

Resolution 2013-017
Annexing Property Pursuant to Orderly Annexation Agreement
Pursuant to MN Statute §414.0325
(Annexation of US Corp of Engineer Property, 31-20790-007)

WHEREAS, the City and Township of St. Joseph entered into an Orderly Annexation Agreement approved by the Municipal Board on February 6, 1998 which identifies the terms and conditions for orderly annexation; and

WHEREAS, in 2006 the City and Township of St. Joseph amended the original agreement, now referred to as OA-1283, to include criteria for annexation which requires that either 100% of the affected property owners petition for annexation or the hearing process for annexation has been completed; and the property is contiguous to the City limits; and the City has the ability to immediately provide water/sewer services and the petitioner has the good faith intent to plat the property following annexation.

WHEREAS, the City and Township have identified time zones for annexation to assist with the orderly annexation process; and

WHEREAS, in 2010 the City and Township of St. Joseph clarified the process for annexation which allows property to be annexed to the City of St. Joseph by simple resolution of the St. Joseph City Council of the property being considered for annexation meet the criteria for annexation as identified in section 9(c) of OA-1283 (See Exhibit 1).

WHEREAS, on April 5, 2013 the City of St. Joseph received a petition for annexation dated March 27, 2013 signed by the Army Corps of Engineers, owner of the property located in Zone 2 of the Orderly Annexation Area. (See Exhibit 2, Application for Annexation with attached legal description).

WHEREAS, the property identified in Exhibit 2 is located in Orderly Annexation Zone 2 which lists a projected life expiration date of 2007. The agreement allows the City to annex property with it owns petition provided the conditions set forth in section 9(c) of OA-1283 are met.

WHEREAS, the property identified in Exhibit 2 is contiguous to the City limits and the City has received a development request from the Department of the Army Corp of Engineers to construct a 40,000 square foot training facility, to which water and sewer services will be provided immediately and the property owner has included in the application for annexation a statement of intent to plat. The request meets the conditions set forth in section 9(c) of OA-1283. (See Exhibit 1).

WHEREAS, the City agrees to reimburse the Township pursuant to Minnesota Statutes 414.036 and Section 8 of OA-1283, for the taxes to be collected on this property according to said schedule.

NOW THEREFORE BE IT RESOLVED:

1. The City of St. Joseph accepts the annexation petition of the Department of Army Corps of Engineers to annex the property identified in Exhibit A as the criteria for annexation have been met.

2. The City of St. Joseph is annexing the property on its own behalf permitted in section 9 of OA-1283. (See Exhibit 1).
3. (Property). That the following described land is subject to orderly annexation pursuant to Minnesota Statutes §414.0325, and that the City hereby requests that the land be immediately annexed:

A tract of land situated in the W ½ SE ¼, in Section 11, in Township 124 North, Range 29 West of the Fifth Principal Meridian, Stearns County, Minnesota, being more particularly described as follows:

*Commencing at the Southwest Comer of said W ½ SE ¼ ;
Thence North 88°57'55" East, assumed bearing, 49.50 feet along the South line of said W ½ SE ¼ ;
Thence North 00°49'56" West, 891.54 feet to the Southwest Corner of St. Joseph Business Park;
Thence North 89°10'04" East, 550.00 feet to the Southeast Corner of said Park and to the POINT OF BEGINNING;
Thence North 00°49'56" West 881.92 feet along the East line of said Park to the South line of Stearns County Highway Right-of-way Plat No. 5;
Thence South 66°02'44" West 762.17 feet along said Right-of-Way to the East line of said W ½ SE ¼ ;
Thence South 00°47'22" East 530.99 feet along said line;
Thence South 89°12'38" West, 250.00 feet;
Thence South 00°47'22" East, 31.58 feet;
Thence South 89°10'04" West, 441.54 feet to the point of beginning.*

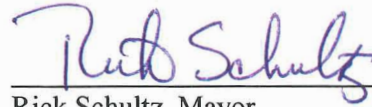
The tract of land herein described contains 11.29 acres, more or less.

4. (Acreage/Population/Usage). That the orderly annexation area consists of approximately 11.29 acres, more or less, the population in the area is 0, and that the land use type is B2-Highway Business.
5. (Jurisdiction). That OA-1283 confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said annexation in accordance with the terms of this resolutions and the Orderly Annexation Agreement with the Township. (See Exhibit 1).
6. (Municipal Reimbursement). Based on the 2013 Stearns County Tax data (see Exhibit 3), the parcel is not charged taxes, therefore the Township will not receive any tax reimbursements as a result of this annexation.
7. (Review and Comment). Pursuant to the Annexation Agreement, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

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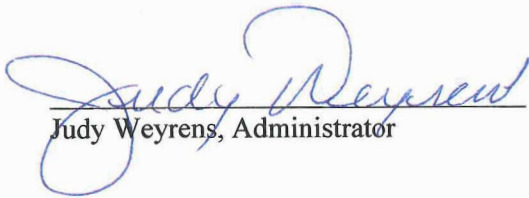
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Adopted this 18th day of April, 2013.



Rick Schultz, Mayor

ATTEST



Judy Weyrens, Administrator

2013 Annexation
United States Corp of Engineers
Construction of a training facility

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OFFICE OF COUNTY RECORDER
STEARNS COUNTY, MINNESOTA

Document: A1338765

Certified, Filed, and/or Recorded on

March 04, 2011 3:23 PM

DIANE GRUNDHOEFER
STEARNS COUNTY RECORDER



OFFICE OF REGISTRAR OF TITLES
STEARNS COUNTY, MINNESOTA

Document: T36820

Certified, Filed, and/or Recorded on

March 04, 2011 3:23 PM

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Certificate:

DIANE GRUNDHOEFER, REGISTRAR OF TITLES



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Certificate	Book	Page
4088	13	268
4094	13	274
4386	14	257
5072	16	312
5436	17	359
5467	18	5
5628	18	166
6236	20	155
6481	21	100
6632	21	251
7481	24	200
7482	24	201
7485	24	204
7492	24	211
7493	24	212
7494	24	213

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MAR - 4 2011
RANDY R. SCHREIFELS
COUNTY AUDITOR

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✓ Township of St Joseph

SCR 1 of 31

Exhibit 1

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TOWN OF ST. JOSEPH RESOLUTION NO. 2010-001

CITY OF ST JOSEPH RESOLUTION NO. 2010-038

JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF ST. JOSEPH AND THE CITY OF ST. JOSEPH, MINNESOTA

WHEREAS, the Town of St. Joseph (hereinafter referred to as the "Town") and the City of St. Joseph (hereinafter referred to as the "City"), both located entirely within Stearns County, in the State of Minnesota, have agreed that there is a clear need for a cooperative future planning effort for the land governed by the two jurisdictions; and,

WHEREAS, to this end, have met extensively in discussion and study of future planning issues as the Greater St. Joseph Area Committee; and,

WHEREAS, the Town Board and City Council have expressed their desire to encourage future development of land near the City so as to avail such development of municipal services as much as is practical;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow, that the City and Town enter into this Joint Resolution for Orderly Annexation.

