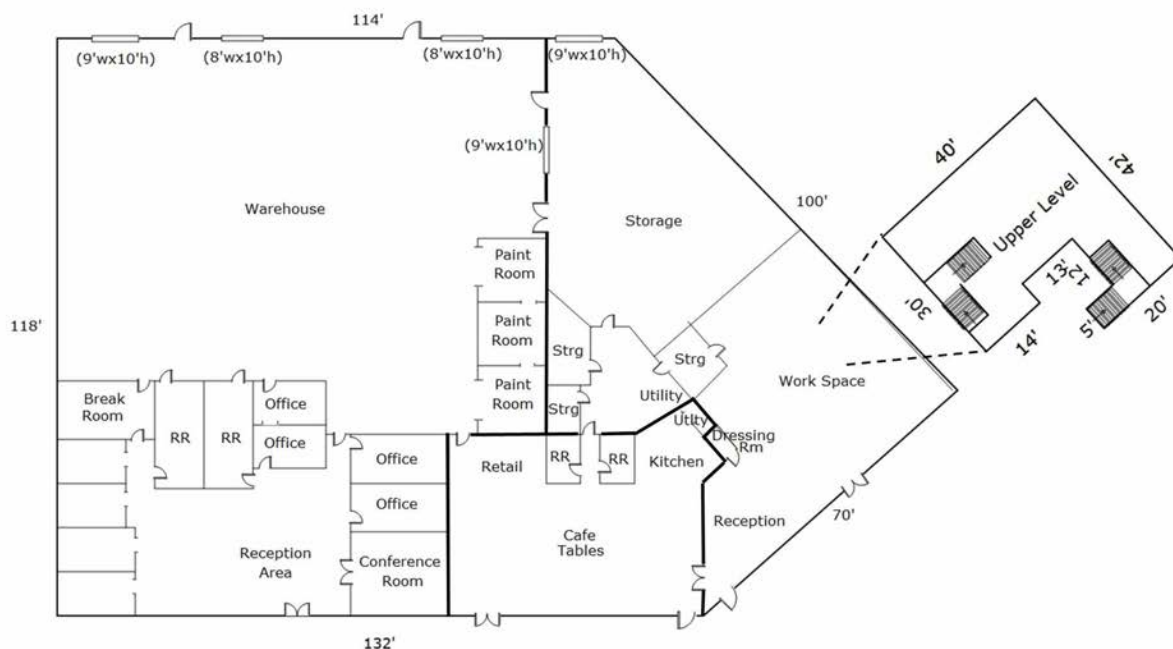
Features

Parking:	27+ Paved Parking Stalls
Frontage:	330.11' along Wall Street and 98.83' along Hwy 169
Zoning:	C-1 Highway Commercial
PID#:	22-850-0010
Legal Description:	Lot 1 Block 1 Trailside Center, Onamia, Mille Lacs County
Neighboring Businesses:	Neighboring businesses include CarQuest, Laundry, Tanning, Car Wash, Litke's Liquor, Northern Necessities, Auto Repair, Mille Lacs Health System, Dollar General, H&R Block, Geno's Bar & Grill, Century 21, Naslen Machining, Woodland National Bank plus numerous others.

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Floor Plan



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110 Wall Street, Onamia, MN 56359

Photos



West Half of Building Facing Hwy 169



East Half of Building Facing Hwy 169



Back Side of Building/Overhead Doors



West Section: Entrance/Reception



West Section: Entrance/Reception



West Section: Retail Display/Offices

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Photos



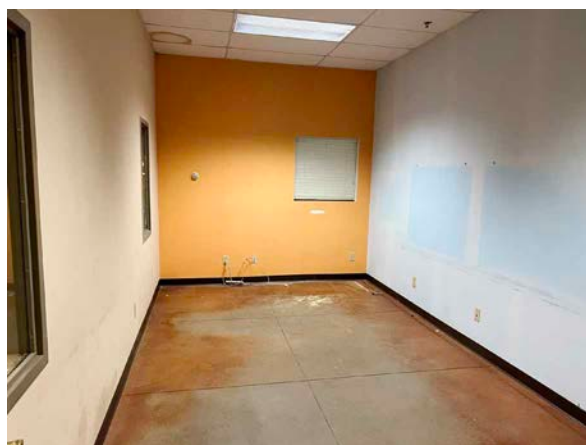
West Section: Retail Display/Offices



West Section: Office



West Section: Office



West Section: Office



West Section: Conference Room



West Section: Conference Room

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Photos



West Section: Breakroom



West Section: Mens Restroom Facilities



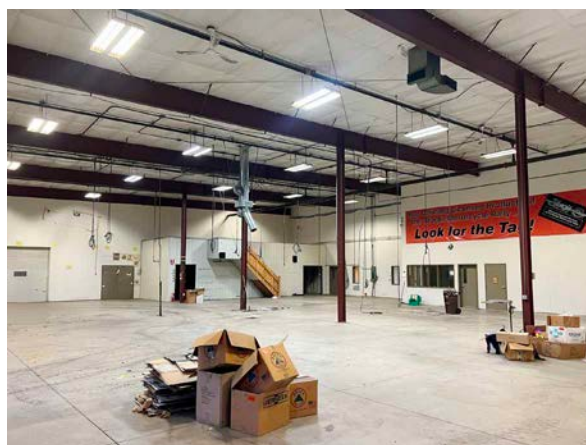
West Section: Womens Restroom Facilities



