

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Robert J. Ferderer	Vice Chair
John W. Carey	Commissioner
Rose Arnold	Ex-Officio Member
Henry Dickhaus	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)	<u>FINDINGS OF FACT</u>
THE ANNEXATION OF CERTAIN LAND TO)	<u>CONCLUSIONS OF LAW</u>
THE CITY OF WAITE PARK PURSUANT)	<u>AND ORDER</u>
TO MINNESOTA STATUTES 414)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended on February 13, 1991 and June 19, 1991 at Waite Park, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, then Vice Chair, and County Commissioners Henry Dickhaus and Rose Arnold, Ex-Officio Members of the Board. The petitioners appeared by and through Daniel A. Eller, Attorney at Law, the City of Waite Park appeared by and through David T. Shay, Attorney at Law, and the Town of St. Cloud appeared by and through Frank Kundrat, Attorney at Law. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On August 27, 1990, a petition by a majority of the property owners was received by the Municipal Board requesting the Board to order annexation. The petition contained all the information required by statute, including a description of the territory subject to annexation, hereinafter referred to as "the subject area," which is as follows:

ANTHONY GAETZ AND LORRAINE GAETZ

A tract of land lying and being in the SE 1/4 NE 1/4 of Sec. 18, Twp. 124, Rge. 28, to-wit: Beginning at a point on the North line of the SE 1/4 NE 1/4 of said Sec. 18, 505 feet east of the NW corner of said SE 1/4 NE 1/4 of said Sec. 18, thence East along the north line of said SE 1/4 NE 1/4 for a distance of 98.55 feet; thence due South at right angles a distance of 438 feet to a point on the northerly right of way line of Minnesota State Trunk Highway No. 52; thence westerly along the said northerly right of way line of State Highway No. 52 for a distance of 98.55 feet; thence due north for a distance of 446 feet to the place of beginning and there terminating. Also a tract of land lying and being in the SE 1/4 NE 1/4 of Sec. 18, Twp. 124, Rge. 28, to-wit: Beginning at a point on the North line of the SE 1/4 NE 1/4 of said Sec. 18; a distance of 603.55 feet East of the Northwest corner of said SE 1/4 NE 1/4 of said Sec. 18; thence due south and at right angles with said north line of said SE 1/4 NE 1/4 for a distance of 438 feet to a point on the Northerly right of way line of Minnesota State Trunk Highway No. 52; thence easterly along said northerly right of way line of said Trunk Highway for a distance of 98.55 feet; thence due north to a point on said North line of said SE 1/4 NE 1/4, said last mentioned point being 98.55 feet due east of a point of beginning; thence due west along said north line of said SE 1/4 NE 1/4 for a distance of 98.55 feet to the place of beginning and there terminating. All these tracts containing 2 acres of land more or less.

ANTON'S OF ST. CLOUD, INC.

A. That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Numbered Eighteen (18), in Township Numbered One Hundred Twenty-four (124) North, of Range Numbered Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the North line of said SE 1/4 NE 1/4 of Sec. 18, 276.29 feet East of the NW corner of said SE 1/4 NE 1/4; thence due East along said North line of said SE 1/4 NE 1/4 for a distance of 208.71 feet; thence at right angles and due South for a distance of 113 feet; thence due West and parallel with the North line of said SE 1/4 NE 1/4 for a distance of 208.71 feet; thence due North for a distance of 113 feet to the point of

beginning and there terminating.

B. ALSO: That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Numbered Eighteen (18), in Township Numbered One Hundred Twenty-four (124) North, of Range Numbered Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the North line of said SE 1/4 of NE 1/4, 485 feet East of the NW corner of said SE 1/4 of NE 1/4; thence at right angles and due south for a distance of 446 feet to a point on the Nly right of way line of Minnesota Trunk Highway no. 52 as now constructed and travelled; thence East along said Nly right of way line of said Highway for a distance of 20 feet; thence due North for a distance of 446 feet to a point on the said North line of said SE 1/4 NE 1/4; thence due West along said North line of said SE 1/4 NE 1/4 for a distance of 20 feet to the point of beginning and there terminating.

