

**ST. AUGUSTA TOWNSHIP  
COUNTY OF STEARNS  
STATE OF MINNESOTA**

**RESOLUTION NO. 98-7**

**IN THE MATTER OF THE PETITION OF ST. AUGUSTA TOWNSHIP  
FOR INCORPORATION PURSUANT TO MINNESOTA STATUTES §  
414.02**

**BE IT RESOLVED**, by the Town Board of Supervisors of St. Augusta Township, Stearns County, Minnesota as follows:

**WHEREAS**, the Township is not included within the limits of any incorporated municipality and includes land that has been platted into lots and blocks in the manner provided by law; and

**WHEREAS**, Minnesota Statutes Section § 414.02 provides the exclusive method of incorporating a municipality in the State of Minnesota; and

**WHEREAS**, the 1990 U.S. Census reported the Township population at 2,657 residents; and

**WHEREAS**, the Minnesota Demographer's Office has estimated the Township's 1997 population to be 3,102 residents; and

**WHEREAS**, the Township, is now, or is about to become, urban or suburban in character; and

**WHEREAS**, the existing Township form of government is not best suited to protect the public health, safety and welfare as the Township develops; and

**WHEREAS**, incorporation would be in the best interest of the Township; and

**WHEREAS**, the Township has undertaken the process of a preparing a Comprehensive Plan which has been adopted, has adopted zoning controls, and is in the process of adopting subdivision controls within the Township; and

**WHEREAS**, the Township's location along Interstate Highway No. 94 has spurred the development of lands within the Township for residential purposes; and



**WHEREAS**, there has been a rapid increase in population within the Township in recent years, and future increases are projected by the analysis of the Township Planner; and

**WHEREAS**, areas within the Township, are now, and will be in the future, the subject of urban and suburban scale development; and

**WHEREAS**, Stearns County currently has subdivision regulations in place, and is in the process of establishing a county-wide zoning ordinance; and

**WHEREAS**, the Township believes that the urban and suburban planning and zoning issues within the Township will require more time and attention than can reasonably be devoted by the Stearns County Planning and Zoning Commission; and

**WHEREAS**, the Township believes that the urban and suburban planning and zoning issues within the Township can best be addressed by the Township's own planning and zoning commission operating within an incorporated jurisdiction, rather than the current joint County/Township planning and zoning structure; and

**WHEREAS**, said urban and suburban scale development is most efficiently developed with the installation of sanitary sewer and municipal water service at the time of development; and

**WHEREAS**, the installation of a sanitary sewer system and municipal water system will advance the public health, safety and welfare; and

**WHEREAS**, the Township believes that the development of sanitary sewer service and municipal water service to the properties within the Township will require a significant period of time for study, design, funding and installation; and

**WHEREAS**, planning and development of sanitary sewer service and municipal water service is more efficiently accomplished when the borders of the developing municipality are stable; and

**WHEREAS**, incorporation as a city would provide the Township with stable borders within which to efficiently plan the installation of sanitary sewer service and municipal water service; and

**WHEREAS**, incorporation as a city at this time would provide the Township with sufficient time to plan and develop sanitary sewer service and municipal water service before the development of significant portions of the Township for residential use; and



**WHEREAS**, the Township does not currently receive Municipal State Aid funding for street construction, but if incorporated would be eligible for said funding at such time as its incorporated population reached 5,000; and

**WHEREAS**, incorporation as a city would allow the Township to be more effectively served in the areas of fire protection, road maintenance, and administration; and

**WHEREAS**, incorporation as a city would significantly increase the economic development tools available to the Township, thus promoting economic development within the Township; and

**WHEREAS**, incorporation as a city would vest liquor licensing authority in the newly incorporated city, rather than with Stearns County, resulting in increased local control of liquor licensing; and

**WHEREAS**, incorporation as a city would vest charitable gambling approval authority in the newly incorporated city, rather than with Stearns County, resulting in increased local control of charitable gambling; and

**WHEREAS**, the Township has a taxable market valuation, tax capacity, and indebtedness, all of which are listed on the attached Exhibit A and herein incorporated by reference; and

