

City Resolution No. 1999-12-398

Town Resolution No. 99-10

**JOINT RESOLUTION SETTING FORTH THE
THIRD AMENDMENT TO THE JOINT RESOLUTION
FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF ST. AUGUSTA AND THE CITY OF ST. CLOUD**

WHEREAS, the City of St. Cloud ("City") and the Town of St. Augusta ("Town") are parties to a Joint Resolution as to Orderly Annexation ("Agreement") dated August 19, 1974, as amended on June 21, 1988 and January 4, 1993, which affects an area of the Town described in said resolution; and,

WHEREAS, the owners of several parcels of land consisting of approximately 97.25 acre tract of land have petitioned the City and Town for annexation of said property to the City to facilitate an expansion to enable further commercial and industrial development to be accommodated with full municipal services, including sanitary sewer and municipal water service; and

WHEREAS, the subject property is located within the area identified for orderly annexation in the Joint Resolution as to Orderly Annexation dated on or about August 19, 1974; and,

WHEREAS, the subject property abuts the corporate limits of the City of St. Cloud on the southern boundary of the Corporate Woods and Travel Plaza developments which was annexed to the City of St. Cloud in 1988; and,

WHEREAS, the Town and City agree that the requested annexation is consistent with the terms of the existing Orderly Annexation Agreement and is, therefore, appropriate for annexation to the City of St. Cloud at this time to facilitate the proposed industrial development on the site.

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

1. The property legally described in Exhibits A and B ("subject property") as set forth on the attached map in Exhibit C is designated for orderly annexation in accordance with the 1974 Agreement.

2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board and its successor to

approve annexation of the subject property pursuant to Minnesota Statutes 414.0325.

3. The subject property is appropriate for orderly annexation. No alteration of its stated boundary is appropriate, nor is consideration by the Municipal Board nor its successor necessary. Therefore, the Municipal Board and its successor may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution.

4. No step-up in tax rate shall be provided to the subject property.

5. The City shall make the following property tax payments to the Township, said payments to be made within 30 days of receipt of property taxes from Stearns County:

- A. In the first year in which the City collects property taxes from the subject property, the City shall pay the Township an amount equal to 90 percent of the property taxes distributed to the town in regard to the subject property in the last year the property taxes from the subject property were payable to the town.
- B. In the next succeeding year, the City shall pay the Township an amount equal to 70 percent of the property taxes distributed to the town in regard to the subject property in the last year the property taxes from the subject property were payable to the town.
- C. In the next succeeding year, the City shall pay the Township an amount equal to 50 percent of the property taxes distributed to the town in regard to the subject property in the last year the property taxes from the subject property were payable to the town.
- D. In the next succeeding year, the City shall pay the Township an amount equal to 30 percent of the property taxes distributed to the town in regard to the subject property in the last year the property taxes from the subject property were payable to the town.
- E. In the next succeeding year, the City shall pay the Township an amount equal to 10 percent of the property taxes distributed to the town in regard to the subject property in the last year the property taxes from the subject property were payable to the town.

6. The Orderly Annexation Resolution dated on or about August 19, 1974, as amended by the First Amendment thereto, the Second Amendment

thereto and by this, the Third Amendment, shall remain in full force and effect except to the extent it is inconsistent with the terms of this Resolution.

This resolution adopted by the St. Cloud City Council this 13th day of December, 1999.

Sonja Hayden Berg
Council President

Attest:

[Signature]
City Clerk

This resolution adopted by the Town of St. Augusta Board of Supervisors this 16th day of November, 1999.

[Signature]
Chair

Attest:

[Signature]
Town Clerk

STATE OF MINNESOTA
COUNTY OF STEARNS
CITY OF ST. CLOUD

Gregg A. Engdahl, City Clerk of the City of St. Cloud, Minnesota, do hereby certify, that the above and foregoing is a true and correct copy of Res # 1999-12-398 (passed-adopted) by the City Council of the City of St. Cloud, Minnesota.

WITNESS MY HAND AND THE SEAL OF THE CITY OF ST CLOUD, MINNESOTA. This the 24th day of November 20 00

[Signature]
City Clerk
City of St. Cloud, MN

EXHIBIT A

REC'D. BY JAN 27 2000
MMB

DESCRIPTION

That part of Government Lot Three (3), and that part of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section One (1), Township One Hundred Twenty-three (123) North, Range Twenty-eight (28) West, Stearns County, Minnesota and that part of Government Lot One (1), Section Six (6), Township One Hundred Twenty-three (123) North, Range Twenty-seven (27) West, Stearns County, Minnesota described as follows: Commencing at the Southeast corner of said Section One (1); thence North 89 degrees 04 minutes 55 seconds West (assumed bearing) along the South line thereof for 1250.22 feet; thence North 00 degrees 49 minutes 19 seconds East for 1512.19 feet; thence South 89 degrees 10 minutes 41 seconds East for 500.00 feet to the Southwesterly right of way line of Burlington Northern Railroad, said point being the point of beginning of the land to be described; thence North 36 degrees 25 minutes 41 seconds West along said Southwesterly right of way line for 382.07 feet; thence North 53 degrees 34 minutes 19 seconds East along said right of way line and it's Northeasterly extension for 200.00 feet to the Northeasterly right of way line of said Burlington Northern Railroad; thence South 36 degrees 25 minutes 41 seconds East along said right of way line for 1400.00 feet; thence South 53 degrees 34 minutes 19 seconds West for 200.00 feet to said Southwesterly right of way line; thence North 36 degrees 25 minutes 41 seconds West along said right of way line for 1017.93 feet to the point of beginning. Subject to a 66 foot roadway easement and any other easements of record.