C. ALSO: That part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Numbered Eighteen (18), in Township Numbered One Hundred Twenty-four (124) North, of Range Numbered Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the Sly shore line of Sauk River 276.29 feet East and 146.50 feet North of the SW corner of said NE 1/4 of NE 1/4; thence South 146.50 feet to the South line of said NE 1/4 of NE 1/4; thence due East along said South line of said NE 1/4 of NE 1/4 for a distance of 378.70 feet to point on the shore line of Sauk River; thence Wly along said shore line of said River to the point of beginning and there terminating.

Reserving, however, an easement for travel over and across Tract "B" above and over and across the South 20 feet of the West 505 Feet of Tract "C" above and over and across the North 20 feet of the West 20 feet of Tract "C: above and for ingress to and egress from the following described tract: A tract of land lying in and being a part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Numbered Eighteen (18), in Township Numbered One Hundred Twenty-four (124) North, of Range Numbered Twenty-eight (28) West, bounded as follows, to-wit: Beginning at a point 209.40 feet East and 20 feet North of the SW corner of said NE 1/4 NE 1/4; thence due East parallel with the South line of said NE 1/4 of NE 1/4 for a distance of 66.89 feet; thence due North for a distance of 126.50 feet to a point of the Sly shore line of Sauk River, thence in a NWly direction along said shore line of Said River to a point due North of the point of beginning; thence due South for a distance of 137 feet, more or less to the point of beginning and there terminating.

SAUK RIVER RECREATION, INC.

A tract of land lying in and being a part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Eighteen (18), in Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West, bounded as follows, to-wit: Beginning at a point 209.40 feet East and 20 feet North of the Southwest corner of said NE 1/4 NE 1/4; thence due East parallel with the south line of said NE 1/4 NE 1/4 for a distance of 66.89 feet; thence due North for a distance of 126.50 feet to a point on the Southerly shore

line of Sauk River; thence in a Northwesterly direction along said shore line of said River to a point due North of the point of beginning; thence due South for a distance of 137 feet; more or less to the point of beginning and there terminating.

ALSO:

An easement to travel over the following: That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Eighteen (18), in Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the North line of said SE 1/4 NE 1/4, 485 feet East of the Northwest corner of said SE 1/4 NE 1/4; thence at right angles and due South for a distance of 446 feet to a point on the Northerly right of way line of Minnesota Trunk Highway No. 52 as now constructed and travelled; thence East along said Northerly right of way line of said Highway for a distance of 20 feet; thence due North for a distance of 446 feet to a point on the said North line of said SE 1/4 NE 1/4; thence due West along said North line of said SE 1/4 NE 1/4 for a distance of 20 feet to the point of beginning and there terminating.

ALSO:

An easement over the following: The South 20 feet of the West 228.71 feet and the North 20 feet of the South 40 feet of the West 20 feet of that part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Eighteen (18), Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the Southerly shore line of Sauk River, 276.29 feet East and 146.50 feet North of the Southwest corner of said NE 1/4 NE 1/4; thence South 146.50 feet to the South line of said NE 1/4 NE 1/4; thence due East along said South line of said NE 1/4 NE 1/4 for a distance of 378.70 feet to point on the shore line of Sauk River; thence Westerly along said shore line of said River to the point of beginning and there terminating.

JAMES B. ANDERSON AND MARY ANDERSON

That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Eighteen (18), in Township One Hundred Twenty-four (124) North of Range Twenty-eight (28) West, described as follows, to-wit: Beginning at a point two hundred seventy-six and twenty-nine hundredths (276.29) feet East and one hundred thirteen (113) feet south of the Northwest corner of said Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Eighteen (18) township and range aforesaid, thence due south a distance of three hundred fifty and two-tenths (350.2) feet to a point on the northerly right-of-way line of Minnesota Trunk Highway No. 52 as now constructed and traveled, thence easterly along said northerly right-of-way line of said Highway No. 52 a distance of two hundred eight and nine-tenths, (208.9) feet, thence due North a distance of three hundred thirty-three

(333) feet, thence due West and parallel with the North line of said Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section Eighteen (18), township and range aforesaid, a distance of two hundred eight and seventy-one hundredths (208.71) feet to the point of beginning, said tract containing 1.63 acres, more or less.

