

BIG LAKE TOWNSHIP RESOLUTION NO. 2007-13
CITY OF BIG LAKE RESOLUTION NO. 2007-71

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF BIG LAKE AND THE TOWN
OF BIG LAKE DESIGNATING CERTAIN
AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

**JOINT RESOLUTION
FOR
ORDERLY ANNEXATION**

WHEREAS, The City of Big Lake ("City") and the Township of Big Lake ("Township") desire to enter into an agreement for the orderly annexation of certain property, legally described herein, pursuant to Minnesota Statutes, Section § 414.0325; and

WHEREAS, the City and Township agree that the properties legally described herein meet the definition for annexation as contained in applicable Minnesota Statutes; and

WHEREAS, it is in the best interest of the City, the Township and their respective residents to agree to orderly annexation in furtherance of orderly growth and the protection of the public health, safety, and welfare; and

WHEREAS, the City and the Township are in agreement as to the procedures and process for orderly annexation of said property described herein for the purpose of orderly, planned growth; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution for Orderly Annexation ("Joint Resolution"); and

WHEREAS, the City and Town have held a joint public informational meeting concerning the proposed adoption of this Joint Resolution in conformity with Minnesota Statutes, sections 414.031 and 414.0333.

NOW, THEREFORE BE IT RESOLVED by the City of Big Lake, Sherburne County, Minnesota, and the Township of Big Lake, Sherburne County, Minnesota, as follows:

1. **Filing of Joint Resolution:** Upon execution by the respective governing bodies of the City and Township, the City shall file this Joint Resolution with Office of Administrative Hearings, Municipal Boundary Adjustments within the Minnesota Department of Administration (or successor agency).

A. **Municipal Boundary Adjustment:** Upon approval by the respective governing bodies of the City and Town, this Joint Resolution shall confer

jurisdiction upon the Office of Administrative Hearings, Municipal Boundary Adjustments within the Minnesota Department of Administration, or any successor state official, office, or department (the "Director") to accomplish said annexation in accordance with the terms of this Joint Resolution.

- B. **Review and Comment by the Director:** The City and Town mutually agree and state that this Joint Resolution sets forth all the conditions for annexation and that no consideration by the Director is necessary for any annexations occurring within the Designated Area. Additionally, no alteration of the boundaries of the Designated Area or any of the sub-areas by the Director is appropriate. The Director may review and comment, but shall, within 30 days, order the requested annexations in accordance with the terms of this Joint Resolution.
- C. **Binding Contract:** This Joint Resolution is a contract binding upon the City and the Town and is enforceable in district court in Sherburne County, Minnesota.
- D. **Effective Date/Applicability:** This Joint Resolution is effective on the date it is adopted by the City and the Town, whichever is the second to act on this resolution. Annexations occurring as provided in this Joint Resolution shall be effective upon the issuance of the order by the Director. The provisions of this Joint Resolution shall be binding unless otherwise modified by a joint resolution of both the City and Town as provided herein.

2. **Designation of Annexation Area:** The following described lands will hereinafter be designated as the Orderly Annexation Area ("OAA") and said property is properly subject to orderly annexation pursuant to Minnesota Statute Section § 414.0325, Subdivision 1. The OAA is legally described in Exhibit A and illustrated on a Boundary Map marked as Exhibit B, both exhibits being attached hereto and incorporated herewith. In the event that there are errors, omissions or any other problems with the legal description or mapping provided in Exhibits A and B in the judgment of Minnesota Planning, the parties agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by Minnesota Planning as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.

3. **Interim Status:** All properties within the OAA shall remain in the Township until annexed to the City in accordance with the terms of this Joint Resolution.

4. **Annexation Procedure:** The City and the Town mutually state that properties lying within the OAA shall be annexed to the City by the Director upon receipt of the City's resolution when all of the Joint Resolution's terms and conditions have been satisfied including the following:

- A. **Property Within OAA:** Unless otherwise agreed to by the City and Town, the property to be annexed under this Joint Resolution must be located within the OAA.
- B. **Property Owner Petition:** A petition for the property to be annexed must be signed by 100% of the individual owners of the property proposed to be annexed. No application for annexation shall be deemed complete or accepted by the Director unless accompanied by said signed petition from the owner(s) of all property being annexed.

