

REC'D. BY  
MMB MAY 18 1999

Resolution No. 1999-5-149

**RESOLUTION SUPPORTING A PROPERTY OWNER INITIATED  
PETITION TO THE MINNESOTA MUNICIPAL BOARD REQUESTING  
ANNEXATION OF LANDS WITHIN THE TOWN OF ST. AUGUSTA  
TO THE CITY OF ST. CLOUD**

WHEREAS, RCH Partnership is the owner of lands located within the limits of the Town of St. Augusta. The partners are Christopher C. Hauck and Robert C. Hauck. This partnership represents 100% of the property owners; and,

WHEREAS, Frederick Schliplin is the owner of lands located within the limits of the Town of St. Augusta. Mr. Schliplin's interest represents 100% of the property owners; and,

WHEREAS, the City of St. Cloud was presented with petitions from RCH Partnership and Mr. Schliplin requesting annexation of their respective properties to the City of St. Cloud. The lands described in the petitions are contiguous to each other and abut the corporate limits of the City of St. Cloud; and,

WHEREAS, the property owners have indicated that annexation of their lands to the City of St. Cloud could best serve their interests. The territory proposed for annexation is within St. Cloud's likely growth corridor. The City of St. Cloud is best able to meet all the municipal needs of the lands, now and into the future; and,

WHEREAS, the City of St. Cloud has adopted a resolution requesting the annexation of territory that is presently in the Town of St. Augusta to the City of St. Cloud. The property owner petitions described in this resolution are within the area described in the City's resolution.

WHEREAS, Minnesota Statute 414.031 requires that the property owner initiated petition for annexation include a resolution of support for the requested annexation from the municipality to which the property owners wish to be annexed; and,

WHEREAS, the City of St. Cloud is willing to accommodate the property owner initiated request to be annexed to and served by the City of St. Cloud; and,

WHEREAS, the City of St. Cloud remains committed to establishing, through joint agreement of the City of St. Cloud and the Town of St. Augusta, a plan meeting the needs of individual property owners, the needs of the City of St. Cloud and the needs of the Town of St. Augusta.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF ST. CLOUD, THAT:

1. In accordance with the requirements of Minnesota Statute 414.031, the City of St. Cloud hereby supports the property owner initiated petitions for a public hearing before the MN Municipal Board on the question of annexation of the RCH Partnership and Frederick Schliplin properties. The boundary of the combined territory is shown on the map attached as Exhibit A.

2. The City of St. Cloud remains committed to establishing, through joint agreement of the City of St. Cloud and the Town of St. Augusta, a plan meeting the needs of individual property owners, the needs of the City of St. Cloud and the needs of the Town of St. Augusta.

Adopted this 17th day of May, 1999.

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**IN THE MATTER OF THE PETITION OF  
FREDERICK SCHILPLIN FOR ANNEXATION OF  
UNINCORPORATED ADJOINING TERRITORY  
TO THE CITY OF ST. CLOUD, MINNESOTA**

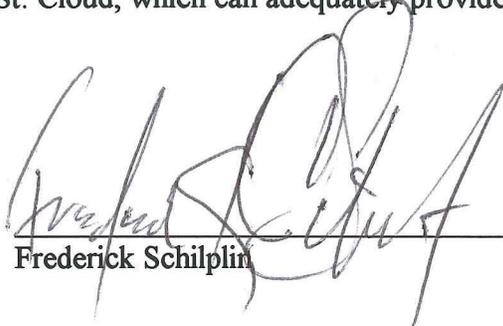
Frederick Schilplin, representing 100% of the property owners residing in the Territory described below, petitions the Minnesota Municipal Board pursuant to Minnesota Statutes Section 414.031, Subdivision 1(c), to hold a public hearing on the question of annexing this Territory to the City of St. Cloud, Minnesota, and for that purpose states:

1. Petitioner is the sole property owner within the Territory.
2. Pursuant to Minnesota Statutes Section 414.031, Subdivision 1(c), 20% of the property owners or 100 of them, whichever is less, is sufficient to petition for annexation.
3. The Territory abuts upon the City of St. Cloud's southwestern boundaries, and none of it is presently part of any incorporated city.
4. The Territory is currently unplatted land in Stearns County consisting of 302.90 acres shown on the map attached as Exhibit A and legally described in Exhibit B.
5. Petitioner believes that all of the Territory is or is about to become urban or suburban in character, that annexation would be in the best interests of the City of St. Cloud and the Territory, and that annexation is necessary to protect the public health, safety and welfare.
6. The present population of the Territory is zero (0) people.
7. Petitioner believes the municipalities and planning agencies listed in Exhibit C are or may be entitled to notice from the Municipal Board under Minnesota Statutes Section 414.09.
8. The Territory's location near the intersection of I-94 and State Highway 15, relatively flat topography and proximity to other nearby vacant properties, make the site's highest