**WHEREAS**, the City of St. Cloud, the City of Waite Park, Clear Lake Township, Rockville Township, Haven Township and Lynden Township all of which abut the area proposed for incorporation, have all passed resolutions either indicating support for the incorporation or no opposition to the incorporation, and copies of said resolutions are attached hereto as Exhibits B1 through B6; and

**WHEREAS**, the resolution passed by the City of St. Cloud determining that the City of St. Cloud is not opposed to the incorporation of the Township has requested the annexation to the City of St. Cloud of that portion of the Township identified as the orderly annexation area in the orderly annexation agreement between the City of St. Cloud and the Township, dated August 13, 1974 and August 19, 1974; and

**WHEREAS**, the legal description of the orderly annexation area identified in said orderly annexation agreement is attached hereto as Exhibit C; and

**WHEREAS**, the Township supports the annexation of said orderly annexation area to the City of St. Cloud, provided the incorporation of the Township is granted by the Minnesota Municipal Board as requested herein; and

**WHEREAS**, incorporation of the Township will have no adverse effect on communities adjacent to St. Augusta, nor on school districts within and adjacent to the area; and

**WHEREAS**, the Township believes that incorporation into a city form of government will allow for the more efficient administration of the area within the Township, thus advancing the public health, safety and welfare; and

**WHEREAS**, the Town Board has determined that the name of the newly created City should be "Neenah" which was the former name of the Township and is the name of a prominent creek flowing through the area.

**THEREFORE BE IT RESOLVED** that the Town Board of Supervisors of St. Augusta Township, Stearns County, Minnesota declares that:

1. St. Augusta Township, through its resolution, formally requests that the Minnesota Municipal Board institute a public hearing pursuant to Minn. Stat. § 414.02, Subd. 2, and upon reviewing the evidence presented at such hearing, enter an order incorporating the Township of St. Augusta as the City of Neenah pursuant to Minn. Stat. § 414.02, Subd. 3.
2. That prior to the hearing on this matter the Minnesota Municipal Board notify all municipalities and political subdivisions abutting St. Augusta Township, Stearns County, and each planning agency which has jurisdiction over the affected area, all of which are listed on the attached Exhibit D, which is herein incorporated by reference.
3. That the final order of the Board establish the boundaries of the City of Neenah at those as set forth on the attached Exhibit E "Proposed Legal Description of the Corporate Boundary of the City of Neenah" and as shown on the attached Exhibit F "Proposed Corporate Boundary Map of the City of Neenah" which are herein incorporated by reference.
4. That the final order provide for election of Municipal Officers in accordance with Minn. Stat. § 414.09, Subd. 3 and for the ordering of an at-large election of City council members and mayor, and to provide that the Plan of Government shall be "Optional Plan A".

5. That as part of the order granting incorporation, the Minnesota Municipal Board annex the orderly annexation area described on the attached Exhibit C to the City of St. Cloud.

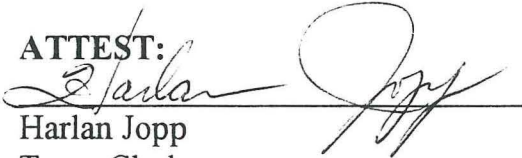
**ADOPTED** by the Town Board of Supervisors this 17<sup>th</sup> day of November, 1998.

**ST. AUGUSTA TOWNSHIP**



Ollie Mondloch  
Town Board Chairman

**ATTEST:**

  
Harlan Jopp  
Town Clerk

**Exhibit A**

**Total Taxable Assessed Market Valuation, Tax Capacity  
And Indebtedness**

1. Total Taxable Market Value .....	\$107,991,600.00
2. Total Taxable Tax Capacity .....	\$1,441,354
3. Total Bonded Indebtedness .....	\$ 0.00



Resolution No. 1998-9-280

**RESOLUTION EXPRESSING THE CITY OF ST. CLOUD'S SUPPORT  
FOR AND INTENT TO HONOR ALL TERMS AND CONDITIONS OF THE  
ORDERLY ANNEXATION AGREEMENTS THAT WERE NEGOTIATED  
AND APPROVED IN GOOD FAITH BY AND BETWEEN THE  
CITY OF ST. CLOUD AND TOWN OF ST. AUGUSTA**