West Section: Warehouse



West Section: Warehouse



West Section: Warehouse

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Photos



West Section: Paint Room



West Section: Paint Room



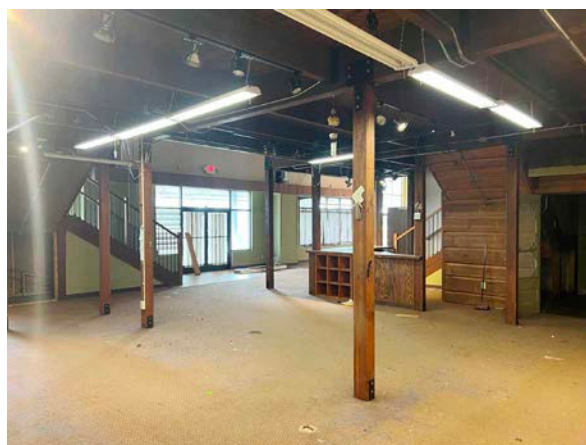
East Section: Storage



East Section: Storage



East Section: Entrance/Reception



East Section: Open Work Area

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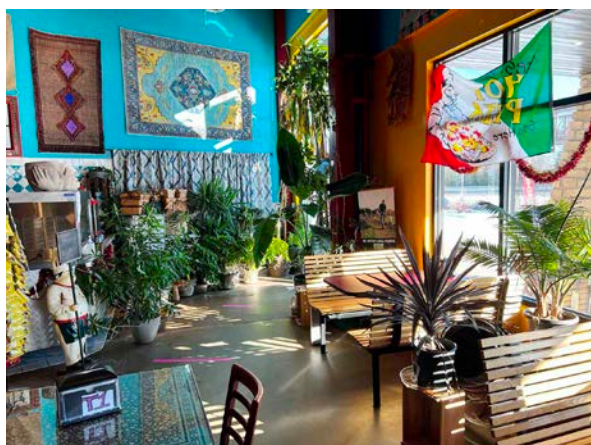
Photos



East Section: Open Work Area



East Section: Upper Level Work Area



Center Section: Dining Area



Center Section: Cafe Counter



Center Section: Cafe Counter



Center Section: Kitchen

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Aerial Photo



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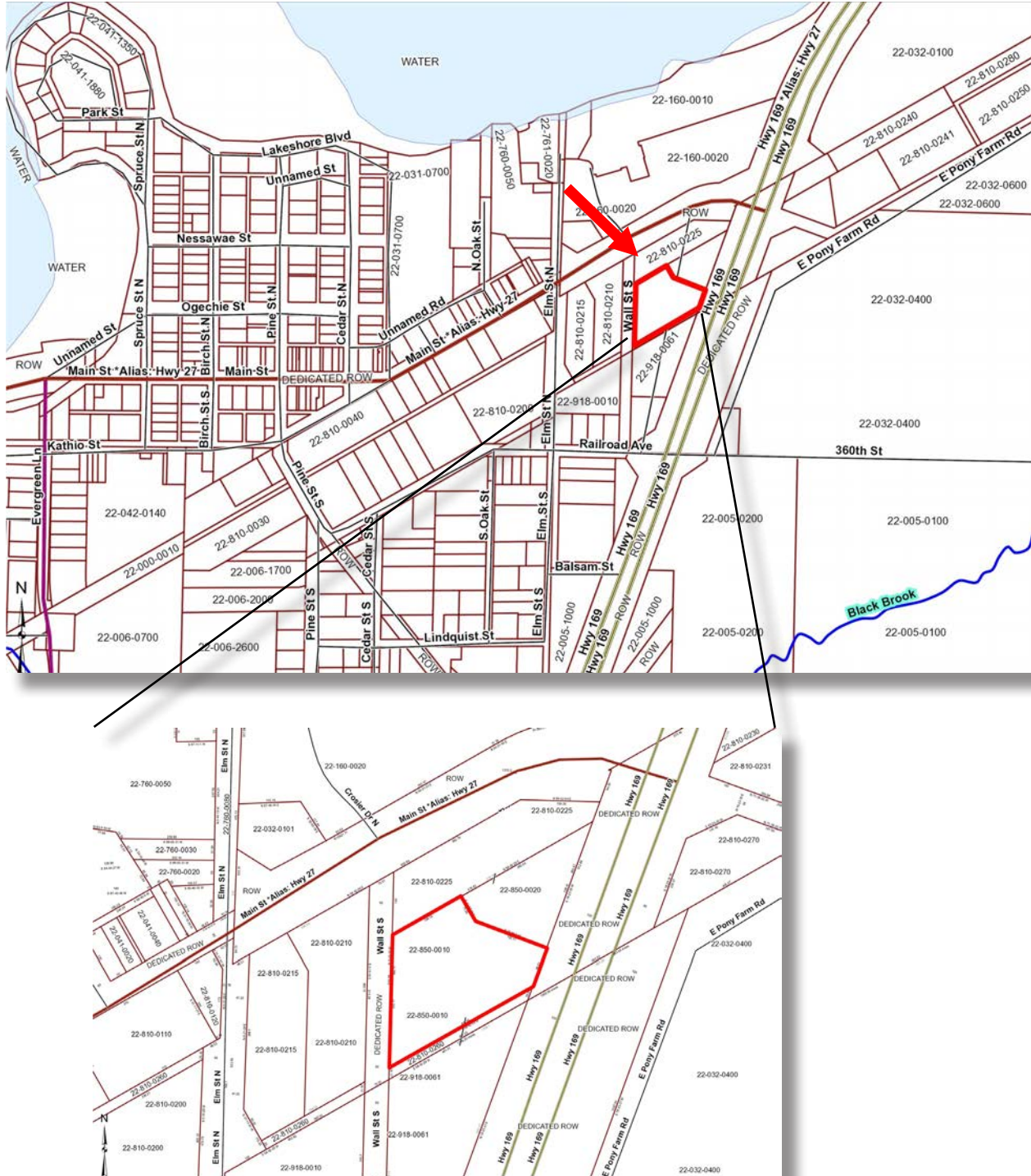
Section Aerial