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and best use commercial or industrial development. Future commercial and industrial development of the Territory will require governmental services, such as sewer and water, an expanded transportation network, street improvements and maintenance, additional fire, police protection and administrative services and other essential government services that St. Augusta Township is not presently equipped and will not be equipped to handle. As a result, the Petitioner desires that the Territory be annexed to the City of St. Cloud, which can adequately provide the necessary governmental services for the Territory.

Dated May 11, 1999.

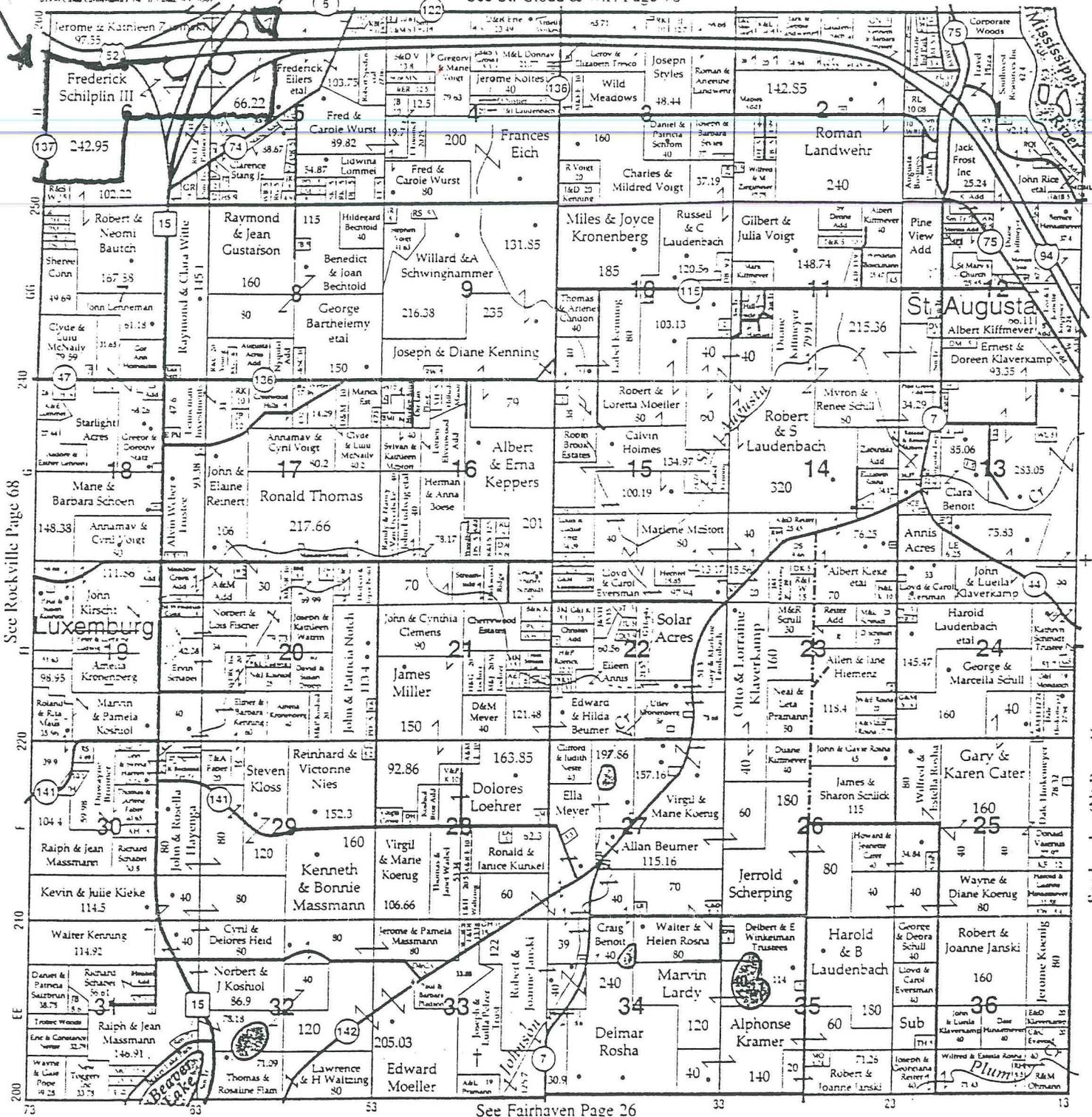


Frederick Schilplin



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See St. Cloud & W.P. Page 78