1. Designation of Orderly Annexation Area. The Town and City desire to designate the area set forth on the map attached (Exhibit 4) and the legal descriptions attached (Exhibits 1,2 and 3) as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325.
2. Office of Administrative Hearings Jurisdiction. Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the Chief Administrative Law Judge of the Office of Administrative Hearings (hereinafter referred to as the "Office of Administrative Hearings") so as to accomplish said orderly annexations in accordance with the terms of this Joint Resolution.
3. No Alterations of Boundaries. The Town and City mutually agree and state that no alterations by the Office of Administrative Hearings of the stated boundaries of the area designated for orderly annexation is appropriate.
4. Review and Comment by the Office of Administrative Hearings. The Town and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the Office of Administrative Hearings is necessary. The Board may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution.
5. Planning and Land Use Control Authority. The Town and City mutually agree and state that within thirty (30) days of the effective date of the order establishing the Orderly Annexation area, a board will be established to exercise planning and land use control authority within the designated orderly annexation area pursuant to Minnesota Statutes, Section 414.0325, Subdivision 5c, in the manner prescribed by

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Minnesota Statutes 1976, Section 471.59, Subdivision 2 through 8, inclusive. The Town and City have executed a Memorandum of Understanding (MOU) cooperating with Stearns County to administer zoning regulations for the purpose of ensuring better consistency in land use regulations and in the implementation of the same.

In accordance with the executed MOU as referenced above the Town and City will create a Joint Planning Board which shall have exclusive authority over land use and zoning issues within the OA area. Any issues that would normally come before the Planning Commissions of either the City or the Town that involves land within the boundaries of the orderly annexation area described in Section One prior to annexation will be heard by a Joint Planning Board.

Membership of this Joint Planning Board shall be as follows:

- A. Three (3) members from the City Planning Board
- B. Three (3) members from the Town Planning Board
- C. One (1) member of the St. Joseph City Council.
- D. One (1) member of the Town Board.
- E. One (1) ex officio member of the County Board or the County Planning Commission

The Joint Planning Board shall serve as the "governing body" and "board of appeals and adjustments" for purposes of Minnesota Statutes Section 462.357 and 462.358 within the orderly annexation area. The Joint Planning Board shall have all of the powers contained in Minnesota Statutes Section 462.351 to 462.364, and shall have the authority to adopt and enforce the Uniform Fire Code promulgated pursuant to Minnesota Statutes Section 299F.011.

The responsibilities of the Joint Planning Board are those identified in the MOU referenced above and attached as Exhibit 5.

- 6. **Applicable Land Use Controls:** Prior to annexation, land use controls for the area designated for orderly annexation shall follow the terms and conditions outlined in the MOU referenced above and attached as exhibit 1; following annexation and upon the Town and City receiving notification from MN Planning that the annexation has been ordered, the ordinances of the City shall control. At this time the City shall serve as the "governing body."
- 7. **Tax Rate for Annexed Property:** When undeveloped land is annexed for the purpose of development, the City tax rate shall not apply until a plat has been recorded at the Stearns County Recorder's Office. Until that time the Town tax rate for the Urban Expansion District shall be used. All other properties annexed shall be taxed at the City tax rate upon completion of annexation.
- 8. **Municipal Reimbursement.** The City and Town mutually agree and state that, pursuant to Minnesota Statutes 414.036, a reimbursement from the City to the Town shall occur for the taxes collected on land annexed into the City, according to the following conditions:
 - A. All reimbursement will be based on the valuation and tax capacity of the land as it exists in the Town at the time of its annexation.

- B. The reimbursement on said land shall be based on a five (5) year schedule with a percentage of base taxes reimbursed to the Town as follows:

Year 1	60%
Year 2	50%
Year 3	40%
Year 4	30%
Year 5	20%

- C. At the sixth year, and every year thereafter, all pertinent tax revenues will be the property of the City.
 D. Any circumstances of extreme undue hardship may be cause for re-negotiation of this section on a case-by-case basis.

9. Conditions for Orderly Annexation.

- A. Zones 1, 2 and 3 in Prior Annexation Agreements.

The December 18, 1997 Annexation Agreement between the City and Town contain three zones which were to be annexed into the City over differing periods of time. The City and Town desire to maintain the zones for purposes of this Agreement. The zones are designated as:

ZONE	PROJECTED LIFE	LEGAL DESC.	MAP
Zone 1	0-1 Year (1997-2002)	Exhibit 1	Exhibit 4
Zone 2	6-10 Years (2003-2007)	Exhibit 2	Exhibit 4
Zone 3	11-20 Years (2008-2017)	Exhibit 3	Exhibit 4

The City will continue to make reasonable efforts to provide and plan for the possible extension of services into each zone within the projected life of each zone. Once the projected life of a zone has expired, such as is the case for Zone 1, the City may annex the property on the City's own petition for annexation and the annexation shall not be subject to the annexation petition requirements in paragraph 7B below, and shall not be subject to the Criteria for Annexation in paragraph 7C [1] below. The Township shall not object to such annexation petition by the City.

Zone 2 will expire on December 31, 2007. Zone 3 will expire on December 31, 2017.

Unless a petition of property owners for annexation has been filed with the City pursuant to paragraph 9B below, and the criteria for annexation as established in paragraph 9C below of this agreement is met, the City agrees not to petition for annexation of any area within Zone 2 until December 31, 2007, or unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in said zone by the MPCA or any other state or federal regulatory agency.

Unless a petition of property owners for annexation has been filed with the City pursuant to paragraph 9B below, and the criteria for annexation as established in paragraph 9C below of this agreement is met, the City agrees not to petition for

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annexation of any area within Zone 3 until December 31, 2017, or unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in said zone by the MPCA or any other state or federal regulatory agency.

For all areas within the annexation area between the City and Town which are not a part of Zone 1, Zone 2 and Zone 3, the City agrees not to petition for annexation of any area unless a petition of property owners for annexation has been filed with the City pursuant to paragraph 9B, Annexation Petition Requirements, and the Criteria for Annexation as established in paragraph 9C of this Agreement has been met.

B. Annexation Petition Requirements.

Subject to the exceptions in paragraph 7A above, the owners of at least sixty (60) percent of the parcels of property in the affected area must petition in order for the annexation to be considered.

If the owners of sixty (60) percent or more, but less than one hundred (100) percent of the parcels of property in the affected area petition for annexation, a joint hearing of both the Town Board and the City Council shall be called to consider the petition. The petition shall not be approved unless both the Town Board and City Council, voting as separate boards, approve the petition seeking annexation.

If the owners of one hundred (100) percent of the parcels of property in the affected area petition for annexation, the City Council will, as an agenda item at their next regular Council meeting, review the petition for consideration of annexation.