WHEREAS, the City of St. Cloud and Town of St. Augusta adopted on August 13, 1974, and August 19, 1974, the Joint Resolution as to Orderly Annexation: St. Cloud City and St. Augusta Township (herein after referred to as "the 1974 agreement"), which establishes the terms and conditions for annexation and incorporation related matters between the parties; and,

WHEREAS, the 1974 agreement, in part, establishes and designates the area generally described as being located north and east of I-94 "as in need of orderly annexation" and "is properly subject to orderly annexation", and included a provision whereby the City agreed not to initiate an annexation action of property within the orderly annexation area for a period of 20 years unless petitioned for by the property owners; and,

WHEREAS, the 1974 agreement, in part, further stipulates that in the event that "all or any part of St. Augusta Township not covered under Section I of this agreement (area designated for orderly annexation) is incorporated at some time by order of the Minnesota Municipal Commission," that "the City of St. Cloud will not oppose such incorporation"; and,

WHEREAS, the City of St. Cloud and Town of St. Augusta adopted on June 20, 1988, and June 21, 1988, the Joint Resolution Amending the Joint Resolution as to Orderly Annexation Between the City of St. Cloud and the Town of St. Augusta (herein after referred to as "the amended agreement"), which included a provision whereby "prior to January 1, 2010, the City agrees not to initiate any annexation of property within the orderly annexation area without having first provided the Town with a minimum of two (2) years notice of the City's intention to initiate such annexation". The amended agreement further stated the "right of individual property owners to petition for annexation in accordance with the terms of the Orderly Annexation Resolution and, thereafter, in accordance with Minnesota law"; and,

WHEREAS, the Town of St. Augusta Town Board submitted a written request dated July 23, 1998, to the City of St. Cloud notifying the City of the Town Board's intention to file an incorporation petition with the Minnesota Municipal Board based on its conclusion that incorporation of the Town is in the best interests of the Town and St. Cloud area as a whole; and,

WHEREAS, the written request received from the Town Board further requests that the City Council support the Town Board's petition for incorporation of the Town of St. Augusta; and,

WHEREAS, it has been and continues to be the City of St. Cloud's intention to honor all of the terms and conditions that were negotiated in good faith by and between the parties; and,

WHEREAS, the proposed petition for incorporation, as represented in the written correspondence dated July 23, 1998 from the Chair of the St. Augusta Town Board, is in contradiction with the terms and conditions which designate a specific area of the Town as an orderly annexation area that is appropriate for and in need of the eventual annexation to the City of St. Cloud; and,

WHEREAS, a regional planning process has been initiated by the St. Cloud Area Joint Planning District board to address urban and rural growth issues for the community; and,

WHEREAS, Stearns County has instituted a moratorium on plat approvals in unincorporated areas of the county pending completion of the County's study and establishment of development controls to more effectively address development pressures and potential detrimental impacts of improperly planned and served development.

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

1. The City of St. Cloud will continue to honor all of the terms and conditions that were negotiated in good faith by and between the City of St. Cloud and Town of St. Augusta in the 1974 agreement as amended in 1988 until or unless the Town breaches any term or condition of said agreement or an amendment to said agreement is negotiated in good faith by and between the City and Town.

2. Specifically and in accordance with the terms and conditions of said agreements, the City of St. Cloud will not oppose a petition for incorporation as long as the Town does not include the designated orderly annexation area in its petition for incorporation.

3. In the event the MN Municipal Board, or its successor, contemplates ruling in favor of an incorporation petition from the Town of St. Augusta, the City will request that the Municipal Board omit the area north and east of I-94 from any such incorporation action and instead order its immediate annexation to the City of St. Cloud.

Adopted this 14th day of September, 1998.