See Rockville Page 68

See St. Augusta (E) Page 74

See Lynden (N) Page 46

See Fairhaven Page 26

# EXHIBIT A

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**TRACT "F"**

That part of the South Half of the North Half and that part of the Southwest Quarter of Section 6, Township 123 North, Range 28 West, Stearns County, Minnesota, described as follows:

Beginning at the west quarter corner of said Section 6; thence North 00 degrees 19 minutes 24 seconds East on an assumed bearing along the west line of the Southwest Quarter of the Northwest Quarter of said Section 6, a distance of 880.07 feet to the right-of-way line of Interstate Highway 1-94; thence South 89 degrees 40 minutes 28 seconds East, along said right-of-way line 49.93 feet; thence North 00 degrees 19 minutes 32 seconds East, along said right-of-way line 97.14 feet; thence northerly and northwesterly 531.38 feet, along said right-of-way line and along a tangential curve concave to the southwest having a radius of 931.47 feet and a central angle of 32 degrees 41 minutes 09 seconds; thence North 49 degrees 42 minutes 02 seconds East, along said right-of-way line 128.53 feet; thence South 77 degrees 00 minutes 26 seconds East, along said right-of-way line, along said 1408.99 feet; thence South 80 degrees 59 minutes 54 seconds East, along said right-of-way line 671.79 feet; thence North 88 degrees 49 minutes 11 seconds East, along said right-of-way line 655.51 feet; thence South 86 degrees 48 minutes 17 seconds East, along said right-of-way line 501.60 feet; thence South 74 degrees 40 minutes 48 seconds East, along said right-of-way line 313.21 feet; thence South 52 degrees 43 minutes 08 seconds East, along the westerly right-of-way line of Minnesota Trunk Highway 15, a distance of 384.19 feet; thence South 26 degrees 49 minutes 48 seconds East, along the last described right-of-way line 504.54 feet; thence South 03 degrees 08 minutes 44 seconds East, along the last described right-of-way line 242.49 feet; thence South 14 degrees 50 minutes 25 seconds West, along the last described right-of-way line 291.01 feet to the south line of said South Half of the North Half; thence North 86 degrees 54 minutes 27 seconds West, along said south line 1492.81 feet to the northeast corner of said Southwest Quarter; thence South 03 degrees 53 minutes 42 seconds West, along the east line of said Southwest Quarter 2046.15 feet to its intersection with the easterly extension of the center line of an existing ditch; thence North 88 degrees 17 minutes 42 seconds west, along said easterly extension and along said center line 1604.78 feet; thence North 71 degrees 40 minutes 26 seconds West, along said center line 767.21 feet to its intersection with the west line of said Southwest Quarter; thence North 00 degrees 14 minutes 16 seconds East, along the last described west line 1885.56 feet to the point of beginning. Subject to the right-of-way of Stearns County Road 137 and easements of record. Containing 232.52 acres, more or less.

**EXHIBIT**

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### TRACT "G"

That part of the North Half of the Northwest Quarter of Section 5, Township 123 North, Range 28 West, Stearns County, Minnesota, described as follows:

Commencing at the northwest corner of said Section 5; thence South 89 degrees 22 minutes 20 seconds East on an assumed bearing along the north line of said North Half of the Northwest Quarter 976.61 feet to the easterly right-of-way line of Minnesota Trunk Highway 15 for the point of beginning of the land to be described; thence South 00 degrees 37 minutes 40 seconds West, along said right-of-way line 198.32 feet; thence South 21 degrees 15 minutes 44 seconds East, along said right-of-way line 337.80 feet; thence South 43 degrees 39 minutes 10 seconds East, along said right-of-way line 297.32 feet; thence South 72 degrees 36 minutes 03 seconds East, along the northerly right-of-way line of Interstate Highway I-94, a distance of 528.11 feet; thence North 88 degrees 37 minutes 16 seconds East, along the last described right-of-way line 115.38 feet to its intersection with the west line of the east 658.85 feet of the Northeast Quarter of the Northwest Quarter of said Section 5; thence North 04 degrees 04 minutes 06 seconds East, along said west line 874.56 feet to the north line of said North Half of the Northwest Quarter; thence North 89 degrees 22 minutes 20 seconds West, along said north line 1006.96 feet to the point of beginning; Subject to the right-of-way of Stearns County Road 6 and easements of record. Containing 16.11 acres, more or less.