C. Criteria for Annexation.

Subject to the exceptions set forth in paragraph 7A above, the City and Township agree that, unless both the Township and City mutually agree to consider a specific annexation request, property will not be annexed unless all three of the criteria stated below are satisfied:

1. A petition for annexation has been received and either 100% of the property owners have petitioned to do so, or the subject property has completed the hearing process as hereinafter set forth, with approval of the proposed annexation being obtained from both the City and Township; and
2. The property for which annexation is sought is contiguous to the City Limits. For the purposes of this requirement, "contiguous" shall mean:
 - a. That the property is sought to be annexed abuts property within the City; or
 - b. That the property sought to be annexed would abut property within the City, but for the existence of an

intervening road right-of-way, the existence of the body of a river or the existence of the body of a lake. A road right-of-way (other than as if traversed across its width to get to the property to be annexed as provided for in this paragraph) shall not be used as a basis for a finding that said property abuts or is contiguous to property within the City; or

c. If only an apex of the property sought to be annexed abuts property within the City; and

3. The City has immediate ability to extend water and sewer services to the subject property and the property owner has a good faith intent to immediately plat the property for which annexation is sought. That following annexation, but before a building permit is issued by the City for the construction of any structures thereon, City water and sewer services must be provided to the structure for which any building permit is sought.

In the event that the City and Township mutually agree to consider an annexation request that does not meet all three (3) criteria established above, at least 60% of the affected property owners must submit a petition for annexation. In that event, a joint hearing of both the Town Board and the City Council shall be called to consider and act on the petition. The petition for annexation shall not be approved unless both the Town Board and the City Council, voting as separate bodies, approve the petition seeking annexation.

10. Periodic Review. The City and Town mutually agree and state that a periodic review of this agreement is to be conducted beginning three (3) years after the effective date of this agreement and every three (3) years thereafter. The Joint Planning Committee as described in Section 5 of this agreement shall be responsible for conducting this periodic review, and shall present a report of said review to both the City Council and Township Board for their consideration of any recommendations.
11. Authorization. The appropriate officers of the City and Town are hereby authorized to carry the terms of this Joint Resolution into effect.
12. Severability and Repealer. A determination that a provision of this joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein. Any prior agreement or joint resolution existing between the parties and affecting the property described in the attached Exhibits shall be considered repealed upon the effective date of this Joint Resolution.

Upon adoption of this Orderly Annexation Agreement by the City of St. Joseph and Township of St. Joseph, and approval by the Office of Administrative Hearings, the Joint Resolution as to Orderly Annexation, City of St. Joseph and Township of St. Joseph, dated October 2, 1975 and subsequently amended by joint resolution approved by the City of St. Joseph on April 16, 1987, and approved by the Town of St. Joseph on April 27, 1987 and subsequently amended by joint resolution approved by the City of St. Joseph on December 18, 1997 and approved by the


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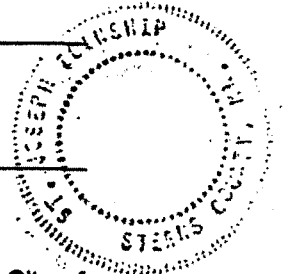
Town of St. Joseph on December 29, 1997, shall hereby be considered ~~re~~voked by the provisions of this Agreement.

13. Effective Date. This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Township and approved by the Office of Administrative Hearings.

Approved the 15 day of Dec, 2010, by the Town Board of the Town of St. Joseph.


Jeffrey Janssen, Chair


Anna Reischl, Clerk



Approved the 2nd day of December, 2010, by the City Council of the City of St. Joseph.


Al Rassier, Mayor


Judy Weyrens, Administrator

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Exhibit 1

0 - 5 Year Urban Service Area

Section 02-124-29
S ½ - SW ¼ West of CR 133

Section 03-124-29
So. 10 A of NE ¼ - SE ¼
SE ¼ - SE ¼
So. 30 A of SW ¼ - SE ¼
So. 30 A of SE ¼ - SW ¼
SW ¼ - SW ¼

Section 04-124-29
SE ¼ - SE ¼ No. of Sly R of Railroad

Section 09-124-29
NE ¼ - NE ¼ No. of Sly of Railroad
E ½ So. Of CSAH 75 Sly R/W Less City
S ½ - SW ¼ E of I-94 Ely R/W

Section 10-124-29
E ½ - NE ¼ No. of Nly R/W of Railroad Less City
NE ¼ - NW ¼ Less City
W ½ - NW ¼ Less City
SE ¼ - SW ¼ Less City
S ½ - SE ¼ Less City

Section 11-124-29
W ½ - NW ¼ Less City
E ½ - SW ¼ Less City

Section 14-124-29
N ½ - NW ¼ Less City

Section 15-124-29
N ½ - NE ¼ Less City
NW ¼ - NW ¼ Less City
NE ¼ - NW ¼ Less City

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Exhibit 2

6 - 10 Year Urban Service Area

Section 02-124-29
W ½ - SE ¼
NE ¼ - SW ¼
E ½ - NW ¼ - SW ¼

Section 03-124-29
PT TT → W ½ - NE ¼
PT TT → NW ¼
NW ¼ - SW ¼
NE ¼ - SW ¼
NW ¼ - SE ¼
No. 10 A of SE ¼ - SW ¼
No. 10 A of SW ¼ - SE ¼

Section 04-124-29
NE ¼ - SE ¼
NW ¼ - SE ¼ E of So. Fork Watab River
SW ¼ - SE ¼
SE ¼ - SE ¼ So. of Sly R/W of Railroad

Section 09-124-29
E ½ - NE ¼ So. of Sly R/W of Railroad and No. of Nly R/W of CSAH 75 Less City

Section 11-124-29
W ½ - E ½

Section 14-124-29
NW ¼ - NE ¼
W 792 Ft SW ¼ - NE ¼ Less Triangle, Containing 20 A.
S ½ - NW ¼
N ½ - NW ¼ - SW ¼
N ½ - NE ¼ - SW ¼

Section 15-124-29
NW ¼ - NW ¼ Less City
S ½ - NW ¼
N ½ - SW ¼
Section ¼ - SW ¼

Section 16-124-29
N ½ - NE ¼ Less City
S ½ - NE ¼ E of Ely R/W I-94
NW ¼ E of Ely R/W I-94
SE ¼ of Ely R/W I-94

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Exhibit 3

11 - 20 Year Urban Service Area

Section 01-124-29
Entire Section

Section 02-124-29
NE $\frac{1}{4}$
NW $\frac{1}{4}$
W $\frac{1}{2}$ - NW $\frac{1}{4}$ - SW $\frac{1}{4}$
E $\frac{1}{2}$ - SE $\frac{1}{4}$

Section 03-124-29
E $\frac{1}{2}$ - NE $\frac{1}{4}$
NE $\frac{1}{4}$ - SE $\frac{1}{4}$ Less Sly 10 A

Section 11-124-29
E $\frac{1}{2}$ - E $\frac{1}{2}$

Section 12-124-29
Entire Section

Section 13-124-29
That part of Section 13 North of the Sauk River

Section 14-124-29
That part of Section 14 North of the Sauk River described as follows:
E $\frac{1}{2}$ - NE $\frac{1}{4}$
E 792 Ft SW $\frac{1}{4}$ - NE $\frac{1}{4}$ Less Triangle, Containing 20 A
SE $\frac{1}{4}$
S $\frac{1}{2}$ - SW $\frac{1}{4}$
S $\frac{1}{2}$ - NW $\frac{1}{4}$ - SW $\frac{1}{4}$
S $\frac{1}{2}$ - NE $\frac{1}{4}$ - SW $\frac{1}{4}$