5. **Taxes to be Distributed to Township:** In the year of annexation and each year thereafter until provision of sanitary sewer service, the Township shall retain 100% of the property taxes payable in the year of annexation (levied by the Township the previous year). For purposes hereof, sanitary sewer service shall be deemed to have been provided to all properties within the OAA when a pipe capable of conveying sewage to the City's wastewater treatment plant is constructed in a road or easement on or adjacent to any property within the OAA.

In the first year following the provision of sanitary sewer service, the City shall make a cash payment to the Township in an amount equal to 80% of the property taxes collected by the City against the annexed area; in the second year, the City shall make a cash payment in an amount equal to 60% of such property taxes collected by the City; in the third year an amount equal to 40% of such property taxes collected by the City; and, finally, in the fourth year, an amount equal to 20% of such property taxes collected by the City. Any property taxes collected by the City as tax increments pursuant to a tax increment financing district shall not be eligible for reimbursement to the Township under this Agreement, but instead shall be applied consistent with the applicable tax increment financing plan. Property tax redistribution will cease after the fourth calendar year following the provision of the sanitary sewer services. Payments shall be made twice a year within 30 days of receipt thereof.

TAX SHARING CHART

Year of Provision of the sanitary sewer services	Township Tax Receipt
Year of annexation and every year thereafter until provision of the sanitary sewer services.	100% of Township property taxes every year prior to provision of the Services.
1 st Year after sanitary sewer services are Provided	80% of City property taxes collected
2 nd Year after sanitary sewer services are Provided	60% of City property taxes collected

3 rd Year after sanitary sewer services are Provided	40% of City property taxes collected
4 th Year after sanitary sewer services are Provided	20% of City property taxes collected

6. **Assessments & Capital Improvements:** Any assessments for public improvements benefiting the annexed property which are still due the Township will be collected by the City under its assessment collection procedure and such payments will be reimbursed to the Township until said assessments are paid in full. The Township will provide the City such information as is necessary to ensure the recovery of assessments. The City will reimburse the Township said assessment payments within thirty (30) days of City's receipt of the County's property tax reconciliation distributions. In the event that payment is received prior to the County property tax reconciliation distribution date to the City, the City will reimburse within thirty (30) days. The Township and City shall share and discuss capital improvement project plans that may impact areas adjacent to or within the OAA and may negotiate the payment for capital improvements, reimbursement and/or sharing of costs.

7. **Municipal Services:** Upon Annexation, or as soon thereafter as possible, the City shall provide the annexed properties the same services entitled to similarly situated properties within the jurisdiction of the City.

8. **Planning and Zoning Powers Agreement:** Under this joint Resolution and contingent on Sherburne County approval, the City shall be the planning authority within the OAA. The City's comprehensive plan, official controls, and building code shall apply fully and exclusively. The City shall serve as the "governing body", "planning agency", and "board of appeals and adjustments" for the purposes of Minnesota Statutes, sections 462.351 to 462.364, as amended, and shall have the authority to adopt and enforce the Uniform Fire Code promulgated pursuant to Minnesota Statutes, section 299F.011 within the OAA. The City will set the schedules for necessary zoning and planning fees within the OAA. Fees that are collected within the OAA will go to the City as the entity responsible for planning within the OAA.

9. **Term of Joint Resolution/Amendment:** This Joint Resolution shall be in full force and effect immediately upon the document being fully executed by all parties hereto, and shall terminate according to its terms. The on-going obligations for property tax distribution and assessment reimbursement set forth under Paragraphs 6 and 7 herein, shall survive and remain in full force and effect until those obligations are fully satisfied. The orderly annexation agreement memorialized in this Joint Resolution may be terminated earlier by mutual, written joint resolution of the City and Township. Similarly, this Joint Resolution also may be amended or changed upon mutual, written agreement of all the parties. City and Township representatives agree to meet from time to time and no less than at least once annually, to discuss requested or necessary modifications and amendments to this Joint Resolution.