**TRACT "H"**

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 123 North, Range 28 West and that part of the Northwest Quarter of Section 5, Township 123 North, Range 28 West, Stearns County, Minnesota, described as follows:

Beginning at the east quarter corner of said Section 6; thence North 86 degrees 54 minutes 27 seconds West on an assumed bearing along the south line of said Southeast Quarter of the Northeast Quarter 520.01 feet to the easterly right-of-way line of Minnesota Trunk Highway 15; thence North 40 degrees 46 minutes 31 seconds East, along said right-of-way line 504.32 feet; thence North 46 degrees 57 minutes 57 seconds East, along said right-of-way line 321.26 feet to the east line of said Southeast Quarter of the Northeast Quarter; thence continue North 46 degrees 57 minutes 57 seconds East, along said right-of-way line 175.03 feet; thence North 58 degrees 02 minutes 47 seconds East, along said right-of-way line 771.77 feet; thence North 69 degrees 19 minutes 52 seconds East, along the southerly right-of-way line of Interstate Highway I-94, a distance of 529.74 feet; thence North 73 degrees 54 minutes 47 seconds East, along the last described right-of-way line 413.55 feet; thence North 80 degrees 05 minutes 25 seconds East, along the last described right-of-way line 379.16 feet to its intersection with the west line of the east 658.85 feet of said Northwest Quarter; thence South 04 degrees 04 minutes 06 seconds West, along said west line 1548.57 feet to the south line of said Northwest Quarter; thence North 89 degrees 24 minutes 03 seconds West, along the last described south line 1984.45 feet to the point of beginning. Subject to easements of record. Containing 59.01 acres, more or less.

EXCEPT that part of the Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section Five (5), in Township One Hundred Twenty-three (123), Range Twenty-eight (28), Stearns County, Minnesota, described as follows: Beginning at the intersection south line of said SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  with the northwesterly right of way line of County Road Number 74, formerly known as S.T.H. #15, said point being 859.01 feet more or less West of the southeast corner of said SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ; thence northeasterly along said right of way line to a point that is 41.19 feet northeasterly of the intersection of said right of way line with the west line of the East 658.85 feet of said SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ; thence northerly to the intersection of said west line of the East 658.85 feet with a line drawn northwesterly at right angles to said right of way line, from a point thereon distant 294.73 feet northeasterly of the intersection of said right of way line with the south line of said SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ; thence northwesterly at right angles to said right of way line to a point that is 500.00 feet northwesterly of said right of way line; thence southwesterly, parallel with said right of way line, for 428.40 feet; thence southeasterly at right angles to said right of way line to the south line of said SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ; thence easterly along said south line to the point of beginning, Stearns County, Minnesota.

1. ✓ St. Augusta Township  
St. Augusta Town Hall  
1914 250<sup>th</sup> Street  
St. Cloud, Minnesota 56301
2. ✓ Rockville Township  
Box 324  
Rockville, Minnesota 56369
3. ✓ City of St. Cloud  
400 2<sup>nd</sup> Street South  
St. Cloud, Minnesota 56301
4. Stearns County Board  
Administration Center RM 148  
705 Court House Square  
St. Cloud, Minnesota 56303
5. Stearns County Environmental Services  
Administration Center RM 148  
705 Court House Square  
St. Cloud, Minnesota 56303
6. ✓ St. Cloud Area Planning Organization  
1040 County Road 4  
St. Cloud, Minnesota 56303
7. ✓ St. Cloud Area Joint Planning District

**EXHIBIT**

C

**IN THE MATTER OF THE PETITION OF RCH PARTNERSHIP  
REQUESTING THE MINNESOTA MUNICIPAL BOARD  
TO ANNEX CERTAIN LANDS WITHIN  
THE LIMITS OF THE TOWN OF ST. AUGUSTA  
TO THE CITY OF ST. CLOUD**

RCH Partnership is owners of lands located within the limits of the Town of St. Augusta. The partners are Christopher C. Hauck and Robert C. Hauck. This partnership represents 100% of the property owners. The boundaries of the partnership lands are generally shown on the map attached as exhibit A and are legally described on exhibit B.