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Section Map



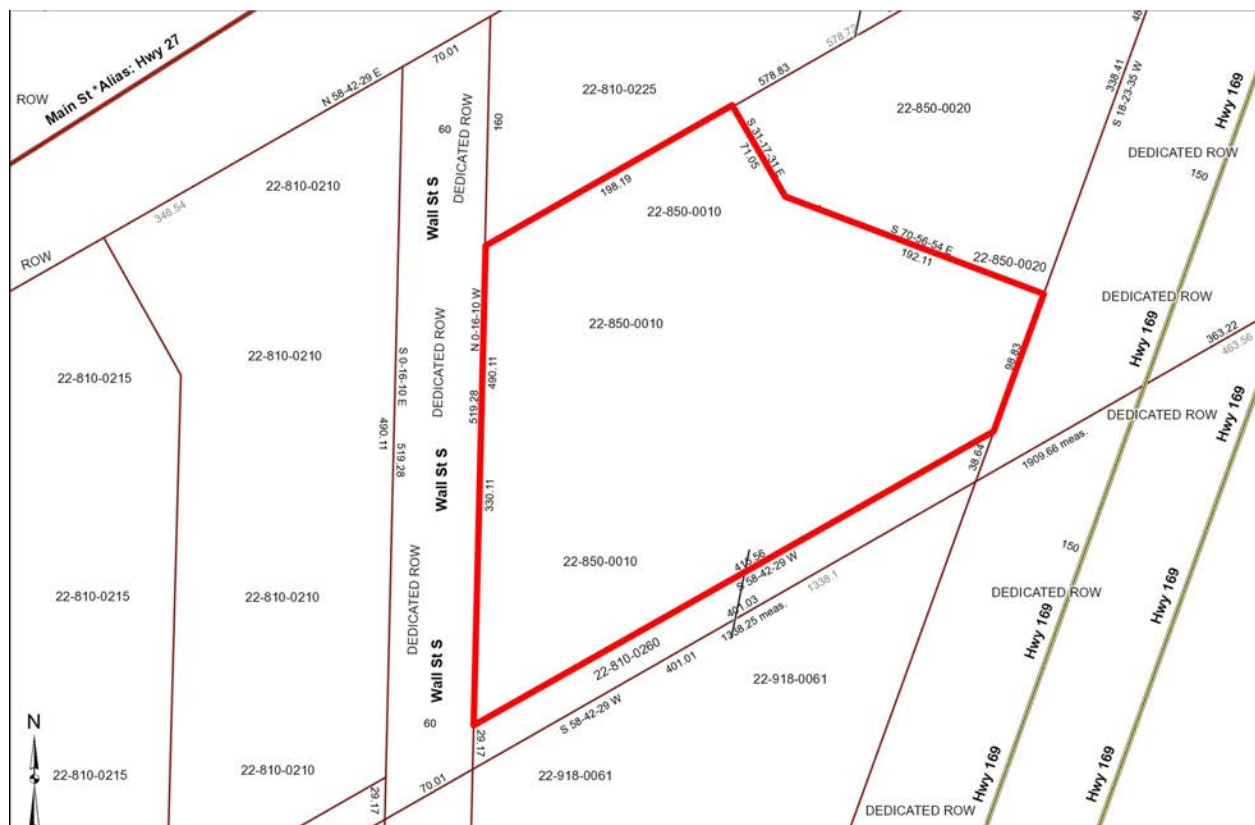
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Section Map - Dimensions

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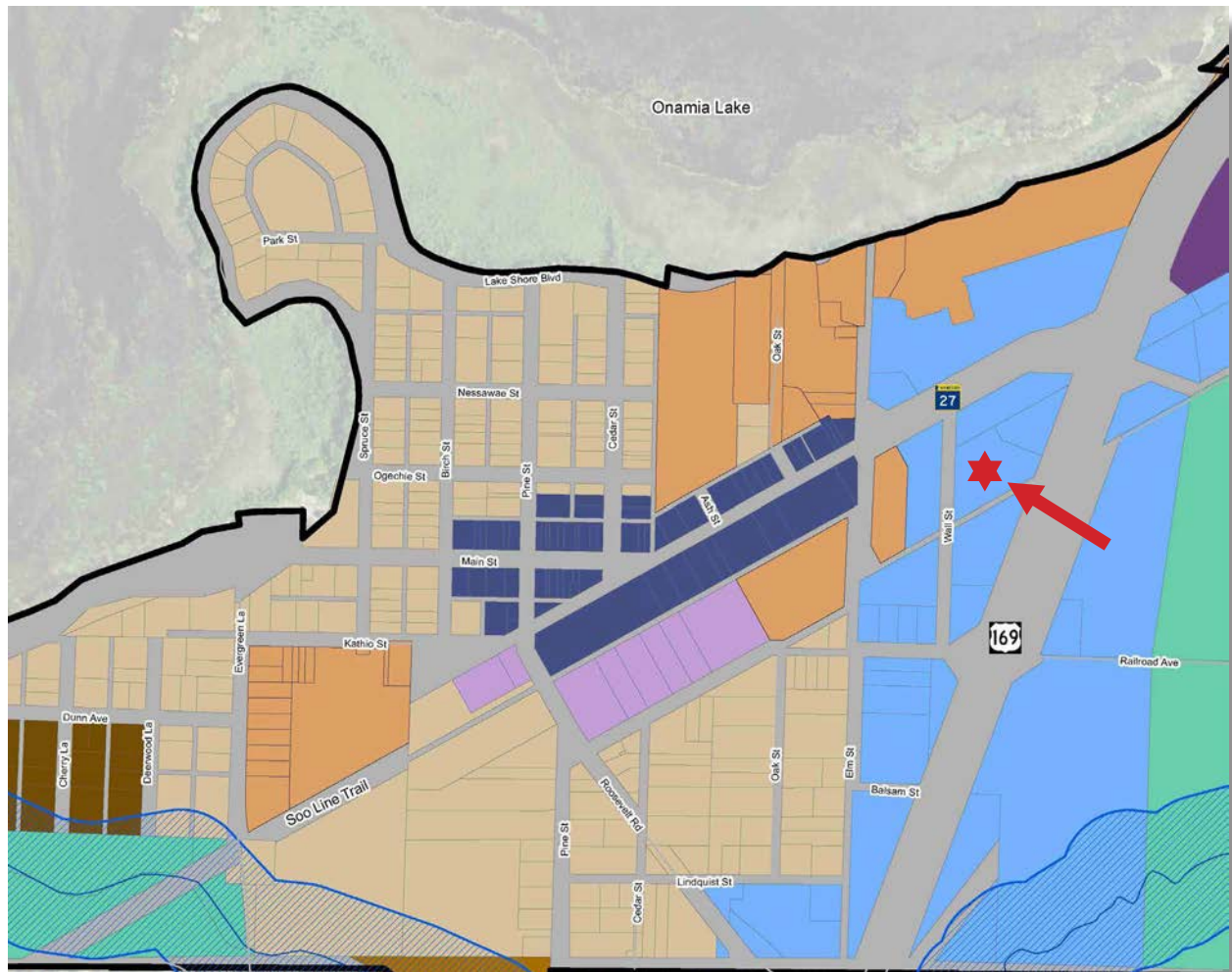