AND

That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) Section Eighteen (18), Township One Hundred Twenty-four (124), Range Twenty-eight (28) West of the Fifth Principal Meridian, described as follows, to-wit: Beginning at a point 117.6 feet West and 16 feet North of the Southeast corner of the NW 1/4 NE 1/4 of said Section 18, thence West for a distance of 100 feet, thence North for a distance of 128.8 feet to a point on the Southerly bank of Sauk River, thence Northeasterly along the Southerly bank of said Sauk River to a point which is 117.6 feet West of the East line of said NW 1/4 NE 1/4; thence South for a distance of 180 feet to the place of beginning and there terminating. Also, that portion of the NW 1/4 NE 1/4 of Section Eighteen (18), Township One Hundred Twenty-four (124), Range Twenty-eight (28) described as follows, to-wit: Beginning at a point 52.6 feet West and 16 feet North of the Southeast corner of said section 18, thence West and parallel with the South line of said NW 1/4 NE 1/4 for a distance of 60 feet; thence North and parallel with the East line of said NW 1/4 NE 1/4 for a distance of 183.6 feet to a point on the Southerly bank of Sauk River; thence in a Northeasterly direction along the Southerly bank of said Sauk River to a point 52.6 feet Westerly of the said Easterly line of said NW 1/4 NE 1/4 of said Section 18; thence South and parallel with the said Easterly line of said NW 1/4 for a distance of 213.8 feet to the point of beginning and there terminating. An easement for roadway purposes upon a 16 foot strip of land described as beginning at a point 52.6 feet West of the Southeast corner of said NW 1/4 NE 1/5 of said Section 18; thence North at right angles 16 feet; thence West at right angles 165 feet; thence South at right angles 16 feet; thence East at right angles 149 feet; thence South at right angles 451 feet, more or less to the State Trunk Highway formerly designated as No. 3; thence East at right angles 16 feet; thence North at right angles 451 feet to the point of beginning and there terminating.

AND

The South 336 feet of the West 655 feet of the NE 1/4 NE 1/4, South of the Sauk River, less the East 378.70 feet, and less the East 66.89 feet of the West 276.79 feet, North of the South 20 feet; and also the East 49.5 feet of the NW 1/4 NE 1/4 South of the Sauk River, all in Section Eighteen (18), Township One Hundred Twenty-four (124), Range Twenty-eight (28).

BERNARD H. ROUSSELANGE AND M. ROUSSELANGE

That part of the Southeast Quarter of the Northeast Quarter (SE

1/4 NE 1/4), of Section Eighteen (18), Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West, described as follows:

Beginning 702.10 feet East of the Northwest Corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4); thence South 430 feet to the highway; thence East 439.63 feet; thence North 7 East 265 feet to the shoreline of Sauk River; thence Northeasterly to the point of beginning, less .49 acres.

ROBERT JAEGER AND KATHY JAEGER

commencing at a point of intersection of East line of Section Eighteen (18), Township One Hundred Twenty-four (124), Range Twenty-eight (28) West, with the Northerly right-of-way line of Old State Highway 52 so-called, said point being 1810.23 feet South of the Northeast corner of said Section Eighteen (18); thence Westerly on said right-of-way line 185.31 feet from the point of beginning; thence Northerly at right angles 160.00 feet; thence deflect left 98 12 a distance of 148.23 feet; thence deflect left 86 38 a distance of 139.33 feet to the Northerly right-of-way line of said Old State Highway #52; thence Easterly on said right-of-way line 135 feet to the point of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board from St. Cloud Township on November 26, 1990. The Municipal Board, upon receipt of this objection, conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

2. Due, timely and adequate legal notice of the hearings were published, served and filed.

3. The subject area is unincorporated, approximately 10.53 acres in size, and abuts the City of Waite Park, hereinafter referred to as "Waite Park," by approximately 20% of its perimeter. Waite Park is approximately 1,171 acres in size.

4. The Town of St. Cloud, hereinafter referred to a "St. Cloud," is approximately 11,600 acres in size.

5. Waite Park had a population of approximately 2,824 in 1970, approximately 3,492 in 1980, and a 1990 population of

approximately 5,020. It is projected that it will have a population of approximately 5,500 in five years.