Section 15-124-29
S $\frac{1}{2}$ - NE $\frac{1}{4}$
SE $\frac{1}{4}$
SE $\frac{1}{4}$ - SW $\frac{1}{4}$

Section 21-124-29
That part of Section 21, Northeast of Interstate Highway I-94

Section 22-124-29
That part of Section 22, Northeast of Interstate Highway I-94 and North of the Sauk River

Section 23-124-29
That part of Section 23 North of the Sauk River

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Exhibit 3 - Cont'd

11 - 20 Year Urban Service Area
Area added 2006

Section 04-124-29

NW ¼

NE ¼

SW ¼

NW ¼ of the SE ¼ lying West of the centerline of the Watab Creek

Section 05-124-29

That part lying easterly and northeasterly of the easterly and northeasterly right-of-way line of

Interstate Highway Number 94

Section 08-124-29

That part lying easterly and northeasterly of the easterly and northeasterly right-of-way line of

Interstate Highway Number 94

Section 09-124-29

NW ¼

N ½

EXHIBIT 4

MAP

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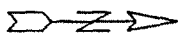
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EXHIBIT 4

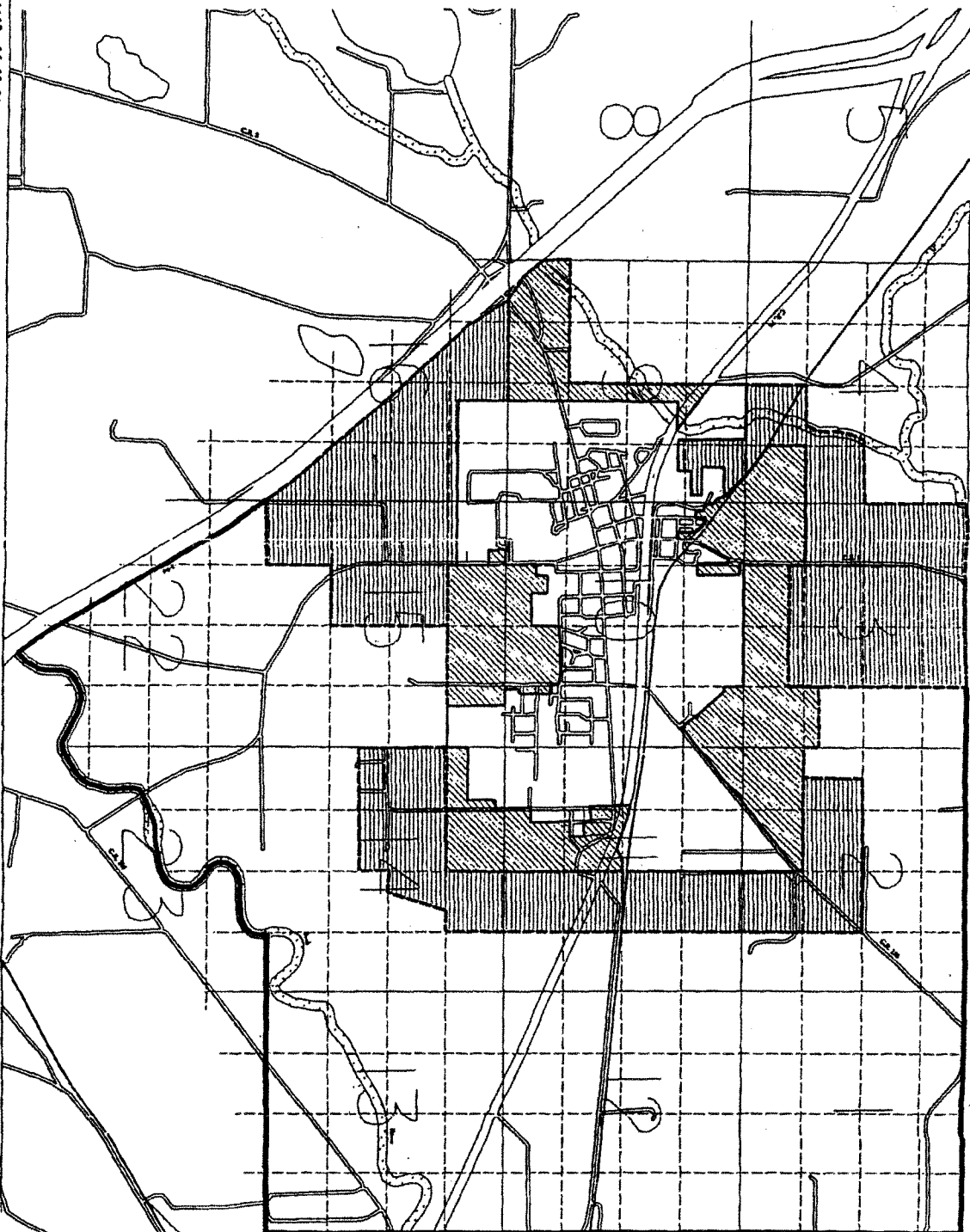


**FUTURE URBAN
SERVICE DISTRICTS**

-  0 to 5 Year Service Area
-  6 to 10 Year Service Area
-  11 to 20 Year Service Area
-  Existing St. Joseph City



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EXHIBIT 5
MEMORANDUM OF UNDERSTANDING

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MEMORANDUM

OF

UNDERSTANDING

Revised December 2, 2010

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**MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF STEARNS
THE TOWNSHIP OF ST. JOSEPH AND THE CITY OF ST. JOSEPH
(JOINT POWERS AGREEMENT)**

WHEREAS, Stearns County Land Use and Zoning Ordinance, Number 439 was effective June 22, 2010; and

WHEREAS, Section 1.4 of Stearns County Land Use and Zoning Ordinance Number 439 states that this Ordinance shall apply to all areas in Stearns County, Minnesota, "except as otherwise provided in law"; and

WHEREAS, Section 9.15 of Stearns County Land Use and Zoning Ordinance Number 439 (Attachment 1 hereto) addresses land use controls applicable in areas subject to orderly annexation areas;

WHEREAS, the final plat requirements of Section 5.5 of Stearns County Subdivision Ordinance Number 230; or successor ordinance, shall apply within the Town of St. Joseph orderly annexation areas; and

WHEREAS, Minnesota Statutes, Section 414.0325, subd. 5 provides that a joint resolution may provide for the establishment of a board to exercise planning and land use control authority within any area designated as an orderly annexation area; and

WHEREAS, the City of St. Joseph (the "City") and the Township of St. Joseph (the "Township") have signed such a joint resolution designating a portion of the Town of St. Joseph as an orderly annexation area ("OA area"), and in addition, have created the Township of St. Joseph - City of St. Joseph Joint Planning Board ("Joint Planning Board"), which has exclusive authority over land use and zoning issues within the OA area; and

WHEREAS, Stearns County (the "County") the Township and the City desire to enter into a Memorandum of Understanding in order to provide an opportunity to cooperate in administering zoning within the OA area for the purpose of ensuring better consistency in land use regulations and in the implementation of those regulations; and