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Zoning Map

C-1 Highway Commercial



City of Onamia Zoning, 2020

A- Agricultural	C-1 Highway Commercial
R-1 Single and Two-Family	C-2 Central Commercial
R-2 Multiple Family	Industrial
RR-2 River Residential	I-C Industrial Commercial
R-MH Manufactured Home	Recreational River Overlay

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Zoning Description

SECTION 9. "C-1" HIGHWAY COMMERCIAL DISTRICT.

SUBD. 1. PURPOSE.

The purpose of the "C-1" Highway Commercial District is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities and acceptable "quasi-industrial" and wholesale enterprises that do not need an industrial setting but which have considerable customer contact. Permitted uses take advantage of direct access to major highways, frontage roads, or streets intersecting a highway in a manner other businesses are not afforded.

SUBD. 2. PERMITTED USES.

The following are permitted uses in the "C-1" Highway Commercial District:

- A. Apparel or clothing store.
- B. Auto accessory store.
- C. Barber shops and beauty parlors.
- D. Commercial recreational uses.
- E. Convenience stores, without motor fuel facilities.
- F. Department store.
- G. Essential services.
- H. Funeral homes and mortuaries.
- I. Governmental (including Fire and Police stations) and public related utility buildings and structures.
- J. Hospitals and medical buildings.
- K. Lumber yard, construction material sales, garden and landscaping sales and services (including produce).
- L. Microbrewery, micro-distillery and micro-winery; provided:
 - 1. The brewer shall obtain a license from the Commissioner of Public Safety to brew up to 3,500 barrels of malt liquor per year, obtain approval of the Commissioner of Public Safety and be issued a license by the City for off-sale of malt liquor.
 - 2. All conditions for a brewer off-sale malt liquor license, as specified in the Onamia City Code, are complied with.
 - 3. Microbrewery, micro-distillery and micro-winery operation hours shall be limited to the hours specified in Minnesota State Statutes Chapter 340A for off-sale intoxicating liquor unless further limited by the City Council as part of the Conditional Use Permit.
 - 4. Where a microbrewery, micro-distillery and micro-winery abut residentially zoned property, a buffer yard of not less than 20 feet wide for buildings and ten feet wide for parking areas shall be landscaped and screened.
 - 5. Vehicular access points shall create a minimum conflict with through traffic movement, and shall be subject to the approval of the city engineer.
 - 6. The architectural appearance, scale and functional plan of the site and building is in character with the commercial area or neighborhood buildings, and the city comprehensive plan.
 - 7. All performance standards related to Section 22 of the Zoning Ordinance shall be complied with.
 - 8. The development shall comply with all other conditions as set forth by the city to mitigate any undue negative influence on all surrounding residential properties.
- (Amended January, 2015)
- M. Motel.
- N. Motor vehicle, farm implement, and recreation equipment sales, uses, structures and outdoor sales and storage accessory thereto.
- O. Office or professional building.
- P. Off-sale liquor establishment.

Continued on next page.

Zoning Description

- Q. On-sale liquor establishment.
- R. Private clubs or lodges serving food and beverages.
- S. Recreational Facilities such as bowling alleys, dance studios, fitness centers and gyms and martial arts.
- T. Restaurants, not of the drive-in, convenience, or drive-through type.
- U. Retail goods and commodities (Amended January, 2015)
- V. Video store.
- W. Wholesale businesses.
- X. Wholesale or warehouse operations.

SUBD. 3. ACCESSORY USES

The following are permitted accessory uses in the "C-1" Highway Commercial District:

- A. Any incidental repair, processing, and storage necessary to conduct a principal use, but not to exceed thirty percent (30%) of the floor space of the principal building.
- B. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.
- C. Fences.
- D. Landscaping.
- E. Off-Street Parking Facilities and Off-Street Loading Facilities as regulated by Section 18 of this Ordinance.

SUBD. 4. CONDITIONAL USES.

The following are conditional uses in the "C-1" Highway Commercial District (Requires a conditional use permit based upon procedures set forth in and regulated by Section 16 of this Ordinance):

- A. Commercial or Mixed Use Planned Unit Developments as regulated by Section 15 of this Ordinance.
- B. Drive-in and convenience food establishments, provided that:
 - 1. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
 - 2. Parking areas shall be screened from the view of abutting residential districts.
 - 3. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate sections of this Ordinance as may be amended, and shall be subject to the approval of the City Engineer.
 - 4. Provisions are made to control and reduce noise.
 - 5. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
 - 6. The entire area shall have a drainage system subject to the approval of the City Engineer.
 - 7. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 - 8. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - 9. Parking, lighting, signage, etc. are in compliance with appropriate sections of this Ordinance as may be amended.
- C. Commercial car washes (drive through, self-service, and mechanical) provided that:
 - 1. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
 - 2. Parking areas shall be screened from the view of abutting residential districts.
 - 3. Stacking space is constructed, subject to approval by the City Engineer, to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period.