6. St. Cloud had a population of approximately 6,807 in 1970, approximately 5,282 in 1980, and a 1990 population of approximately 7,539. It is projected that it will have a population of approximately 8,682 in five years.

7. The subject area has a population of approximately 12.

8. The subject area is adjacent to the Sauk River. The soils and terrain are generally flat and sandy along the Sauk River with grassy areas near the restaurant, rental units and residences.

The ground water is approximately from three to twelve feet from the surface.

9. Waite Park has land in residential use, institutional use, commercial use, industrial use, and vacant land.

10. St. Cloud has land in residential use, institutional use, commercial use, industrial use, agricultural use, and vacant lands.

11. The subject area has land in residential use and commercial use.

12. No change is anticipated in the type of use for the subject area.

13. St. Cloud has a comprehensive plan, zoning ordinance, subdivision regulations, an official map, a fire code, and a sanitation ordinance.

Presently the subject area is zoned commercial and residential.

14. Waite Park has a comprehensive plan. If the subject area is annexed to Waite Park, it would remain commercial and

residential.

15. Waite Park provides its residents with water, sanitary sewer and wastewater treatment, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

16. Sanitary sewer mains presently travel through the subject area. Municipal water is located immediately south of the subject area and can be extended westerly and northerly to service the subject area.

17. St. Cloud presently provides its residents with fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

18. Presently, development within the subject area is served by private wells.

19. Waite Park does not presently extend municipal sewer or water outside its corporate limits.

20. The on-site septic systems of the private residences are approximately 15 years old for the newest house and 35 years old for the other house.

The restaurant and bar have been informed by the Stearns County Health Department that their on-site septic system needs to be upgraded or replaced.

Presently, water pressure from the existing wells for the bar is insufficient for the development's needs.

21. St. Cloud has approximately 54.1 miles in highway streets and roads, Waite Park has approximately 25 miles in highway streets

and roads.

22. In 1990, Waite Park had a net tax capacity of approximately \$3,299,058.00, its local unit of government tax rate was 31.236, and it had three special taxing districts with tax rates of .352 (HRA), .875 (Transit), and .279 (Sauk River Watershed). Waite Park had a total bonded indebtedness of approximately \$9,870,000.00.

23. In 1990, St. Cloud had an assessed valuation of approximately \$3,353,325.00, its local unit of government tax rate was 13.699 and 13.978 for that portion of St. Cloud in the Sauk River Watershed District. St. Cloud had a total bonded indebtedness of approximately \$100,361.00.

24. In 1990, the county had a tax rate of 32.358 and the school district had a tax rate of 45.003. These tax rates are the same for both Waite Park and St. Cloud.

25. Waite Park has a fire insurance rating of 6.

26. The annexation of the subject area will have no impact on the school district, which serves the subject area and Waite Park.

27. All necessary governmental services can best be provided to the subject area by its annexation to Waite Park.

28. The remainder of St. Cloud can continue to carry on the functions of government without the subject area without undue hardship.

29. On April 1, 1991, the Minnesota Municipal Board, at a meeting to review the evidence on the matter, expanded the area under consideration to include the following described property:

All that property proposed for annexation and described in Findings of Fact 1, herein, and the following described property:

Together with that part of the St. Cloud Town Road (old M.T.H. 52) which lies contiguous and southerly of the above described tracts, northerly of the northerly right-of-way line of County Road 75, westerly of the westerly line of Parkwood Addition and Parkwood Addition Plat 2 and easterly of the westerly 276.29 feet of the Southeast Quarter of the Northeast Quarter, Section 18, Township 124, Range 28, Stearns County Minnesota.

The above described property will be hereinafter referred to as the expanded area.

30. The expanded area includes the previously described and discussed area as well as the adjacent roadway.

31. The roadway is less than two acres in total size.

32. The roadway provides immediate access to the subject area, and in particular to the property containing the restaurant and bar which is in need of immediate municipal sewer and water.

Waite Park anticipates using the road right-of-way to accommodate extensions of municipal sewer and water to the subject area.

33. The roadway is presently the Town road off Highway No. 75, located immediately south of the subject area and would be an extension of First Street North westerly from the existing Waite Park city limits.