REC'D. BY  
MMB JAN 19 1999

City of Waite Park  
County of Stearns  
State of Minnesota

**RESOLUTION SUPPORTING INCORPORATION  
OF ST. AUGUSTA TOWNSHIP**

**Resolution No. E 8 - 11 - 98**

**WHEREAS**, St. Augusta Township intends to incorporate pursuant to Minnesota Statutes §414.02; and

**WHEREAS**, the City of Waite Park abuts the "affected territory" of St. Augusta Township and will be given notice of the proposed incorporation as required by Minnesota Statutes §414.09; and

**WHEREAS**, the recent consolidation of the former St. Cloud Township with the City of Waite Park has significantly increased the geographic area of the City and the demand for municipal services within the City of Waite Park; and

**WHEREAS**, the recent consolidation of the City of Waite Park with the former St. Cloud Township has substantially increased the developable land within the City of Waite Park; and

**WHEREAS**, St. Augusta's incorporation is in the best interests of the health, safety and welfare of both the citizens of St. Augusta Township and the City of Waite Park.

**NOW THEREFORE BE IT RESOLVED** by the Waite Park City Council that for the foregoing reasons, the City of Waite Park supports the proposed incorporation of St. Augusta Township into a city.

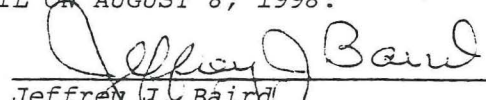
This resolution was adopted the 11th day of August, 1998 by the Waite Park City Council.

  
\_\_\_\_\_  
Mayor, City of Waite Park

ATTEST:

  
\_\_\_\_\_  
City Clerk, Waite Park

I DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A  
RESOLUTION PASSED BY THE WAITE PARK CITY COUNCIL ON AUGUST 8, 1998.

  
\_\_\_\_\_  
Jeffrey J. Baird  
City Clerk/Treasurer  
City of Waite Park

S E A L

REC'D. BY  
M/MB JAN 19 1999

**Town of Clear Lake  
County of Sherburne  
State of Minnesota**

**RESOLUTION SUPPORTING INCORPORATION  
OF ST. AUGUSTA TOWNSHIP**

**Resolution No. 98-101**

**WHEREAS**, St. Augusta Township intends to incorporate pursuant to Minnesota Statutes §414.02; and

**WHEREAS**, the Town of Clear Lake abuts the "affected territory" of St. Augusta Township and will be given notice of the proposed incorporation pursuant to Minnesota Statutes §414.09; and

**WHEREAS**, St. Augusta's incorporation is in the best interests of the health, safety and welfare of both the citizens of St. Augusta Township and the St. Cloud metropolitan area, including the Town of Clear Lake.

**NOW THEREFORE BE IT RESOLVED** by the Town of Clear Lake that for the foregoing reasons, the Town of Clear Lake supports the proposed incorporation of St. Augusta Township into a city.

This resolution was adopted the 25<sup>th</sup> day of July, 1998 by the Clear Lake Town Board.

Jack R. Gallagher  
Chair

ATTEST:

Debra L. Seely  
Town Clerk

REC'D. BY  
MAB JAN 19 1999

**Town of Rockville  
County of Stearns  
State of Minnesota**

**RESOLUTION SUPPORTING INCORPORATION  
OF ST. AUGUSTA TOWNSHIP**

**Resolution No. \_\_\_\_\_**

**WHEREAS**, St. Augusta Township intends to incorporate pursuant to Minnesota Statutes §414.02; and

**WHEREAS**, the Town of Rockville abuts the "affected territory" of St. Augusta Township and will be given notice of the proposed incorporation pursuant to Minnesota Statutes §414.09; and

**WHEREAS**, St. Augusta's incorporation is in the best interests of the health, safety and welfare of both the citizens of St. Augusta Township and the St. Cloud metropolitan area, including the Town of Rockville.

**NOW THEREFORE BE IT RESOLVED** by the Town of Rockville that for the foregoing reasons, the Town of Rockville supports the proposed incorporation of St. Augusta Township into a city.

This resolution was adopted the 6 day of aug., 1998 by the Rockville Town Board.