Continued on next page.

Zoning Description

4. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate sections of this Ordinance as may be amended, and shall be subject to the approval of the City Engineer.

5. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.

6. The entire area shall have a drainage system subject to the approval of the City Engineer.

7. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

8. Provisions are made to control and reduce noise.

9. Parking, lighting, signage, etc. are in compliance with appropriate sections of this Ordinance as may be amended.

D. Motor vehicle and truck fuel sales, auto repair and service, provided that:

1. Motor fuel facilities are installed in accordance with state and city standards.

2. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports, and unloading operations minimize conflict with circulation, access and other activities on the site.

3. Wherever fuel pumps are to be installed, pump islands shall be installed.

4. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.

5. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

6. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.

7. Parking areas shall be screened from the view of abutting residential districts.

8. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate sections of this Ordinance as may be amended, and shall be subject to the approval of the City Engineer.

9. Provisions are made to control and reduce noise.

10. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.

11. The entire area shall have a drainage system subject to the approval of the City Engineer.

12. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

13. Parking, lighting, signage, etc. are in compliance with appropriate sections of this Ordinance as may be amended.

E. Convenience Store with gasoline, provided that:

1. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.

2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.

3. Motor fuel facilities are installed in accordance with state and city standards.

4. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports, and unloading operations minimize conflict with circulation, access and other activities on the site.

5. Wherever fuel pumps are to be installed, pump islands shall be installed.

Continued on next page.

Zoning Description

6. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
 7. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 8. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
 9. Parking areas shall be screened from the view of abutting residential districts.
 10. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate sections of this Ordinance as may be amended, and shall be subject to the approval of the City Engineer.
 11. Provisions are made to control and reduce noise.
 12. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
 13. The entire area shall have a drainage system subject to the approval of the City Engineer.
 14. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 15. Parking, lighting, signage, etc. are in compliance with appropriate sections of this Ordinance as may be amended.
- F. Open or outdoor service, sale, and rental other than those specified as a permitted use in this district, provided that:
1. Such outdoor or open services, sales, and rentals, are limited to fifty (50) percent of the gross floor area of the principal use.
 2. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
 3. The use does not take up parking space as required for conformity to this Ordinance.
 4. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
 5. Parking, lighting, signage, etc. are in compliance with appropriate sections of this Ordinance as may be amended.
- G. "Off-site" advertising signs.

SUBD. 5. PERFORMANCE STANDARDS.

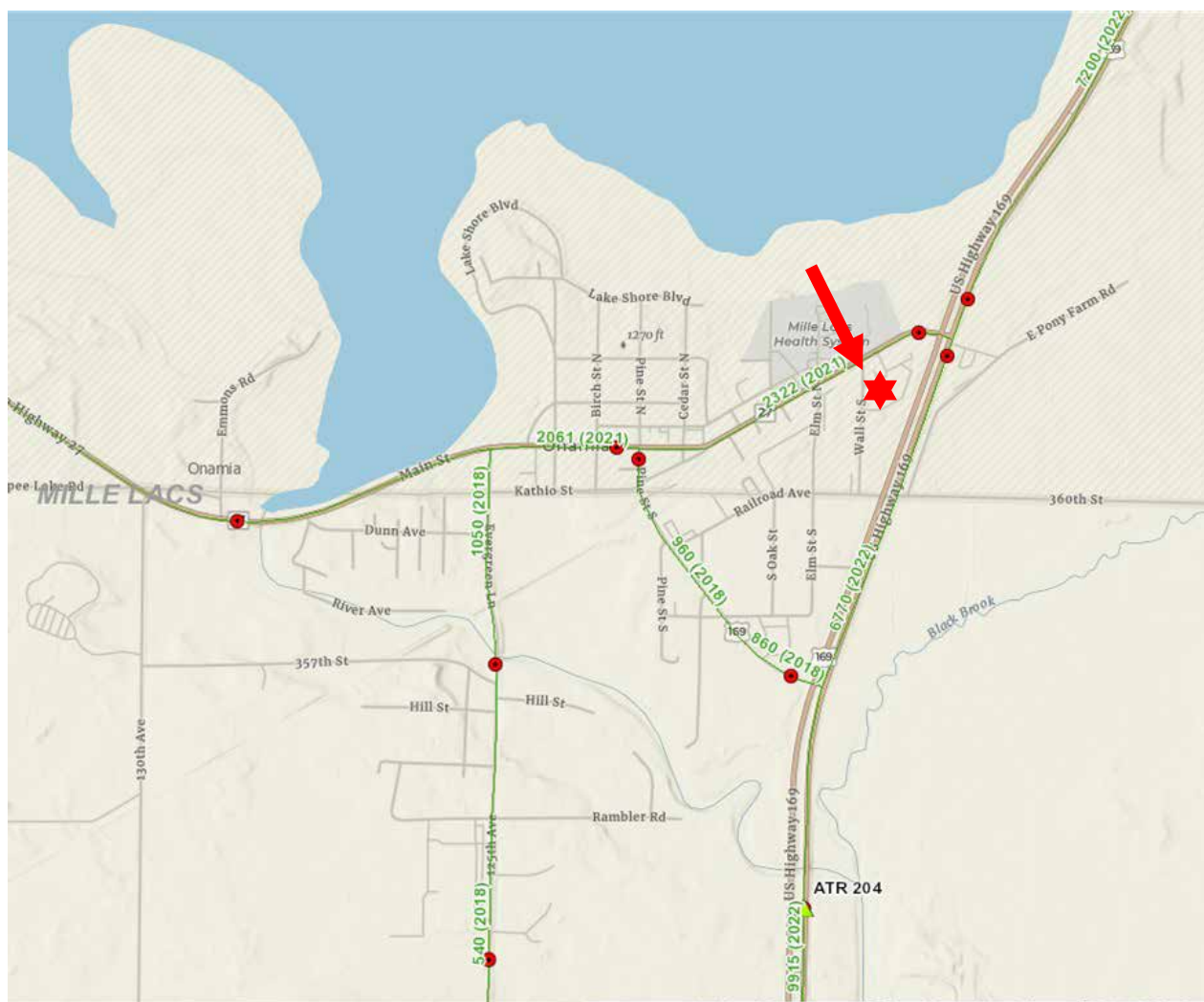
- A. Minimum Lot Size: 10,000 square feet.
- B. Setbacks (measured from lot lines):
 1. Front yard: 30 feet
 2. Side yard: 20 feet, unless abutting a residential district, then 35 feet.
 3. Rear yard: 20 feet, unless abutting a residential district, then 35 feet.Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.
- C. Minimum lot width: 100 feet.
- D. Maximum Building Height: 35 feet or 2 1/2 stories.
- E. Maximum Site Coverage: No structure or combination of structures shall occupy more than thirty (30) percent of the lot area.
- F. Additional requirements, including but not limited to parking, signs, planned unit developments, and sewage disposal as regulated by appropriate Sections of this Ordinance, as may be amended.