10. **Governing Law:** This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

11. **Severability:** In the event that any portion of this Joint Resolution is declared null and void or unenforceable by a court of law, the validity of the remaining terms and provisions shall not be affected and the Joint Resolution shall be construed and enforced as if the Joint Resolution did not contain the particular term or provision held to be invalid. The City and Township agree to implement the procedures under Paragraph 15 to correct any such provision that was stricken.

12. **Responsibility for Costs.** The City and Township agree to share equally all fees related to the drafting and filing of this document. The City and Township shall pay their own respective attorney and planner fees and any other costs related to the review of this document.

13. **Entire Agreement:** The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

14. **Resolution of Disputes:** If there is a disagreement as to the interpretation or implementation of the Joint Resolution, the City and Township shall implement the below-outlined dispute resolution procedures in the following sequence:

- A. **Negotiation:** Representatives of the City and Township will meet a minimum of one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
- B. **Mediation:** If negotiation is not successful, parties shall participate in a minimum of one (1) mediation session with a mutually agreed upon mediator to resolve the dispute.
- C. **Adjudication:** If mediation is not successful, the parties may seek relief through initiation of an action in a court of competent jurisdiction, which may include, but not be limited to specific performance to compel the performance as outlined in this Joint Resolution. In addition to the remedies afforded to the parties through law and equity, the Court shall have the authority to award reasonable attorney fees, costs and expenses to a party found to be in violation of the terms of this agreement.

15. **Heading & Captions:** Headings and Captions are for convenience only and are not intended to alter any of the provisions of this joint resolution for orderly annexation.

FEB 04 2008

CITY OF BIG LAKE, MINNESOTA

ADOPTED by the City Council of the City of Big Lake this 27th day of June, 2007.

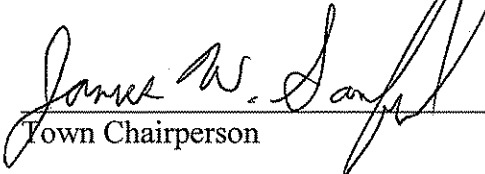

Mayor

ATTEST:

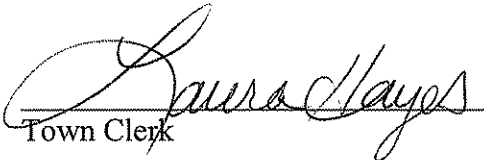

City Clerk

BIG LAKE TOWNSHIP, MINNESOTA

ADOPTED by the Township Board of Supervisors for the Township of Big Lake this
11th day of April, 2007.


Town Chairperson

ATTEST:


Town Clerk

REC'D BY
MAM

FEB 04 2008

Drafted by: City of Big Lake
160 Lake Street North
Big Lake, MN 55309

Attachments

Exhibit A: PID Legal Descriptions
Exhibit B: Boundary Map

REC'D BY
JAMR

FEB 04 2008

EXHIBIT A

PID Legal Descriptions

PID 10-548-0105
PID 10-548-0110
PID 10-548-0010
PID 10-548-0020

RECD BY
JAMES

FEB 04 2008

STATE OF MINNESOTA } ss.
COUNTY OF SHERBURNE
FILED

DEC 20 2007

CASE TYPE: 14

STATE OF MINNESOTA

PATRICIA A. KUKA
COURT ADMINISTRATOR
By *Kimberly M. Wells* Deputy

DISTRICT COURT

COUNTY OF SHERBURNE

TENTH JUDICIAL DISTRICT

Court File No. CV-07-206

In the Matter of the Application of:

Bridgeview Assembly of God Church, Inc.,
a Minnesota religious corporation,

INTERLOCUTORY ORDER
DETERMINING BOUNDARIES

To Register Title to Certain Land
Described in the Application Herein.