WHEREAS, Minnesota Statutes Section 462.371 provides that any two or more counties, cities or towns may enter into an agreement under Minnesota Statute Section 471.59 for the conduct of regional planning activities under the Municipal Planning Act; and

WHEREAS, the County, the Township and the City desire to enter into this Memorandum of Understanding as a joint powers agreement under Minnesota Statute Section 471.59 to ensure mutual understanding of each party to this Memorandum of their respective duties and responsibilities related to land use issues; and

WHEREAS, the County, the Township and the City desire to streamline processes and provide efficient level of services to its residents by allowing the County to administer the applications in the OA area for items involving platting, administrative subdivisions, rezoning, variance/administrative appeals, and interim use and conditional use permits. The County will review applications for compliance, collect application fees, publish required legal notices, and will provide recommendations to the Joint Planning Board for consideration herein described in the Attachment 2; and

WHEREAS, the County will act as the Zoning Administrator, reviewing and overseeing all relevant zoning related matters in the OA area. They will administer all provisions of Stearns County Ordinances; or successor ordinances within the OA area of the OA area that are not

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specifically administered or enforced by the Township through this memorandum of understanding; and

WHEREAS, the Township will provide building, fire, and electrical code inspection services in the OA area; and

WHEREAS, all applicable Stearns County Regulations apply to the OA area unless otherwise specified through the Orderly Annexation Agreement or Memorandum of Understanding; and

WHEREAS, the Joint Planning Board will consist of eight members and one ex-officio member as follows: one member from St. Joseph Town Board, three members from St. Joseph Town Planning Commission, one member from City of St. Joseph City Council, and three members from the City of St. Joseph Planning Commission, and one ex-officio member from the Stearns County Board or Stearns County Planning Commission, will have final authority on all zoning matter described in Attachment 2 in the OA area; and

WHEREAS, upon adoption of this Memorandum of Understanding by the City, the Township and Stearns County, the previous MOU executed by the participating entities on the following dates:

City of St. Joseph March 11, 2002
Township of St. Joseph March 11, 2002
Stearns County March 19, 2002

shall hereby be considered rescinded and superseded by the provisions of this agreement.

NOW THEREFORE IT IS AGREED, by the County, the Township and the City to cooperate in administering their land use controls as set out in Attachment 2 of this Memorandum of Understanding. In considering land use applications the following additional provisions will apply:

1. The land use controls for the OA Area shall be the Stearns County Urban Expansion District (Section 9.15 of the Stearns County Land Use and Zoning Ordinance No. 439) (Attachment 1), except as limited in Attachment 2.
2. No property within the OA Area shall be rezoned prior to annexation without the approval of both the City and the Township.
3. Additional uses that may be allowed in the OA Area by Conditional Use Permit or Interim Use Permit shall be those as identified in Attachment 3 which is identical to the uses allowed in the City of St. Joseph Code of Ordinances.

County of Stearns

Date: 12/21/10

By: *Mark Sakry*, Chair
Stearns County Board of Commissioners

Date: 12/21/10

Attest: *Randy R. Schreifels*
Randy R. Schreifels
Stearns County Auditor-Treasurer
Clerk Stearns County

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Township of St. Joseph

Date: 12/15/10

By: *Jeffrey Jansen*
Jeffrey Jansen Board Chair
Township of St. Joseph

Date: 12/15/10

Attest: *Anna Reischl*
Anna Reischl Town Clerk
Township of St. Joseph

City of St. Joseph

Date: 12/2/10

By: *Al Rassier*
Al Rassier, Mayor
City of St. Joseph

Date: 12/2/10

Attest: *Judy Weyrans*
Judy Weyrans, Administrator
City of St. Joseph

ATTACHMENT 1
SECTION 9.15
STEARNS COUNTY LAND USE AND ZONING ORDINANCE

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9.15 Urban Expansion District (UE District)

9.15.1 Purpose

The purpose of this district is to enable the orderly and efficient staging of urban services, including wastewater, water, electric, gas, roads and communications in those areas where cities and townships have entered into an orderly annexation agreement (OAA). Urban services are extended more efficiently and land use patterns are more coherent when cities can grow without being hindered by large lot residential or commercial development. Residential development may only be allowed at a low density, not to exceed one residence per forty (40) acres and agriculture is the primary and preferred land use until annexation.

This district is intended to meet the goals of the Stearns County Comprehensive Plan by limiting barriers to efficient growth of cities and encouraging joint planning between cities and townships and is specifically directed by the following Stearns County Comprehensive Plan goals:

- A. Manage the impacts of growth and development on the County's rural character (Land Use Goal 3).
 - (1) Deter premature development in rural areas and in urban expansion areas around cities (Objective 3).
- B. Use existing infrastructure and resources efficiently (Land Use Goal 5).
 - (1) Coordinate infrastructure expansion with development; and encourage development where the infrastructure is adequate to serve that growth (Objective 1).

9.15.2 Relationship to Orderly Annexation Agreement

The Urban Expansion District regulates areas of Stearns County adjacent to incorporated municipalities in areas also subject to an Orderly Annexation Agreement (OAA) except those areas within Commercial, Industrial and Residential Manufactured Home districts. If an Orderly Annexation Agreement has been formally adopted by a township and city, the provisions of the OAA shall supersede the provisions of *Section 9 of this Ordinance* if they cover the same subject matter. For example, if the OAA specifically defines permitted uses to be allowed, the OAA listed uses supersede the permitted uses in *Section 9.15.3 of this Ordinance*; or, if the OAA is silent on lot coverage requirements, then the provisions in *Section 9.15.14 of this Ordinance* shall apply. All subdivision applications in the UED district shall be reviewed for consistency with the OAA by both the Township and the City affected.

9.15.3 Permitted Uses

The following uses are permitted subject to any applicable performance standards and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Agricultural operations

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- B. New animal feedlots, if not prohibited under the orderly annexation agreement, and subject to the provisions of *Section 6.7 of this Ordinance*
- C. Antennas - TV/radio receiving, short wave/private transmitting
- D. Essential services, transmission services and utility substations
- E. Family day care
- B. Group family day care
- F. Licensed residential program
- G. Licensed nonresidential program
- H. Public and private forest and game management areas
- I. Public parks and trails
- J. Seasonal produce stands which are accessory to agricultural operations
- K. Single family residential dwelling unit subject to the conditions of *Section 7.32 of this Ordinance*
- L. Wind energy conversion systems (less than 6kw)
- M. Any permitted land use expressly allowed under the terms of the orderly annexation agreement between the township and the city.

9.15.4 Provisional Uses

The following uses are provisional uses subject to the performance standards and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Bed and Breakfast Inns
- B. Government administrative and service buildings
- C. Greenhouses and nurseries
- D. Home extended businesses
- E. Home occupations
- F. Outdoor recreational facilities
- G. Temporary use sites in licensed resorts and campgrounds
- H. Temporary uses/special events
- I. Any provisional land use expressly allowed under the terms of the orderly annexation agreement between the township and the city.