110 Wall Street, Onamia, MN 56359

Counts from MNDOT

Traffic Counts

Traffic Counts: 2,322 (2021) on Main Street (Hwy 27), and 6,770 (2022) - 7,200 (2022) on Hwy 169

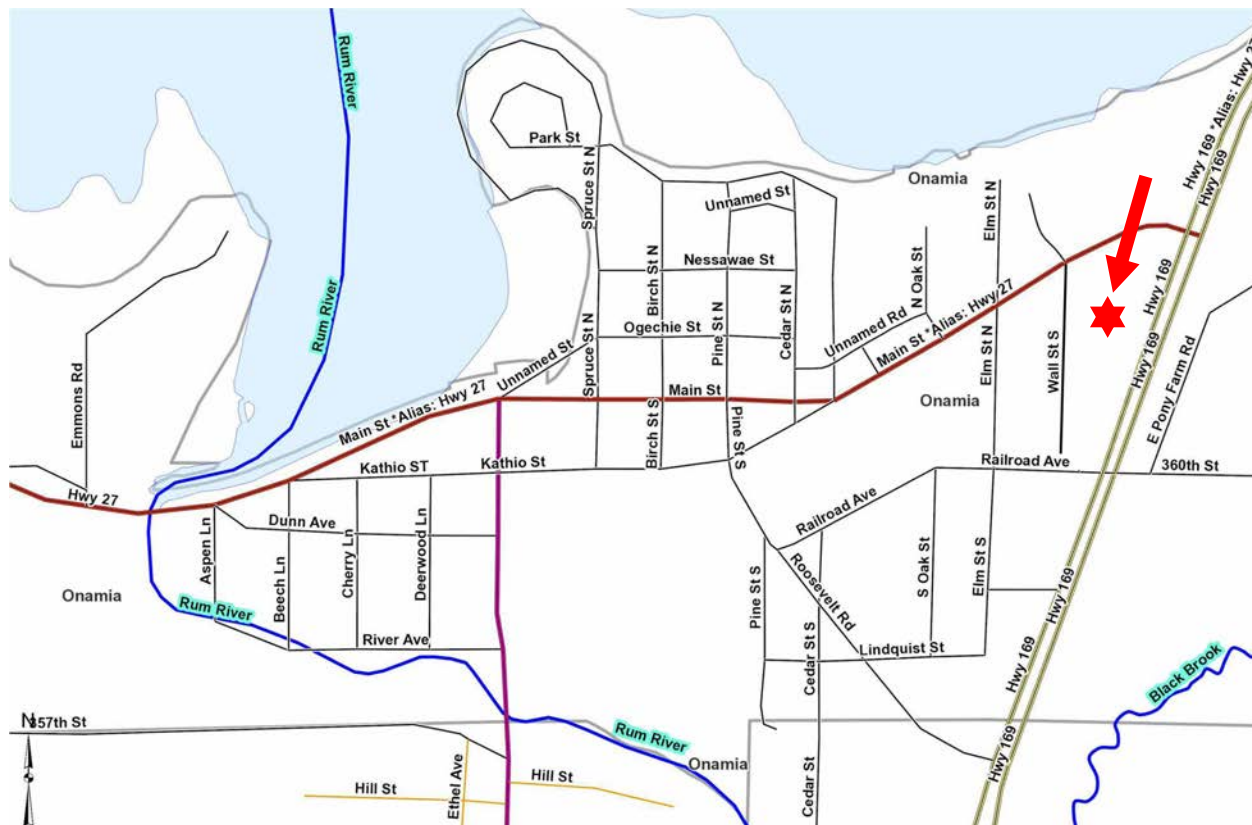


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Location Map



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OnamiaMN.com

Onamia, Minnesota is located at the junction of Highways 169 and 27, just south of Mille Lacs Lake on the shore of Lake Onamia.

Onamia received its name from Lake Onamia, which in Ojibwe means “dancing ground.” The dance symbolizes either petition or thanksgiving. The city of Onamia is located where early American Indians performed these dances.

The city dates to 1908 when lumbering was a major industry in the Mille Lacs area, and the first trains reached the town.

Today, Onamia is the area’s largest city, housing the Mille Lacs Health System, some light industry and many small, locally owned businesses.