James W. Gears  
Chair

ATTEST:

[Signature]  
Town Clerk



**Town of Haven  
County of Sherburne  
State of Minnesota**

**RESOLUTION SUPPORTING INCORPORATION  
OF ST. AUGUSTA TOWNSHIP**

Resolution No. 98-500

WHEREAS, St. Augusta Township intends to incorporate pursuant to Minnesota Statutes §414.02; and

WHEREAS, the Town of Haven abuts the "affected territory" of St. Augusta Township and will be given notice of the proposed incorporation pursuant to Minnesota Statutes §414.09; and

WHEREAS, St. Augusta's incorporation is in the best interests of the health, safety and welfare of both the citizens of St. Augusta Township and the St. Cloud metropolitan area, including the Town of Haven.

NOW THEREFORE BE IT RESOLVED by the Town of Haven that for the foregoing reasons, the Town of Haven supports the proposed incorporation of St. Augusta Township into a city.

This resolution was adopted the 21 day of December, 1998 by the Haven Town Board.

LeRoy N. Pauley  
Chair

ATTEST:

Mul. Z...  
Town Clerk

EXHIBIT B-6

**Town of Lynden  
County of Stearns  
State of Minnesota**

**RESOLUTION SUPPORTING INCORPORATION  
OF ST. AUGUSTA TOWNSHIP**

Resolution No. \_\_\_\_\_

**WHEREAS**, St. Augusta Township intends to incorporate pursuant to Minnesota Statutes 414.02; and

**WHEREAS**, the Town of Lynden abuts the "affected territory" of St. Augusta Township and will be given notice of the proposed incorporation pursuant to Minnesota Statutes 414.09; and


**WHEREAS**, St. Augusta's incorporation is in the best interests of the health, safety and welfare of both the citizens of St. Augusta Township and the St. Cloud metropolitan area, including the Town of Lynden.

**NOW THEREFORE BE IT RESOLVED** by the Town of Lynden that for the foregoing reasons, the Town of Lynden supports the proposed incorporation of St. Augusta Township into a city.

This resolution was adopted the 2<sup>ND</sup> day of NOVEMBER, 1998 by the Lynden Town Board.

  
\_\_\_\_\_  
Chair

ATTEST:

  
\_\_\_\_\_  
Town Clerk

**Exhibit C****Legal Description of the Orderly Annexation Area,  
As Per the 1974 Orderly Annexation Agreement**

The following described land in St. Augusta Township, Stearns County, Minnesota:

Beginning at the point where the east right-of-way of Highway 152 intersects with the north boundary of St. Augusta Township; thence south along said right-of-way to the point of intersection with the east boundary of the east right-of-way of Interstate Highway 94; thence south along said east right-of-way of Interstate 94 to the point of intersection with the south line of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 18, T 123N, R 27W; thence east along said south line to a point 109.4 feet east of the southwest corner of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence north 109.4 feet distant and parallel with the west line of said SE $\frac{1}{4}$ , NE $\frac{1}{4}$  to its north line; thence easterly along said north line to the east line of Section 18; thence north to the northeast corner Section 18; thence continuing north, along the east line of Section 8, on an assumed bearing of N 0° 29' 20" west to the southwest corner of Government Lot 2; thence N 88° 24' 46" East 759.96 feet; thence N 46° 22' 28" East, 780 feet, more or less, to a point in the east line of said Government Lot 2; thence north along said east line to the point of intersection to the thread of the Mississippi River; thence north along said thread to the point of intersection with the north boundary of St. Augusta Township; thence west along said north boundary to the point of beginning.



## Exhibit D

### Abutting Municipalities and Planning Agencies Having Jurisdiction Over the Affected Area

1. Stearns County Board  
Administration Center RM 148  
705 Court House Square  
St. Cloud, MN 56303
2. City of St. Cloud  
400 2<sup>nd</sup> Street South  
St. Cloud, MN 56301
3. City of Waite Park  
City Hall  
P.O. Box 339  
Waite Park, MN 56387-0339
4. Clear Lake Township  
9728 Co Rd 8  
Clear Lake, MN 55319  
Attention: Debra L. Seely, Clerk, Clear Lake Township
5. Fair Haven Township  
14525 Co. Rd. 45  
South Haven, MN 55382  
Attention: Evelyn Maurer, Clerk, Fair Haven Township
6. Haven Township  
5576- 16<sup>th</sup> Avenue SE  
St. Cloud, MN 56304  
Attention: Mike C. Zniwski
7. Lynden Township  
20824 Franklin Road  
Clearwater, MN 55320  
Attention: Jenny Schmidt, Clerk, Lynden Township
8. Maine Prairie Township  
13645- 83<sup>rd</sup> Avenue  
Kimball, MN 55353-9604  
Attention: Beverly A. Adolph, Clerk, Maine Prairie Township