9.15.5 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance standards and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory agricultural buildings subject to the conditions of *Sections 6.1 and 7.32 of this Ordinance*
- B. Accessory residential buildings subject to the conditions of *Sections 6.2 and 7.32 of this Ordinance*
- C. Kennels – private
- D. Solar energy systems – accessory
- E. Structures related to public airports
- F. Swimming pools
- G. Any accessory uses expressly allowed under the terms of the orderly annexation agreement between the township and the city.

9.15.6 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory structures subject to the conditions of *Section 6.1, 6.2 and 7.32 of this Ordinance*
- B. Agriculturally oriented businesses
- C. Animal feedlot expansions and modifications permitted by and subject to the provisions of *Section 6.7 of this Ordinance*
- D. Single family residential dwelling unit subject to the conditions of *Section 7.32 of this Ordinance*
- E. Cemeteries
- F. Churches
- G. Community buildings
- H. Commercial businesses, if allowed under the terms of the orderly annexation agreement.
- I. Concrete (ready mix) or asphalt mixing facility, permanent
- J. In-vessel composting facility or mortality incinerator
- K. Limited rural business
- L. Motor vehicle repair – accessory
- M. Schools-public or private
- N. Storage facilities, accessory agricultural building
- O. Transmission services
- P. Truck terminal – small
- Q. Wastewater treatment facilities
- R. Wind energy conversion systems (6kw to 40 KW)
- S. Any conditional land use expressly allowed under the terms of the orderly annexation agreement between the township and the city.

9.15.7 Interim Use Permits

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 4.18 of this Ordinance* and further subject to the performance standards and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Concrete (ready mix) or asphalt mixing facility, temporary
- B. One (1) temporary single family dwelling unit that is to be located in the existing farmyard
- C. Migrant and/or seasonal worker housing
- D. Mining
- E. Vacation/private home rental
- F. Any interim land use expressly allowed under the terms of the orderly annexation agreement between the township and the city.

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- (1) The property owner's total acreage owned within the Urban Expansion District, less and except land under the OHWL, shall be calculated.
 - (2) In the absence of a certificate of survey, the acreage listed in the Stearns County Auditor-Treasurer's Office property transfer records shall be used.
 - (3) Forty (40) acres for each existing residential dwelling and any equivalent land area previously restricted under provisions of *this Ordinance and/ or Stearns County Subdivision Ordinance Number 230; or successor ordinance*, shall be subtracted from the total acreage owned.
 - (4) The results from 1 and 2 above shall be divided by forty (40) acres and the quotient will be the number of eligible divisions that are permitted for the parcel. Decimals of less than .8 shall be reduced to the nearest whole number and decimals of .8 or greater shall be increased to the nearest whole number.
- E. Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed. The deed shall be accompanied by a Declaration of Restriction stating that the conveyance is for agricultural or other purposes which do not increase residential dwelling site density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to *Section 9.15.8 of this Ordinance*.
- F. The owners of an eligible parcel who execute a residential division for use as a residential dwelling site shall execute a Declaration of Restriction for a forty (40) acre equivalent land area which is defined as forty (40) acres less the acreage of the residential dwelling site that is to be conveyed. The Declaration of Restriction shall prohibit any additional residential development of the equivalent land area unless rezoned. No property conveyance shall occur unless the Declaration of Restriction is first recorded in the Office of the County Recorder.
- G. The equivalent land area shall have frontage on a public road, or must be held in common ownership with contiguous land that has public road frontage. Any residual lot or parcel shall have access to a public road.

9.15.10 Cluster Development

Cluster development is allowed in the Urban Expansion District as provided for in *Section 7.4.1 of this Ordinance* with the following additional requirements.

- A. Purpose. The purpose of cluster development in the UED is to encourage residential subdivision design that concentrates small residential lots in a specific area and is therefore more conducive to future development at urban densities. In the UED, land area in cluster developments that is not developed for residential sites remains in agricultural production or open space uses until the area is annexed and developed at urban densities.
- B. Density Bonus. Cluster developments in the UED district are eligible for a fifty (50) percent increase in residential density. To be eligible for the density

9.15.8 Residential Density Requirements

- A. One unit per forty (40) acres. Only one (1) single family residential dwelling unit shall be allowed per forty (40) acres.
- B. Residential density may be greater than one (1) unit per forty (40) acres if the Orderly Annexation Agreement specifically provides for a higher density.

9.15.9 Standard for Determining Permitted Residential Dwelling Sites

- A. Determining Parcels of Record. Certain parcels of record purchased under separate deed and not containing 40 acres may be allowed as residential building sites and shall be determined as follows:
 - (1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a parcel of record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a parcel of record may be combined with other tracts or parcels for the purpose of determining the number of permitted residential dwelling sites.
 - (2) Any non-contiguous tract or parcel that is in common ownership on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a parcel of record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a parcel of record may be combined with any other tract or parcel for the purpose of determining the number of permitted residential dwelling sites.
- B. Non-contiguous parcels under common ownership. Any non-contiguous tract or parcel that is in common ownership on April 21, 2000, and was purchased under the same deed prior to April 21, 2000, with any other tract or parcel shall not be considered a parcel of record.
- C. Eligible forty (40) acre parcels. An eligible forty (40) acre tract shall be any tract that does not contain any existing residential dwelling and meets one of the following:
 - (1) The tract contains forty (40) acres more or less and is described, for example, as the SW $\frac{1}{4}$, SW $\frac{1}{4}$ according to the Government Land Office survey grid system.
 - (2) The tract is described as an entire Government Lot and contains at least thirty five (35) acres.
 - (3) The tract contains forty (40) acres or more and is described by metes and bounds description. The right of way of any public road adjacent to and included in the description of said tract may be used for the forty (40) acre calculation.
- D. Calculating residential dwelling eligibility. Determining eligibility for a residential dwelling site shall be as follows:

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bonus, the provisions of *Section 7.4 and 9.15.10 of this Ordinance* shall be met.

- C. **Lot Area Requirements.** All residential lots within a cluster development in the Urban Expansion District shall be one (1) to one and one-half (1.5) acres in size, unless the lot is within the shoreland overlay district of a Natural Environment Lake. If the lot is within the shoreland overlay district of a Natural Environment Lake, the lot size shall be a eighty thousand (80,000) square feet as required by *Section 10.2.8(A)1 of this Ordinance*. The minimum lot size may be reduced, except within the shoreland overlay of a Natural Environment or Recreational Development Lake, to one-half (0.5) acre if a community subsurface sewage treatment system is installed. Lots created pursuant to *Section 9.15.10 of this Ordinance* after January 27, 2005 shall not be increased in size by means of an administrative subdivision or plat to exceed the maximum allowable lot size as specified in this paragraph.
- D. **Location of structures.** In the UED, consideration shall be given to the location of residential structures on lots in a cluster development. The location of structures shall be such that they will blend in to future urban development and not impede future resubdivision of the lot when urban services are available. For example, residential structures shall not be placed in the middle of a lot where a future lot line may logically be placed if the parcel is resubdivided; and residential structures shall be placed near the minimum front yard setback line in a manner similar to urban development.
- E. **Ghost platting required.** Ghost platting is required in cluster developments to facilitate the conversion of subdivisions from the UED district to urban development after annexation. The preliminary plat for a cluster development in the UED shall include a sketch plan of a subdivision of lots and public rights-of-ways depicting the future subdivision of the property at urban densities. The ghost plat sketch plan shall be consistent with the OAA. Lot sizes shall be similar to lot sizes planned in the OAA or with existing lot sizes of similar uses within the municipality. Public rights-of-ways shall be shown to connect with existing rights-of-ways or as extensions of the municipal street grid and shall connect to ghost-platted rights-of-way on adjacent parcels. See *Appendix F of this Ordinance* for an illustration of this requirement.
- F. **Deed covenants.** All lots within a cluster subdivision shall include a deed covenant disclosing that the reserved agricultural land or open space is intended for future development.