A public library located in the Soo Line Depot, three city parks (one with a tennis court), a little league ballfield, a skate park (skate board and ice-skating), the Lions Fitness Center, and several Fitness Trails provide in-town recreation. Nearby are three golf courses, two State Parks (Kathio State Park and Father Hennepin State Park) and many recreational opportunities on Lake Mille Lacs. Onamia is also home to more Little Free Libraries than anywhere else.

The Soo Line South Trail, a bicycle and ATV trail runs thru Onamia. Parking is available at the Depot Library. “Onamia is also on the newly designated (2018) Lake Mille Lacs Scenic Byway.”

2024 Population:	Onamia	3,786
	Mille Lacs County	27,308

Projected Population Growth Change 2024-2029:	Onamia	0.09%
	Mille Lacs County	0.44%

Households in 2024:	Onamia	1,524
	Mille Lacs County	10,593

2024 Median Household Income:	Onamia	\$57,411
	Mille Lacs County	\$69,030

Note: Onamia figures are based on Onamia Zip Code 56359, not Onamia City Limits.

Continued on next page.

Demographics

Area Businesses:

Automotive:

Anderson Bros. Garage
Bud Jones & Sons Auto Salvage
Gateway Station
Onamia Auto Sales
Onamia Service Center
Super Stop
Contreras Auto Parts
Casey's General Store

Industry:

P&S Machine
Multi-Source Onamia
MarTek Electronics
Naslen Machine
Noble Wear
Sasker Manufacturing
Woodline Products

Dining & Entertainment:

Subway
Vets Club
Dans Catering Company
Gateway Cafe
Geno's Bar & Grill
Grand Casino Mille Lacs
Grand Makwa Cinema
Happy's Drive In
Randy's Recreational Rentals
Bayview Bar & Grill
Cedarwood Family Restaurant
Dairy Queen
Farm Market Cafe
American Legion
VFW

Golf Courses:

Northwood Hills Golf Club
Izaty's Resort

Fishing:

Eddy's
Reed's Mille Lacs Outpost Sporting
Goods

Banking & Insurance:

Woodlands National Bank
Princeton Insurance of Onamia
Security State Insurance Agency

Churches:

Crosiers Fathers & Brothers
Holy Cross Catholic Church
Sacred Heart Church
Bethany Lutheran Church
Christian Missionary Alliance Church
Living Waters Assembly of God
United Methodist Church

Parks & Recreation:

Lion's Community Fitness Center
Onamia Skate Park
Soo Line Trail
Herington Park
Kathio State Park
Mille Lacs Area Tourism Council
Onamia City Park

Resorts & Lodging:

Appledorn's Sunset Bay Resort
Camp Onamia
Grand Casino Mille Lacs Hotel
Izaty's Resort
Mille Lacs Hunting Lodge
Onamia Manor
Onamia Shores
Rocky Reef Resort
Soo Line Trail RV Camping & Hotel
Lake Song Assisted Living

Rentals:

Oakwood Apartments
Town Square Apartments

Schools:

Rolf Olsen Community Center
Onamia Public Schools

Retail:

Reed's Mille Lacs Outpost Sporting
Goods
Sunshine Flower Shop
Super Stop
Taco John's
Trophies Liquor Warehouse
Litke's Liquor
Noble Wear Factory Outlet
Onamia Drug
Onamia Thrift Shop
Power Lodge
Agnew Hardware Hank
Eagle Ridge Enterprises

Construction:

Tim Stout Heating & AC
Husom Electric
John's Floor Covering
Lovaas Construction
Milton Contracting
Roger's Plumbing, Heating &
Electrical
Rum River Electric
DeVries Construction
John Seagren Plumbing
Lakedale Landscaping

Health Care:

Home Care/Hospice
Lake Song Assisted Living
Mille Lacs Health System
Long Term Care/Senior Care Unit

Organizations:

Mille Lacs Area Partners for
Prevention
Mille Lacs Area Health Foundation
Onamia Area Civic Association
Onamia Area Friends of the Library
Onamia Lions Club
Onamia Senior Center & Dining

Services & Utilities:

Walleye Bytes Computer Service
US Post Office
Sunclean Center
Shelley Funeral Chapel
SCI Broadband
Onamia Township
Minnesota Deputy Registrar
Mille Lacs Messenger
Mille Lacs Academy
Mille Lacs Energy Cooperative
DirecTV
Dish Network
Exede Satellite Internet
Frontier Communications
GCS Printing
Lakedale Landscaping
Lakes Gas
Mille Lacs Band of Ojibwe
A Cut Above
Beaudry Propane
CenterPoint Energy
City of Onamia

110 Wall Street, Onamia, MN 56359

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.

Close Converse: The above information has been obtained from the property owner or other sources that we deem reliable, however, neither the owner nor Close Converse guarantees the accuracy of such information. No part of this information may be reproduced, adapted, or transmitted without the prior written consent of Close Converse.

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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.⁽¹⁾ 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**
5. **written contract, according to state law** (a listing contract or a buyer/tenant representation contract). Until such time
6. as you choose to enter into a written contract for representation, you will be treated as a customer and will not receive
7. any representation from the broker or salesperson. The broker or salesperson will be acting as a Facilitator (see
8. paragraph IV on page 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/Landlord's Broker:** A broker who lists a property, or a salesperson who is licensed to the listing broker,
15. represents the Seller/Landlord and acts on behalf of the Seller/Landlord. A Seller's/Landlord's broker owes to
16. the Seller/Landlord the fiduciary duties described on page two (2).⁽²⁾ The broker must also disclose to the Buyer
17. material facts as defined in MN Statute 82.68, Subd. 3, of which the broker is aware that could adversely and
18. significantly affect the Buyer's use or enjoyment of the property. (MN Statute 82.68, Subd. 3 does not apply to
19. rental/lease transactions.) If a broker or salesperson working with a Buyer/Tenant as a customer is representing the
20. Seller/Landlord, he or she must act in the Seller's/Landlord's best interest and must tell the Seller/Landlord any
21. information disclosed to him or her, except confidential information acquired in a facilitator relationship (see paragraph
22. IV on page two (2)). In that case, the Buyer/Tenant will not be represented and will not receive advice and counsel
23. from the broker or salesperson.