**Exhibit D (continued)**

9. Rockville Township  
Box 324  
Rockville, MN 56369  
Attention: Pierre T. Hansen, Clerk, Rockville Township
  
10. St. Joseph Township  
10187- 295<sup>th</sup> Street  
St. Joseph, MN 56374  
Attention: Anna T. Reischl, Clerk, St. Joseph Township
  
11. Stearns County Environmental Services  
Administration Center RM 148  
705 Court House Square  
St. Cloud, MN 56303
  
12. St. Augusta Township  
St. Augusta Town Hall  
1914 250<sup>th</sup> Street South  
St. Cloud, MN 56301
  
13. Benton County Board  
P.O. Box 129  
Foley, MN 56329-0740
  
13. City of Sartell  
City Hall  
P.O. Box 140  
Sartell, MN 56377
  
14. City of Sauk Rapids  
City Hall  
115 North 2<sup>nd</sup> Street  
Sauk Rapids, MN 56379
  
15. City of St. Joseph  
City Hall  
P.O. Box 668  
St. Joseph, MN 56374

## Exhibit E

### Proposed Legal Description of the Corporate Boundary of the City of Neenah

The following described land in St. Augusta Township, Stearns County, Minnesota:

Sections 1 through 36, all inclusive, situated in T 123, R 28; less and except that portion of Section 1, T 123, R 28 lying within the corporate limits of the City of St. Cloud.

AND

That portion of Sections 6, 7, 8, 17 and 18 situated in T 123, R 27 lying west of the Stearns-Sherburne County border and located in Stearns County; less and except therefrom all portions thereof lying within the corporate limits of the City of St. Cloud.

AND, LESS AND EXCEPT

The following described orderly annexation area in St. Augusta Township, Stearns County, Minnesota, as per the 1974 joint resolution for orderly annexation between the City of St. Cloud and St. Augusta Township:

Beginning at the point where the east right-of-way of Highway 152 intersects with the north boundary of St. Augusta Township; thence south along said right-of-way to the point of intersection with the east boundary of the east right-of-way of Interstate Highway 94; thence south along said east right-of-way of Interstate 94 to the point of intersection with the south line of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 18, T 123N, R 27W; thence east along said south line to a point 109.4 feet east of the southwest corner of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence north 109.4 feet distant and parallel with the west line of said SE $\frac{1}{4}$ , NE $\frac{1}{4}$  to its north line; thence easterly along said north line to the east line of Section 18; thence north to the northeast corner Section 18; thence continuing north, along the east line of Section 8, on an assumed bearing of N 0° 29' 20" west to the southwest corner of Government Lot 2; thence N 88° 24' 46" East 759.96 feet; thence N 46° 22' 28" East, 780 feet, more or less, to a point in the east line of said Government Lot 2; thence north along said east line to the point of intersection to the thread of the Mississippi River; thence north along said thread to the point of intersection with the north boundary of St. Augusta Township; thence west along said north boundary to the point of beginning.



ST. JOSEPH  
TOWNSHIP




CITY OF  
WAITE PARK

CITY OF  
ST. CLOUD

EXHIBIT F  
"PROPOSED CORPORATE BOUNDARY MAP  
OF THE CITY NEENAH"

# TOWN OF ST. AUGUSTA

STEARNS COUNTY, MINNESOTA

-  CITY OF ST. CLOUD
-  ORDERLY ANNEXATION AREA
-  BOUNDARY OF AREA TO BE INCORPORATED

HAVEN  
TOWNSHIP

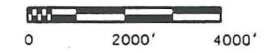
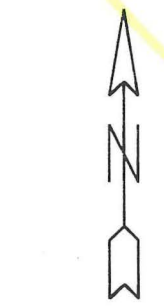
CLEAR LAKE  
TOWNSHIP