AND

That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twelve (12), Township One Hundred Twenty-three (123) Range Twenty-eight (28), Stearns County, Minnesota lying Northeasterly of the Northeasterly right of way line of Interstate Highway Number 94.

AND

That part of Government Lot Three (3), that part of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) and that part of the West Half of the Southeast Quarter (W 1/2 of SE 1/4) of Section One (1), Township One Hundred Twenty-three (123), Range Twenty-eight (28), Stearns County, Minnesota lying Southwesterly of the Southwesterly right of way line of the Burlington Northern Railroad.

AND

That part of Government Lot One (1), Section Six (6), Township One Hundred Twenty-three (123), Range Twenty-seven (27), Stearns County, Minnesota lying Southwesterly of the Southwesterly right of way line of the Burlington Northern Railroad.

Less exceptions.

EXHIBIT 8

REC'D. BY
MMB JAN 27 2000

5.68 acres in the South East Quarter of the South East Quarter (SE $\frac{1}{4}$ - SE $\frac{1}{4}$) and Lot 1. beginning 1250 feet West and 1129 feet North of the South East corner, then North 383 feet and East 500 feet to the Burlington Northern Railroad (abandoned), then South East along the railroad 481 feet, then West 791 feet to the point of beginning, all being part of Section 1, Township 123, Range 28, Stearns County, Minnesota.

EXHIBIT C

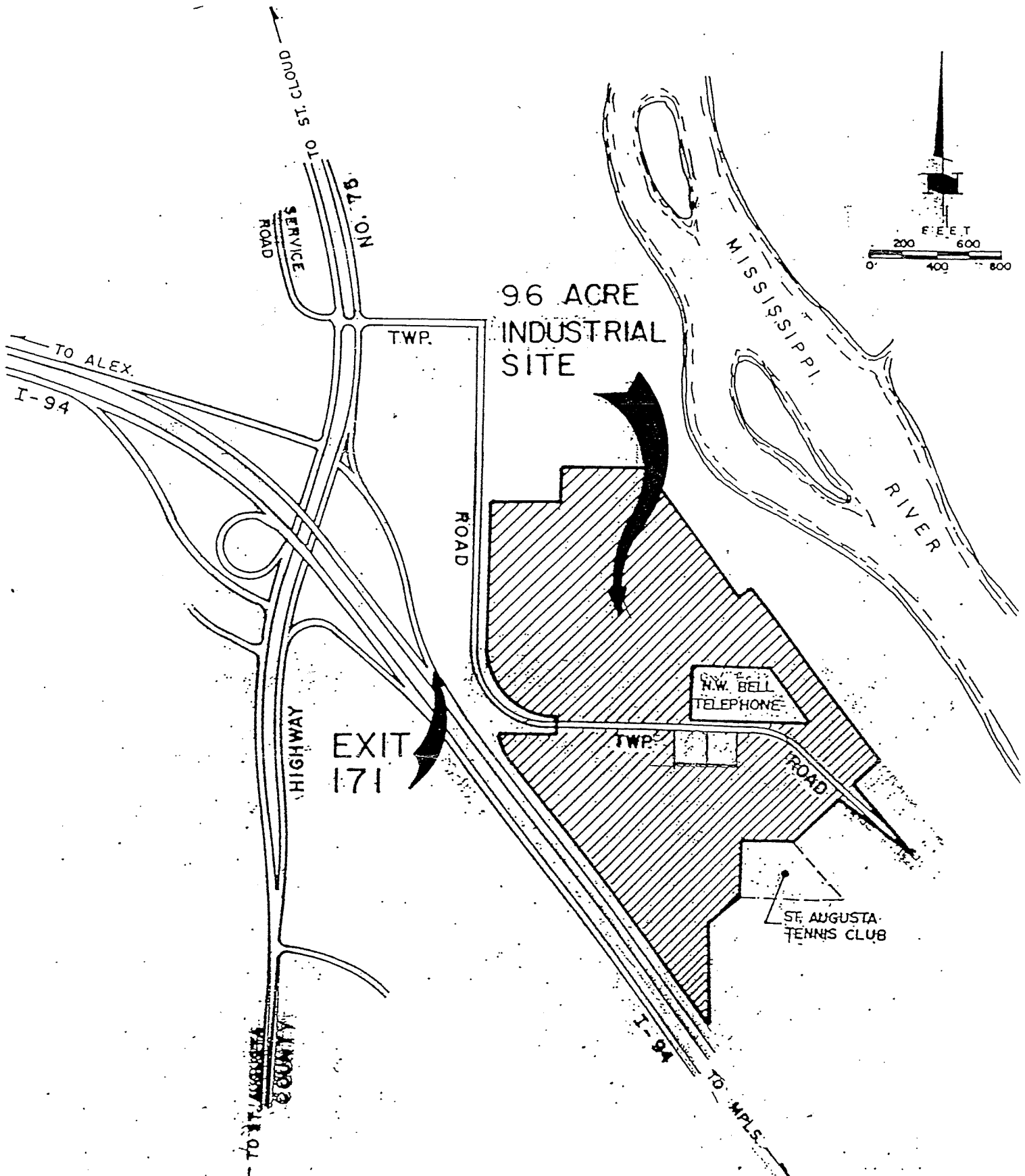


EXHIBIT D