34. The road in the expanded area extends approximately 825 feet west of the existing city limits.

35. Waite Park can provide the necessary municipal services to the subject area and the expanded area.

36. Access to the subject area is through the roadway in the

expanded area.

37. To annex the subject area without annexing the expanded area could require St. Cloud to provide street improvements and maintenance to the Town road in the expanded area. This road would serve as access to Waite Park.

38. On October 25, 1991, the Municipal Board reduced the area by excluding the following described properties, approximately 3.8 acres, which has a population of approximately 6:

BERNARD H. ROUSSELANGE AND M. ROUSSELANGE

That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4), of Section Eighteen (18), Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West, described as follows:

Beginning 702.10 feet East of the Northwest Corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4); thence South 430 feet to the highway; thence East 439.63 feet; thence North 7 East 265 feet to the shoreline of Sauk River; thence Northeasterly to the point of beginning, less .49 acres.

ROBERT JAEGER AND KATHY JAEGER

commencing at a point of intersection of East line of Section Eighteen (18), Township One Hundred Twenty-four (124), Range Twenty-eight (28) West, with the Northerly right-of-way line of Old State Highway 52 so-called, said point being 1810.23 feet South of the Northeast corner of said Section Eighteen (18); thence Westerly on said right-of-way line 185.31 feet from the point of beginning; thence Northerly at right angles 160.00 feet; thence deflect left 98 12 a distance of 148.23 feet; thence deflect left 86 38 a distance of 139.33 feet to the Northerly right-of-way line of said Old State Highway #52; thence Easterly on said right-of-way line 135 feet to the point of beginning.

The remaining property which includes the expanded area of the road as described in Findings of Fact 29 is hereinafter referred to as the reduced subject area.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has

jurisdiction of the within proceeding.

2. The reduced subject area are now or are about to become urban or suburban in nature, in need of or will be in need of municipal services, and the annexing municipality is capable of providing the services required within a reasonable time.

3. The existing township form of government is not adequate to protect the public health, safety, and welfare of the reduced subject area.

4. The annexation would be in the best interests of the reduced subject area.

5. This Minnesota Municipal Board proceeding is not subject to an annexation election, since the petition was initiated by a majority of the property owners.

6. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact 29 less the area contained in Findings of Fact 38.

O R D E R

1. IT IS HEREBY ORDERED: That the following described property be and the same is hereby annexed to the City of Waite Park, Minnesota, the same as if it had originally been made a part thereof:

ANTHONY GAETZ AND LORRAINE GAETZ

A tract of land lying and being in the SE 1/4 NE 1/4 of Sec. 18, Twp. 124, Rge. 28, to-wit: Beginning at a point on the North line of the SE 1/4 NE 1/4 of said Sec. 18, 505 feet east of the NW corner of said SE 1/4 NE 1/4 of said Sec. 18, thence East along the north line of said SE 1/4 NE 1/4 for a distance of 98.55 feet; thence due South at right angles a distance of 438 feet to a point on the northerly right of way line of Minnesota State Trunk

Highway No. 52; thence westerly along the said northerly right of way line of State Highway No. 52 for a distance of 98.55 feet; thence due north for a distance of 446 feet to the place of beginning and there terminating. Also a tract of land lying and being in the SE 1/4 NE 1/4 of Sec. 18, Twp. 124, Rge. 28, to-wit: Beginning at a point on the North line of the SE 1/4 NE 1/4 of said Sec. 18; a distance of 603.55 feet East of the Northwest corner of said SE 1/4 NE 1/4 of said Sec. 18; thence due south and at right angles with said north line of said SE 1/4 NE 1/4 for a distance of 438 feet to a point on the Northerly right of way line of Minnesota State Trunk Highway No. 52; thence easterly along said northerly right of way line of said Trunk Highway for a distance of 98.55 feet; thence due north to a point on said North line of said SE 1/4 NE 1/4, said last mentioned point being 98.55 feet due east of a point of beginning; thence due west along said north line of said SE 1/4 NE 1/4 for a distance of 98.55 feet to the place of beginning and there terminating. All these tracts containing 2 acres of land more or less.

ANTON'S OF ST. CLOUD, INC.

