

A-5784 Sartell
A-5809 Sartell

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Andrew D. Hultgren	Chair
Paul B. Double	Vice Chair
Charles W. DeVore	Vice Chair
Al Seppelt	ExOfficio Member
Ken Neeser	Ex-Officio Member

IN THE MATTER OF THE PETITIONS FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF SARTELL PURSUANT TO) ORDER TO DISMISS
MINNESOTA STATUTES 414)

WHEREAS, a petition for the annexation of certain land, also referred to as the Poganski property, to the City of Sartell was filed pursuant to Minnesota Statutes 414.033, Subd. 5 with the Minnesota Municipal Board on April 17, 1997 (Municipal Board Docket No. A-5784 Sartell); and

WHEREAS, a petition for the annexation of certain land to the City of Sartell, (including the Poganski property in Municipal Board Docket No. A-5784) was filed pursuant to Minnesota Statutes 414.031 with the Minnesota Municipal Board on July 2, 1997 (Municipal Board Docket No. A-5809 Sartell); and

WHEREAS, an objection from Sauk Rapids Township to the annexation of certain property, also referred to as the Poganski property, to the City of Sartell (A-5784 Sartell) was received by the Municipal Board on July 9, 1997; and

WHEREAS, on July 10, 1997, the Town of Sauk Rapids and the City of Sauk Rapids

filed an orderly annexation agreement for designation of certain land for orderly annexation (Municipal Board Docket No. OA-493) which included the properties proposed for annexation in Municipal Board Docket Nos. A-5784 Sartell and A-5809 Sartell; and

WHEREAS, on July 11, 1997, the Municipal Board, pursuant to its authority in Minnesota Statutes Section 414.01 Subd. 5, consolidated A-5784 Sartell and A-5809 Sartell for purposes of hearing and set a hearing on said petitions for annexation for August 29, 1997; and

WHEREAS, on August 15, 1997, the Municipal Board tabled consideration of OA-493 Sauk Rapids/Sauk Rapids Township, and pursuant to Minnesota Statutes Section 414.01, Subd. 16, ordered the City of Sartell, the City of Sauk Rapids, the Town of Sauk Rapids, and representatives of the Poganski Family trust to meet up to three times over a period of sixty days to address resolution of issues; and

WHEREAS, the parties met and continued meeting to address various issues and the Board granted the parties requests for continuances on October 14, 1997, December 19, 1997, February 18, 1998, March 26, 1998 with a final extension given for May 1, 1998; and

WHEREAS, a hearing was commenced on said petitions for the annexation of certain land to the City of Sartell on August 29, 1997 and was continued from time to time to accommodate the parties' repeated requests for extension of the discussion period; and

WHEREAS, the parties submitted to the Municipal Board a Mutual Settlement Agreement stating, among other things, that the Cities of Sartell and Sauk Rapids, Town of Sauk Rapids, and the Poganski Family Trust have reached agreement regarding the annexation of lands from the Town of Sauk Rapids to the City of Sartell and the City of Sauk Rapids; and

WHEREAS, said Mutual Settlement Agreement amends and modifies the previous orderly annexation agreement between the City of Sauk Rapids and the Town of Sauk Rapids (MMB Docket No. OA-493); and

WHEREAS, to accomplish the goals and objectives of the Mutual Settlement Agreement, the parties request the petitions for annexation of certain lands to the City of Sartell, Municipal Board Docket Nos. A-5784 Sartell and A-5809 Sartell, be withdrawn.

IT IS HEREBY ORDERED: That the above-entitled petitions for annexation to the City of Sartell (Municipal Board Docket No's. A-5784 Sartell and A-5809 Sartell) are dismissed without prejudice and the Municipal Board files on said petitions are hereby closed. The property description in said A-5784 and A-5809 petitions are described as follows:

Municipal Board Docket No. A-5784 Sartell/Sauk Rapids Township

The West half of the Northwest quarter of Section 11, Township 36 North of Range 31, West of the fourth principal meridian; the Southeast quarter of the Southeast quarter of Section 10, Township 36 North of Range 31, West of the fourth principal meridian; the Northeast quarter of the Southeast quarter and the southeast quarter of the northeast quarter all in Section 10, Township 36, North of Range 31, West of the fourth principal meridian. Containing 188 acres more or less.

Municipal Board Docket No. A-5809 Sartell/Sauk Rapids Township

All that part of Sections 1,2,3,4,9,10,11,12,13,14, Township 36 N, Range 31, W, located in Benton County, Minnesota lying outside of the corporate limits of the City of Sartell and north of the south right-of-way line of 35th Street N.E. (also known as Highway 29), less and except that property currently being petitioned for annexation to the City of Sartell by the Poganski Family Trust and referred to as Minnesota Municipal Board File No. A-5784 Sartell.

IT IS FURTHER ORDERED: That the parties have agreed that these orders shall include a provision requiring them to fulfill the terms of the Mutual Settlement Agreement. To

the extent that the Board has the authority to so order, it shall be so ordered with the understanding that the constitutional rights of any person or entity shall not be affected.

IT IS FURTHER ORDERED: That the effective date of this order is August 13, 1998.

Dated this 12th day of October, 1998.

MINNESOTA MUNICIPAL BOARD
Suite 225 Bandana Square
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Christine M. Scotillo
Executive Director