RCH Partnership believes that annexation of the lands, that it owns within the Town of St. Augusta to the City of St. Cloud would best serve their interests. The Partnership is aware that the City of St. Cloud and the Town of St. Augusta are currently discussing proposals regarding annexation and incorporation of territory within the Town, including the Partnership lands. The Partnership is also aware that a request to incorporate, initiated by the Town, is currently pending before the Minnesota Municipal Board.

Additionally, the Partnership is aware of the petition of Frederick Schiliplin. Mr. Schiliplin's property is contiguous to the Partnership property. By this petition, the Partnership joins with Mr. Schiliplin requesting the annexation of the whole.

The territory proposed for annexation is contiguous to the City of St. Cloud and within St. Cloud's likely growth corridor. The City of St. Cloud is best able to meet all the municipal services needs of the Partnership lands, now and into the future. The Partnership is unsure that discussions between the City and the Town will resolve this matter and therefore must proceed with this request to annex its lands to the City of St. Cloud.

The names of all parties entitled to notice pursuant to Minn. Stat. Sec. 414.09 are:

✓ The Town of St. Augusta – Harlan Jopp, St. Augusta Township Clerk, 1914 250th Street, St. Cloud, MN 56301

✓ The Town of Rockville – Pierre Hanson, Box 324, Rockville, MN 56369

✓ The City of St. Cloud – Gregg Engdahl, City Clerk, City Hall, 400 Second Street South, St. Cloud, MN 56301

The County of Stearns – George Rindlelaub, County Administrator,  
Administration Center, St. Cloud, MN 56303

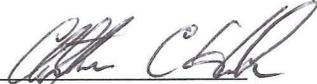
✓ The St. Cloud Area Planning Organization – 1040, County Road 4, St. Cloud, MN 56303

The St. Cloud Area Joint Planning District – George Rindlelaub, County  
Administrator, Administration Center, St. Cloud, MN 56303

Petitioner believes that the location of the Partnership property near the intersection of I-94 and State Highway 15, make the site's highest and best use commercial or industrial development. The Town of St. Augusta is not presently able to provide the municipal services that will be required to meet the needs of this development. The City of St. Cloud can adequately provide those services.

Petitioners request that this matter be set on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes Section 414.031, Subdivision 1(c), so that a decision may be made concurrent with the incorporation request presently pending before the Board.