A. That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Numbered Eighteen (18), in Township Numbered One Hundred Twenty-four (124) North, of Range Numbered Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the North line of said SE 1/4 NE 1/4 of Sec. 18, 276.29 feet East of the NW corner of said SE 1/4 NE 1/4; thence due East along said North line of said SE 1/4 NE 1/4 for a distance of 208.71 feet; thence at right angles and due South for a distance of 113 feet; thence due West and parallel with the North line of said SE 1/4 NE 1/4 for a distance of 208.71 feet; thence due North for a distance of 113 feet to the point of beginning and there terminating.

B. ALSO: That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Numbered Eighteen (18), in Township Numbered One Hundred Twenty-four (124) North, of Range Numbered Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the North line of said SE 1/4 of NE 1/4, 485 feet East of the NW corner of said SE 1/4 of NE 1/4; thence at right angles and due south for a distance of 446 feet to a point on the Nly right of way line of Minnesota Trunk Highway no. 52 as now constructed and travelled; thence East along said Nly right of way line of said Highway for a distance of 20 feet; thence due North for a distance of 446 feet to a point on the said North line of said SE 1/4 NE 1/4; thence due West along said North line of said SE 1/4 NE 1/4 for a distance of 20 feet to the point of beginning and there terminating.

C. ALSO: That part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Numbered Eighteen (18), in Township Numbered One Hundred Twenty-four (124) North, of Range Numbered Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the Sly shore line of Sauk River 276.29

feet East and 146.50 feet North of the SW corner of said NE 1/4 of NE 1/4; thence South 146.50 feet to the South line of said NE 1/4 of NE 1/4; thence due East along said South line of said NE 1/4 of NE 1/4 for a distance of 378.70 feet to point on the shore line of Sauk River; thence Wly along said shore line of said River to the point of beginning and there terminating.

Reserving, however, an easement for travel over and across Tract "B" above and over and across the South 20 feet of the West 505 Feet of Tract "C" above and over and across the North 20 feet of the West 20 feet of Tract "C": above and for ingress to and egress from the following described tract: A tract of land lying in and being a part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Numbered Eighteen (18), in Township Numbered One Hundred Twenty-four (124) North, of Range Numbered Twenty-eight (28) West, bounded as follows, to-wit: Beginning at a point 209.40 feet East and 20 feet North of the SW corner of said NE 1/4 NE 1/4; thence due East parallel with the South line of said NE 1/4 of NE 1/4 for a distance of 66.89 feet; thence due North for a distance of 126.50 feet to a point of the Sly shore line of Sauk River, thence in a NWly direction along said shore line of Said River to a point due North of the point of beginning; thence due South for a distance of 137 feet, more or less to the point of beginning and there terminating.

SAUK RIVER RECREATION, INC.

A tract of land lying in and being a part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Eighteen (18), in Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West, bounded as follows, to-wit: Beginning at a point 209.40 feet East and 20 feet North of the Southwest corner of said NE 1/4 NE 1/4; thence due East parallel with the south line of said NE 1/4 NE 1/4 for a distance of 66.89 feet; thence due North for a distance of 126.50 feet to a point on the Southerly shore line of Sauk River; thence in a Northwesterly direction along said shore line of said River to a point due North of the point of beginning; thence due South for a distance of 137 feet; more or less to the point of beginning and there terminating.

ALSO:

An easement to travel over the following: That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Eighteen (18), in Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the North line of said SE 1/4 NE 1/4, 485 feet East of the Northwest corner of said SE 1/4 NE 1/4; thence at right angles and due South for a distance of 446 feet to a point on the Northerly right of way line of Minnesota Trunk Highway No. 52 as now constructed and travelled; thence East along said Northerly right of way line of said Highway for a distance of 20 feet; thence due North for a distance of 446 feet to a point on the said North line of said SE 1/4 NE 1/4; thence due West along said North line of said SE 1/4 NE 1/4 for a distance of 20 feet to

the point of beginning and there terminating.