The above-entitled matter came on for hearing, Bradley V. Larson appearing as attorney for the Applicant, on December 20, 2007, at the Sherburne County Courthouse in Elk River, Minnesota, before the undersigned Judge, whom said matter has been duly referred to hear the evidence in said cause and report. Other appearances, if any, were noted on the record. It appears to the Court from the final Examiner's Report that all the requirements of Minnesota Statutes Section 508.01, et. seq. and other applicable law in respect to the Application herein and any amendments thereto have been complied with and that all of the Defendants in this proceeding have been duly served with process, as required by law, and it further appearing that no Answer or Notice of Appearance of any kind has been served or filed in said proceedings; except Calpas Properties, LLC and its'

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JAN 13

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lender Sherburne State Bank have consented to this proceeding, subject to the final Order determining that Calpas Properties, LLC is the registered owner of a portion of the property, as set forth in Sherburne County Document No. 645697, and Sherburne State Bank is the holder and owner of mortgages encumbering the Calpas property, recorded as Document Nos. 645669 and 645700. In the Final Order, a Certificate of Title will be issued in favor of the Applicant, and a second Certificate of Title will be issued in favor of Calpas Properties, LLC.

IT IS SO ORDERED, that a default as to each and every Defendant named in the Summons and any amendments or supplements thereto and all heirs and devisees of any of the persons named therein who are deceased and all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the Exhibit A (Bridgeview Assembly of God Church, Inc.) and Exhibit B (Calpas Properties, LLC) attached hereto, be and the same is hereby entered.

The Court having duly considered the Application, the Report of Examiner and the evidence adduced by the Applicant in support of its right to this Order, and being fully advised in the premises, finds that the Applicant has had the land involved herein surveyed by Bogart, Pederson & Associates, Inc., as evidenced by a plat of survey dated April 25, 2007, and filed herein showing the boundary lines of said premises claimed by the Applicant and that said boundary lines are as shown upon said plat.

IT IS THEREFORE ORDERED, that the Applicant proceed to have said Surveyors mark said boundary lines by placing Judicial Landmarks and that a plat of said

survey showing the location of each said Judicial Landmarks, certified as to location thereof, be then filed herein.

Subject also to the Order of this Court establishing and fixing boundaries to said land and Judicial Landmarks.

Dated: December 20, 2007




Judge of District Court

ROBERT B. VARCO

Approved:
Sherburne County Examiner of Titles

By



David J. Meyers, Examiner

EXHIBIT A

That part of Government Lots 3 and 4, Section 35, Township 33, Range 28, Sherburne County, Minnesota described as follows:

Commencing at the Northwest corner of said Government Lot 4, also being the Northwest corner of said Section 35; thence South 88 degrees 51 minutes 29 seconds East, assumed basis of bearings, along the North line of said Government Lot 4 for a distance of 1323.88 feet to the point of intersection of said North line with the Northerly extension of the East line of the duly recorded plat of STEPHEN'S POINT, said County and the Point of Beginning of the land to be described; thence South 00 degrees 01 minutes 28 seconds West along said Northerly extension for a distance of 278.62 feet to intersect the centerline of County State Aid Highway No. 11, said point of intersection also being the Northeast corner of said plat of STEPHEN'S POINT; thence South 46 degrees 48 minutes 48 seconds East along the centerline of said County State Aid Highway No. 11 for a distance of 849.33 feet; thence southeasterly 744.40 feet, along a tangential curve concave to the southwest, having a radius of 954.93 feet and a central angle of 44 degrees 39 minutes 51 seconds to intersect the southeasterly right of way line of 187th Avenue NW. (f.k.a. County Highway No. 50) as laid out from monuments "B23" through "B22" on the MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6, in said county, (said centerline passes through Judicial Landmarks set pursuant to Case No. CX-97213); thence North 36 degrees 22 minutes 19 seconds East, along said right of way line for a distance of 156.35 feet to said monument "B22"; thence North 79 degrees 22 minutes 21 seconds East, along the right of way line as laid out from monuments "B22" through "B21" of said right of way plat for a distance of 42.03 feet to intersect the following described "Line A":