RCH Partnership

  
Christopher C. Hauck      5-17-99  
Date

# ST. AUGUSTA



TOWNSHIP: 123 N

RANGE: 28 W

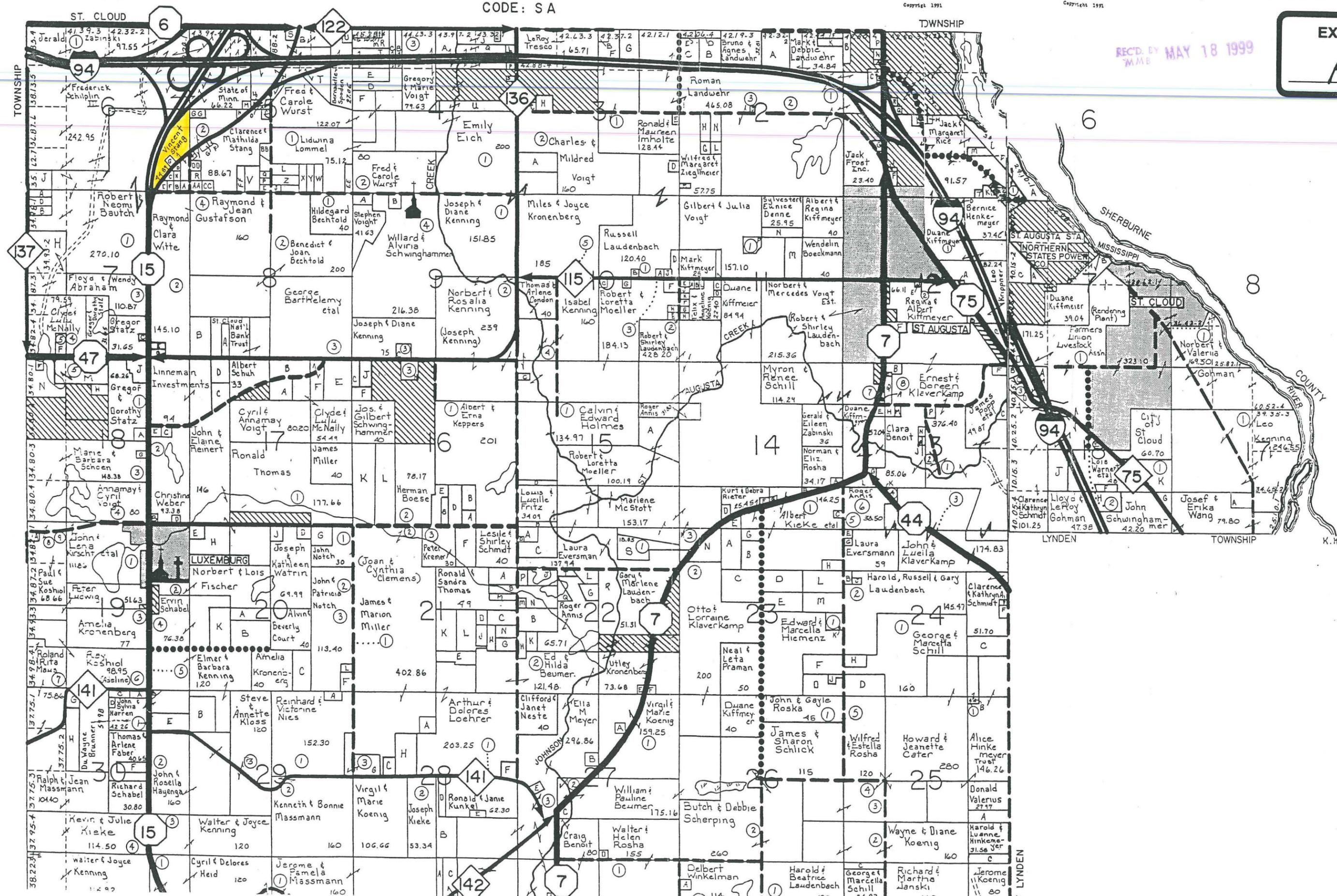
TOWNSHIP: 123 N

CODE: SA

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That part of the Southeast Quarter (SE $\frac{1}{4}$ ), Section Six (6), Township One Hundred Twenty-three (123), Range Twenty-eight (28), Stearns County, Minnesota, which lies Easterly of the Westerly right-of-way line of State Trunk Highway No. 15, recorded as State Highway Right-of-way Plat No. 73-10, according to the plat and survey thereof on file and of record in the office of the Stearns County Recorder, LESS AND EXCEPT the following, to-wit: That portion lying South of former State Trunk Highway No. 15, now County State Aid Highway No. 74.

ALSO LESS AND EXCEPT: That part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 6, Township 123, Range 28, described as follows, to-wit: Commencing at the Southeast corner of said Section 6, said corner is designated by a cast iron monument; thence North along the East line of said SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (drawn from said cast iron monument, through a cast iron monument at the East Quarter corner of said Section 6), 1170.16 feet to the Northwestern right-of-way line of State Trunk Highway No. 15; thence Southwesterly along said right-of-way line, deflecting to the left 131°3'3" a distance of 551.09 feet to the point of beginning of the tract to be described; thence continue Southwesterly along said right-of-way line 144.00 feet; thence Northwesterly, at a right angle 250.00 feet; thence Northeasterly at a right angle 144.00 feet; thence Southeasterly at a right angle 250.00 feet to the point of beginning.

ALSO LESS AND EXCEPT: That part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 6, Township 123, Range 28, described as follows, to-wit: Commencing at the Southeast corner of said Section 6, said corner is designated by a cast iron monument; thence North along the East line of said SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (drawn from said cast iron monument, through a cast iron monument at the East Quarter corner of said Section 6), 1170.16 feet to the Northwestern right-of-way line of State Trunk Highway No. 15; thence Southwesterly along said right-of-way line, deflecting to the left 131°3'3", a distance of 405.09 feet to the point of beginning of the tract to be described; thence continue Southwesterly along said right-of-way line 146.00 feet; thence Northwesterly, at a right angle 300.00 feet; thence Northeasterly at a right angle 146.00 feet; thence Southeasterly at a right angle 300.00 feet to the point of beginning.