ALSO:

An easement over the following: The South 20 feet of the West 228.71 feet and the North 20 feet of the South 40 feet of the West 20 feet of that part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Eighteen (18), Township One Hundred Twenty-four (124) North; Range Twenty-eight (28) West, described as follows, to-wit: Beginning at a point on the Southerly shore line of Sauk River, 276.29 feet East and 146.50 feet North of the Southwest corner of said NE 1/4 NE 1/4; thence South 146.50 feet to the South line of said NE 1/4 NE 1/4; thence due East along said South line of said NE 1/4 NE 1/4 for a distance of 378.70 feet to point on the shore line of Sauk River; thence Westerly along said shore line of said River to the point of beginning and there terminating.

JAMES B. ANDERSON AND MARY ANDERSON

That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Eighteen (18), in Township One Hundred Twenty-four (124) North of Range Twenty-eight (28) West, described as follows, to-wit: Beginning at a point two hundred seventy-six and twenty-nine hundredths (276.29) feet East and one hundred thirteen (113) feet south of the Northwest corner of said Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Eighteen (18) township and range aforesaid, thence due south a distance of three hundred fifty and two-tenths (350.2) feet to a point on the northerly right-of-way line of Minnesota Trunk Highway No. 52 as now constructed and traveled, thence easterly along said northerly right-of-way line of said Highway No. 52 a distance of two hundred eight and nine-tenths, (208.9) feet, thence due North a distance of three hundred thirty-three (333) feet, thence due West and parallel with the North line of said Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section Eighteen (18), township and range aforesaid, a distance of two hundred eight and seventy-one hundredths (208.71) feet to the point of beginning, said tract containing 1.63 acres, more or less.

AND

That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) Section Eighteen (18), Township One Hundred Twenty-four (124), Range Twenty-eight (28) West of the Fifth Principal Meridian, described as follows, to-wit: Beginning at a point 117.6 feet West and 16 feet North of the Southeast corner of the NW 1/4 NE 1/4 of said Section 18, thence West for a distance of 100 feet, thence North for a distance of 128.8 feet to a point on the Southerly bank of Sauk River, thence Northeasterly along the Southerly bank of said Sauk River to a point which is 117.6 feet West of the East line of said NW 1/4 NE 1/4; thence South for

a distance of 180 feet to the place of beginning and there terminating. Also, that portion of the NW 1/4 NE 1/4 of Section Eighteen (18), Township One Hundred Twenty-four (124), Range Twenty-eight (28) described as follows, to-wit: Beginning at a point 52.6 feet West and 16 feet North of the Southeast corner of said section 18, thence West and parallel with the South line of said NW 1/4 NE 1/4 for a distance of 60 feet; thence North and parallel with the East line of said NW 1/4 NE 1/4 for a distance of 183.6 feet to a point on the Southerly bank of Sauk River; thence in a Northeasterly direction along the Southerly bank of said Sauk River to a point 52.6 feet Westerly of the said Easterly line of said NW 1/4 NE 1/4 of said Section 18; thence South and parallel with the said Easterly line of said NW 1/4 for a distance of 213.8 feet to the point of beginning and there terminating. An easement for roadway purposes upon a 16 foot strip of land described as beginning at a point 52.6 feet West of the Southeast corner of said NW 1/4 NE 1/5 of said Section 18; thence North at right angles 16 feet; thence West at right angles 165 feet; thence South at right angles 16 feet; thence East at right angles 149 feet; thence South at right angles 451 feet, more or less to the State Trunk Highway formerly designated as No. 3; thence East at right angles 16 feet; thence North at right angles 451 feet to the point of beginning and there terminating.

AND

The South 336 feet of the West 655 feet of the NE 1/4 NE 1/4, South of the Sauk River, less the East 378.70 feet, and less the East 66.89 feet of the West 276.79 feet, North of the South 20 feet; and also the East 49.5 feet of the NW 1/4 NE 1/4 South of the Sauk River, all in Section Eighteen (18), Township One Hundred Twenty-four (124), Range Twenty-eight (28).

2. IT IS FURTHER ORDERED: That the population of the City of Waite Park is hereby increased by 6 persons.
3. IT IS FURTHER ORDERED: That the population of the Town of St. Cloud is hereby decreased by 6 persons.
4. IT IS FURTHER ORDERED: That the effective date of this order is October 25, 1991.

Dated this 29th day of October, 1991.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 07 1991

Jean Anderson Howe
Secretary of State

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101

Terrence A. Merritt
Terrence A. Merritt
Executive Director

9100791