Said Line A commences at the Northeast corner of said Government Lot 3; thence South 00 degrees 23 minutes 54 seconds West (assuming the North line of said Government Lot 3 has a bearing of South 88 degrees 51 minutes 29 seconds East) along the East line of said Government Lot 3 (per Torrens Case No. CX-97-213) for a distance of 1308.45 feet to the Northwest corner of Government Lot 2, said Section 35 and the Point of Beginning of said Line A; thence North 89 degrees 00 minutes 58 seconds West, along the westerly extension of the North line of said Government Lot 2, for a distance of 83.16 feet (1.26 chains); thence North 00 degrees 23 minutes 54 seconds East, parallel with the East line of said Government Lot 3, for a distance of 6.63 feet to a point distant 165.00 feet, as measured along said parallel line, north of the former north right of way line of Minnesota State Highway No. 25, said north right of way line being 50.00 feet north of, and at right angles to the former centerline of said highway, as shown on said right of way plat; thence South 73 degrees 53 minutes 41 seconds West, parallel with said north right of way line, for a distance of 200.00 feet; thence South 00 degrees 23

minutes 54 seconds West, parallel with the East line of said Government Lot 3, for a distance of 4.18 feet to intersect said right of way line as laid out from monuments "B22" through "B21" and there terminate said Line A.

Thence, from said point of intersection, northerly, easterly, southerly and easterly along said Line A to said Northwest corner of Government Lot 2; thence North 00 degrees 23 minutes 54 seconds East, along the East line of said Government Lot 3, for a distance of 1308.45 feet to the Northeast corner of said Government Lot 3; thence North 88 degrees 51 minutes 29 seconds West, along the North lines of said Government Lots 3 and 4, for a distance of 1338.55 feet to the point of beginning.

EXCEPT that part thereof known as Parcel 2B per said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6, in said county.

ALSO EXCEPT that part of Government Lot 3, Section 35, Township 33, Range 28, Sherburne County, Minnesota described as follows:

Commencing at the Northeast corner of said Government Lot 3; thence South 00 degrees 23 minutes 54 seconds West (assuming the North line of said Government Lot 3 has a bearing of South 88 degrees 51 minutes 29 seconds East) along the East line of said Government Lot 3 (per Torrens Case No. CX-97-213), for a distance of 740.51 feet to the Point of Beginning of the land described; thence South 21 degrees 38 minutes 11 seconds West for a distance of 451.82 feet to intersect a line 86.00 feet northeasterly of, parallel with, and at right angles to the northeasterly right of way line of County State Aid Highway No. 11, as laid out from monuments "B30" through "B1" per MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6, in said county; thence North 46 degrees 48 minutes 48 seconds West, along said parallel line for a distance of 442.85 feet; thence North 43 degrees 11 minutes 12 seconds East for a distance of 107.44 feet; thence northeasterly 157.80 feet, along a tangential curve concave to the northwest, having a radius of 333.00 feet and a central angle of 27 degrees 09 minutes 06 seconds; thence South 73 degrees 57 minutes 54 seconds East for a distance of 352.42 feet to the point of beginning.

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EXHIBIT B

That part of Government Lot 3, Section 35, Township 33, Range 28, Sherburne County, Minnesota described as follows:

Commencing at the Northeast corner of said Government Lot 3; thence South 00 degrees 23 minutes 54 seconds West (assuming the North line of said Government Lot 3 has a bearing of South 88 degrees 51 minutes 29 seconds East) along the East line of said Government Lot 3 (per Torrens Case No. CX-97-213), for a distance of 740.51 feet to the Point of Beginning of the land described; thence South 21 degrees 38 minutes 11 seconds West for a distance of 451.82 feet to intersect a line 86.00 feet northeasterly of, parallel with, and at right angles to the northeasterly right of way line of County State Aid Highway No. 11, as laid out from monuments "B30" through "B1" per MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6, in said county; thence North 46 degrees 48 minutes 48 seconds West, along said parallel line for a distance of 442.85 feet; thence North 43 degrees 11 minutes 12 seconds East for a distance of 107.44 feet; thence northeasterly 157.80 feet, along a tangential curve concave to the northwest, having a radius of 333.00 feet and a central angle of 27 degrees 09 minutes 06 seconds; thence South 73 degrees 57 minutes 54 seconds East for a distance of 352.42 feet to the point of beginning.