9.15.11 Lot Requirements for Non-Cluster Development

The following lot requirements shall apply unless expressly modified by the Orderly Annexation Agreement:

- A. **Lots of Record less than forty (40) acres.** A parcel of record that is determined as such pursuant to *Section 5.3.1 A of this Ordinance* that is less than forty (40) acres in size shall be allowed as a residential building site.
- B. **Dimensional standards.** The following standards shall apply to lots or tracts created in the Urban Expansion District:

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- (1) The minimum lot size for a single family residential dwelling shall be one (1) acre.
 - (2) The minimum median lot width shall be one hundred fifty (150) feet.
 - (3) For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance standards of *this Ordinance* for the proposed use and setback requirements of *Section 9.15.11 of this Ordinance* and the sewage treatment system standards of *this Ordinance*; or successor ordinance.
 - (4) The location of any lot in the Urban Expansion District that is to be used as a residential dwelling site shall be located so that the Residential Dwelling can meet the animal feedlot setback provisions of *Section 6.7.5 of this Ordinance*.
- C. Land uses restricted on small lots. In the Urban Expansion District only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-1 zoning district shall be allowed on a lot or tract less than ten (10) acres in area, except that a home extended business shall be allowed as a provisional use pursuant to *Section 4.22 of this Ordinance*. Setbacks for the R-1 zoning district shall be applicable to these lots or tracts. Lots or tracts with an animal feedlot shall meet the standards as provided in *Sections 6.7 and 7.16 of this Ordinance*.

9.15.12 Setback Requirements

Except as provided in *Section 9.15.10 B (5) of this Ordinance*, or in the Orderly Annexation Agreement, the following setback requirements shall apply:

A. Setbacks. Minimum building setbacks are listed below:

- (1) Side 50 feet
- (2) Rear 50 feet
- (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed ten (10) feet from the side lot line and ten (10) feet from the rear lot line.

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- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.
- B. Animal feedlots. If allowed under the Orderly Annexation Agreement, new and expanded animal feedlots and manure storage facilities shall meet the setback provisions of *Section 6.7.5 of this Ordinance* and all setbacks described in the OAA.
- C. Residential setbacks from feedlots. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.15.11A of this Ordinance*, shall also comply with the residential setbacks from an Animal Feedlot as provided in *Section 6.7.5 A of this Ordinance*.

9.15.13 Height Requirements

- A. Building height limited. Buildings, other than agricultural buildings, shall not exceed thirty five (35) feet in height except as provided in *Section 7.14 of this Ordinance*.
- B. Agricultural exemption. Agricultural buildings shall be exempt from the height requirements.

9.15.14 Lot Coverage

The maximum lot coverage shall be twenty five (25) percent.

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ATTACHMENT 2

A. *Land Use and Zoning Ordinance Provisions*

1. Residential accessory buildings shall meet the road setbacks and in no case shall they be located closer to the road than the residential dwelling.
2. No residential accessory building shall be located on a lot prior to the location of a residential dwelling on the same lot.
3. Any manufactured home to be used as a residential dwelling unit and located within the Urban Expansion Zone shall be no less than 24 feet in width and shall bear the Seal of Compliance issued by the State of Minnesota. Residential dwelling units shall be no less than 24 feet in width.
4. The transfer of residential development rights within the Township is prohibited in the OA area.
5. The transfer of residential development rights from another Township into St. Joseph Township is prohibited in the OA area.
6. The transfer of residential development rights from St. Joseph Township into another Township is prohibited in the OA area.
7. The following uses (as such are defined in the Stearns County Land Use and Zoning Ordinance) which are permitted or provisional uses in the Urban Expansion District shall require a conditional use permit in the OA Area:
 - a. Antennas – TV/Radio Receiving, Short Wave/Private Transmitting
 - b. Essential Services, Transmission Services and Utility Substations
 - c. Animal Feedlot expansions
 - d. Bed and Breakfast Inns
 - e. Government administrative and service buildings
 - f. Home extended businesses
 - g. Home occupations
 - h. Outdoor recreational facilities
 - i. Accessory agricultural buildings that are accessory to an Agricultural Operation
 - j. Accessory residential buildings
 - k. Kennels – private
 - l. Solar systems
 - m. Structures related to public airports
 - n. Any other uses determined by the Joint Planning Board to be similar in nature and impact to the permitted or conditional uses enumerated herein and which are in harmony with the City of St. Joseph Comprehensive Plan.
8. The following uses as such are defined in the Stearns County Land Use and Zoning Ordinance) which are permitted or provisional uses in the Urban

Expansion District shall require an interim use permit in the OA Area:

- a. Temporary uses/Special Events
- b. All uses under Section 9.15.7 of the Stearns County Land Use and Zoning Ordinance
- c. Any other uses determined by the Joint Planning Board to be similar in nature and impact to the conditional or interim uses enumerated herein and which are in harmony with the City of St. Joseph Comprehensive Plan

B. *Administrative Roles & Responsibilities*

1. The County shall review all applicable Ordinances, in the OA area, determining the appropriate levels of approval necessary for the applicant to proceed. They will review the applications for compliance and determine whether there is sufficient information for them to proceed.
2. The County will administer the applications in the OA area for items involving platting, rezoning, variance/administrative appeals, administrative subdivisions, interim use and conditional use permits. The County will review applications for compliance, collect application fees, develop the required legal notices, send the notification labels to the Township, and will provide recommendations to the Joint Planning Board for consideration. The County will collect the entire application fee and will reimburse the Town and the City their portions of the fee. The County's fee will consist of staff time and materials.
3. The Township will set the public hearing for the Joint Planning Board by sending out property owner notifications on joint City/Township letterhead. The County will send the notification to the official newspaper for publications. The Town and the City will post the public hearings in their respected jurisdictions.
4. The County will review any preliminary plat application with the Stearns County Platting Committee. The committee will provide the notice of the meeting to the City and the Township.
5. The County will forward the application and the Department's review to the City and Township for consideration at the Joint Planning Board public hearing.
6. The County will forward recommendations to the Township and the City. Recommendations will be based on the County's review of applicable regulations that apply to the OA area. Additional recommendations from the Township and the City can also be included based on any additional applicable regulations they have that would potentially impact the OA area.
7. The Township and the City will schedule bi-monthly meetings to be held on an as needed basis for the Joint Planning Board. The Town Board and the City Council shall establish fees for regular and special meeting of the Joint Planning Board.