LYNDEN  
TOWNSHIP

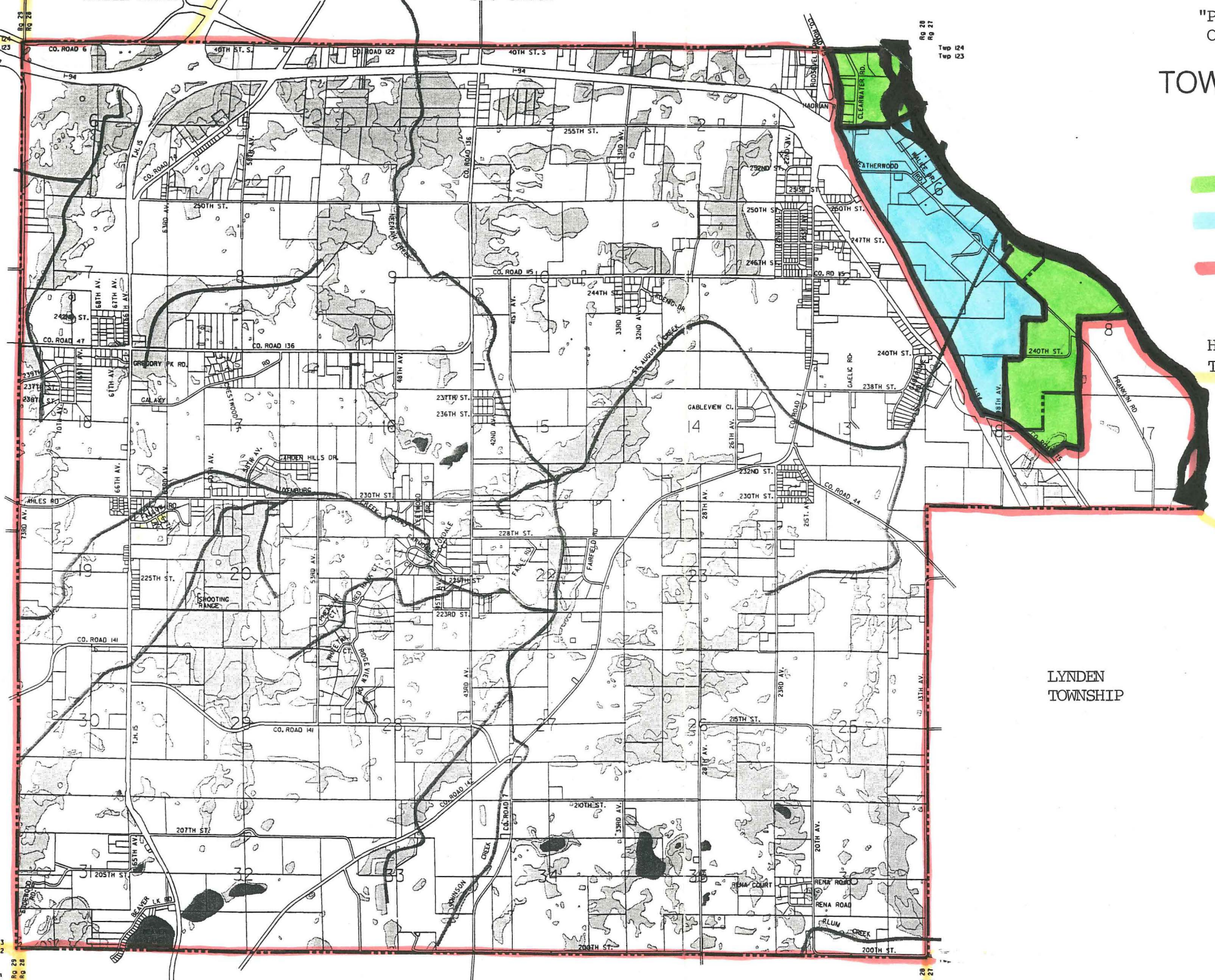
ROCKVILLE  
TOWNSHIP

FAIRHAVEN  
TOWNSHIP

MAINE PRAIRIE  
TOWNSHIP  
**SEH**



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