24. II. **Buyer's/Tenant's Broker:** A Buyer/Tenant may enter into an agreement for the broker or salesperson to represent
25. and act on behalf of the Buyer/Tenant. The broker may represent the Buyer/Tenant only, and not the Seller/Landlord,
26. even if he or she is being paid in whole or in part by the Seller/Landlord. A Buyer's/Tenant's broker owes to the
27. Buyer/Tenant the fiduciary duties described on page two (2).⁽²⁾ The broker must disclose to the Buyer material facts
28. as defined in MN Statute 82.68, Subd. 3, of which the broker is aware that could adversely and significantly affect
29. the Buyer's use or enjoyment of the property. (MN Statute 82.68, Subd. 3 does not apply to rental/lease transactions.)
30. If a broker or salesperson working with a Seller/Landlord as a customer is representing the Buyer/Tenant, he or
31. she must act in the Buyer's/Tenant's best interest and must tell the Buyer/Tenant any information disclosed to him
32. or her, except confidential information acquired in a facilitator relationship (see paragraph IV on page two (2)).
33. In that case, the Seller/Landlord will not be represented and will not receive advice and counsel from the broker or
34. salesperson.

35. III. **Dual Agency - Broker Representing both Seller/Landlord and Buyer/Tenant:** Dual agency occurs when one
36. broker or salesperson represents both parties to a transaction, or when two salespersons licensed to the same
37. broker each represent a party to the transaction. Dual agency requires the informed consent of all parties, and
38. means that the broker and salesperson owe the same duties to the Seller/Landlord and the Buyer/Tenant. This
39. role limits the level of representation the broker and salesperson can provide, and prohibits them from acting
40. exclusively for either party. In a dual agency, confidential information about price, terms and motivation for pursuing
41. a transaction will be kept confidential unless one party instructs the broker or salesperson in writing to disclose
42. specific information about him or her. Other information will be shared. Dual agents may not advocate for one party
43. to the detriment of the other.⁽³⁾

44. Within the limitations described above, dual agents owe to both Seller/Landlord and Buyer/Tenant the fiduciary
45. duties described below.⁽⁴⁾ Dual agents must disclose to Buyers material facts as defined in MN Statute 82.68, Subd.
46. 3, of which the broker is aware that could adversely and significantly affect the Buyer's use or enjoyment of the
47. property. (MN Statute 82.68, Subd. 3 does not apply to rental/lease transactions.)

48. _____ I have had the opportunity to review the "Notice Regarding Predatory Offender Information" on
(initials) (initials)
49. _____ page two. (2)

50. Page 2

51. IV. **Facilitator:** A broker or salesperson who performs services for a Buyer/Tenant, a Seller/Landlord or both but
52. does not represent either in a fiduciary capacity as a Buyer's/Tenant's Broker, Seller's/Landlord's Broker or Dual
53. Agent. **THE FACILITATOR BROKER OR SALESPERSON DOES NOT OWE ANY PARTY ANY OF THE FIDUCIARY**
54. **DUTIES LISTED BELOW, EXCEPT CONFIDENTIALITY, UNLESS THOSE DUTIES ARE INCLUDED IN A**
55. **WRITTEN FACILITATOR SERVICES AGREEMENT.** The facilitator broker or salesperson owes the duty of
56. confidentiality to the party but owes no other duty to the party except those duties required by law or contained in
57. a written facilitator services agreement, if any. In the event a facilitator broker or salesperson working with a Buyer/
58. Tenant shows a property listed by the facilitator broker or salesperson, then the facilitator broker or salesperson
59. must act as a Seller's/Landlord's Broker (see paragraph I on page one (1)). In the event a facilitator broker or
60. salesperson, working with a Seller/Landlord, accepts a showing of the property by a Buyer/Tenant being represented
61. by the facilitator broker or salesperson, then the facilitator broker or salesperson must act as a Buyer's/Tenant's
62. Broker (see paragraph III on page one (1)).

63. ⁽¹⁾ This disclosure is required by law in any transaction involving property occupied or intended to be occupied by
64. one to four families as their residence.

65. ⁽²⁾ The fiduciary duties mentioned above are listed below and have the following meanings:
66. **Loyalty** - broker/salesperson will act only in client(s)' best interest.
67. **Obedience** - broker/salesperson will carry out all client(s)' lawful instructions.
68. **Disclosure** - broker/salesperson will disclose to client(s) all material facts of which broker/salesperson has knowledge
69. which might reasonably affect the client(s)' use and enjoyment of the property.
70. **Confidentiality** - broker/salesperson will keep client(s)' confidences unless required by law to disclose specific
71. information (such as disclosure of material facts to Buyers).
72. **Reasonable Care** - broker/salesperson will use reasonable care in performing duties as an agent.
73. **Accounting** - broker/salesperson will account to client(s) for all client(s)' money and property received as agent.

74. ⁽³⁾ If Seller's/Landlord(s) elect(s) not to agree to a dual agency relationship, Seller's/Landlord(s) may give up the
75. opportunity to sell/lease the property to Buyer(s)/Tenant(s) represented by the broker/salesperson. If Buyer(s)/
76. Tenant(s) elect(s) not to agree to a dual agency relationship, Buyer(s)/Tenant(s) may give up the opportunity to
77. purchase/lease properties listed by the broker.

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

MN-AGCYDISC-2 (8/14)

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