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8. The Joint Planning Board will serve as the Board of Adjustment in the OA area and shall hold the public hearings on all applications for conditional use/interim use permits, variances, rezonings, platting, administrative subdivisions and administrative appeals. Except for rezonings, the Joint Planning Board who will have final authority on all matters listed above except that any aggrieved person or persons shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the Stearns County District Court. The Joint Planning Board shall serve as an advisory board and shall make recommendations on rezonings which shall be submitted to the Township and the City for final decision. Rezonings shall require the approval of both the Township and the City at a joint meeting.
9. The City and the Township will alternate staffing the Joint Planning Board meetings. Each party will agree to rotate the responsibility on an annual basis and will prepare agendas, take the minutes of the meetings, and handle the appropriate paper work associated with the meeting including notifying and recording the necessary permits associated with the action of the Joint Planning Board.
10. The County will issue site construction permits, and will issue preliminary enforcement letters to anyone not in compliance with the provisions set forth in zoning regulations or any other additional restrictions established by the Joint Planning Board. Further enforcement actions will be brought before the Joint Planning Board. Any relevant information will be forwarded to the Township and the City.
11. The Township shall issue all building permits, and conduct building inspections for each permit issued. The Township will provide the County and the City with copies of permits and inspection reports for any permit issued therefore on a monthly basis.
12. Any inconsistencies within the OA area will be brought to the attention of the Joint Planning Board for resolution.
13. Any ordinance revisions affecting the OA area shall be reviewed by the Joint Planning Board prior to adoption.
14. The Joint Planning Board shall regularly review the City of St. Joseph Comprehensive Plan.
15. This Memorandum of Understanding may be terminated by mutual agreement, however, if the parties are unable to mutually agree, then any party can unilaterally without cause terminate the Memorandum of Understanding on ninety (90) days written notice.
16. The parties shall obtain liability coverage for the activities to be conducted by the Joint Planning Board. The cost of such coverage shall be split equally by the City, the County and the Town.

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ATTACHMENT 3

The purpose of this attachment is to identify future land uses for property in the OA Area. The areas have been identified with a Planning District Number which corresponds to the City of St. Joseph Comprehensive Plan. The uses allowed in the district are the same uses identified in the City of St. Joseph Code of Ordinance.

When reviewing a land use application in the OA Area, the documents listed above should be reviewed to assure that permitted uses have not changed. This attachment is an illustration of uses at the time of execution of this agreement and are subject to change as the documents are amended.

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Subject to exceptions set forth in the Orerly Annexation Agreement, the City and Township agree that, unless both the Township and City mutually agree to consider a specific annexation request, property will not be annexed unless all three of the criteria stated below are satisfied:

1. A petition for annexation has been received and either 100% of the property owners have petitioned to do so, or the subject property has completed the hearing process and hereinafter set forth, with approval of the proposed annexation being obtained from both the City and Township.

The U.S. Government owns 100% of the property. The Army Reserve Center and supporting parking supports the Army Reserve mission requirements.

2. The property for which annexation is sought is contiguous to the City Limits. For the purposes of this requirement, "contiguous" shall mean:

a. That the property is sought to be annexed abuts property within the City; or

b. That the property sought to be annexed would abut property within the City, but for the existence of an Intervening road right-of-way, the existence of the body of a river or the existence of the body of a lake. A road right-of-way (other than as if traversed across its width to get to the property to be annexed as provide for in this paragraph) shall not be used as a basis fora finding that said property abuts or is contiguous to property within the City; or

c. If only an apex of the property sought to be annexed abuts property within the City

a. That the property is sought to be annexed abuts property within the City.

3. The City has immediate ability to extend water and sewer services to the subject property and the property owner has good faith intent to immediately plat the property for which annexation is sought. That following annexation, but before a building permit is issued by the City for the construction of any structures thereon, City water and sewer services must be provided to the structure for which any building permit is sought.

The City has immediate ability to extend water and sewer services to the subject property and the property owner has good faith intent to immediately plat the property for which annexation is sought.

In the event that the City and Township mutually agree to consider an annexation request that does not meet all three criteria established above, at least 60% of the affected property owners must submit a petition for annexation. In that event, a joint hearing of both the Town Board and the City Council shall be called to consider and act on the petition. The petition for annexation shall not be approved unless both the Town Board and the City Council, voting as separate bodies, approve the petition seeking annexation.

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Attached to this application, and made a part thereof, are other material submission data requirements, as indicated.

Applicant Signature: [Signature] Date: 4/5/13
Property Owner Signature: [Signature] Date: 3/27/2013

FOR OFFICE USE ONLY

Date application submitted: _____ Date application completed: _____

City Council Action: Approved Denied Date of Action: _____

Joint Powers Board: Public Hearing Scheduled Date of Hearing: _____
 Request Denied Date of Action: _____

City Action: Approved Denied Date of Action: _____

Township Action: Approved Denied Date of Action: _____

Date Applicant/Property owner notified of City/Township Action: _____

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EXHIBIT A

A tract of land situated in the W $\frac{1}{2}$ SE $\frac{1}{4}$, in Section 11, in Township 124 North, Range 29 West of the Fifth Principal Meridian, Stearns County, Minnesota, being more particularly described as follows:

Commencing at the Southwest Corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$;
Thence North 88°57'55" East, assumed bearing, 49.50 feet along the South line of said W $\frac{1}{2}$ SE $\frac{1}{4}$;
Thence North 00°49'56" West, 891.54 feet to the Southwest Corner of St. Joseph Business Park;
Thence North 89°10'04" East, 550.00 feet to the Southeast Corner of said Park and to the **POINT OF BEGINNING**;
Thence North 00°49'56" West, 881.92 feet along the East line of said Park to the South line of Stearns County Highway Right-of-Way Plat No. 5;
Thence South 66°02'44" West, 762.17 feet along said Right-of-Way to the East line of said W $\frac{1}{2}$ SE $\frac{1}{4}$;
Thence South 00°47'22" East, 530.99 feet along said line;
Thence South 89°12'38" West, 250.00 feet;
Thence South 00°47'22" East, 31.58 feet;
Thence South 89°10'04" west, 441.54 feet to the point of beginning.

The tract of land herein described contains 11.29 acres, more or less.

Parcel Information

Exhibit B

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Property Number	31.20790.0007
Roll Type	1 - Real Propert
Current Owner of Record	UNITED STATES OF AMERICA
Mailing Address	1616 CAPITAL ST
City, State, Zip	OMAHA NE 68102
Property Address	
City	
State	
Zip	
Tax Authority Group	3103 ST JOSEPH TWP 742
Section, Township, Range	Section 11 Township 124 Range 029
Deeded Acres	11.29
Legal Description	
Additional Legal Description	
Tax Year	2013
Assessment Year	2012
Taxpayer	UNITED STATES OF AMERICA
Address	1616 CAPITAL ST
City, State, Zip	OMAHA NE 68102
First Half Installment	\$0.00
First Half Due Date	05/15/2013
Second Half Installment	\$0.00
Second Half Due Date	
Total Tax	\$0.00
Taxable Market Value Total	\$0.00
Estimated Market Value Total	\$639,300.00
Green Acres	\$0.00
New Construction	\$0.00
Property Classification	5E-Exempt Properties

Exhibit 3