FEB 04 2008

03-JUL-2007 01:35PM FROM-

T-664 P.001/002 F-003

Certificate of Title

Certificate No: 7716.0

TRANSFER FROM NO. 6082 registered 09/19/1998 Volume 20 Page 11
 ORIGINALLY REG. NO. 5976 dated 10/08/1997 Volume 19 Page 274
 ORIGINALLY REG. NO. 5977 dated 10/08/1997 Volume 19 Page 275
 ORIGINALLY REG. NO. 5978 dated 10/08/1997 Volume 19 Page 276

State of Minnesota, County of Sherburne

PARCEL A

ALL THAT PART OF GOVERNMENTS LOTS 2 AND 4, SECTION 35, TOWNSHIP 33, RANGE 28, SHERBURNE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 4, ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 35; THENCE SOUTH 88 DEGREES 51 MINUTES 29 SECONDS EAST, ASSUMED BASIS OF BEARINGS ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 4 FOR A DISTANCE OF 1323.88 FEET TO THE POINT OF INTERSECTION OF SAID NORTH LINE WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF THE DULY RECORDED PLAT OF STEPHEN'S POINT, SAID COUNTY; THENCE SOUTH 0 DEGREES 01 MINUTES 28 SECONDS WEST ALONG SAID NORTHERLY EXTENSION FOR A DISTANCE OF 278.62 FEET TO INTERSECT THE CENTERLINE OF COUNTY STATE AID HIGHWAY NO. 11, SAID POINT OF INTERSECTION ALSO BEING THE NORTHEAST CORNER OF SAID PLAT OF STEPHEN'S POINT AS WELL AS THE ACTUAL POINT OF BEGINNING OF THE LAND TO BE HEREBY DESCRIBED; THENCE CONTINUE SOUTH 0 DEGREES 01 MINUTES 28 SECONDS WEST ALONG SAID EAST LINE OF STEPHEN'S POINT FOR A DISTANCE OF 561.35 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 342.46 FEET; THENCE SOUTH 46 DEGREES 42 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 377.09 FEET; THENCE SOUTH 26 DEGREES 02 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 181.90 FEET; THENCE SOUTH 86 DEGREES 19 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 83.16 FEET; THENCE SOUTH 1 DEGREE 26 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 420.25 FEET, MORE OR LESS, TO INTERSECT THE NORTHWESTERLY LINE OF THE RIGHT-OF-WAY OF COUNTY ROAD NO. 50 BEING THE CURVE CONNECTING MNDOT MONUMENTS NO. B25 AND B26 ON THE DULY RECORDED PLAT OF MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6; THENCE NORTHEASTERLY ALONG SAID CURVE WITH A RADIUS OF 414.19 FEET, CONCAVE TO THE NORTHWEST FOR A CENTRAL ANGLE OF 37 DEGREES 21 MINUTES 29 SECONDS AND LENGTH 270.06 FEET, MORE OR LESS, TO SAID MNDOT MONUMENT NO. B26 (THE CHORD OF SAID CURVE BEARS NORTH 55 DEGREES 03 MINUTES 03 SECONDS EAST); THENCE NORTH 36 DEGREES 22 MINUTES 19 SECONDS EAST, TANGENT TO SAID CURVE AND ALONG SAID NORTHWESTERLY LINE OF THE RIGHT-OF-WAY OF COUNTY ROAD NO. 50 FOR A DISTANCE OF 141.15 FEET, MORE OR LESS, TO INTERSECT THE FOLLOWING DESCRIBED CENTERLINE: SAID CENTERLINE BEING DESCRIBED AS BEGINNING AT THE ABOVE DESCRIBED POINT OF BEGINNING; THENCE SOUTH 46 DEGREES 48 MINUTES 48 SECONDS EAST ALONG THE CENTERLINE OF SAID COUNTY STATE AID HIGHWAY NO. 11 FOR A DISTANCE OF 849.33 FEET TO A POINT TO BE HEREAFTER KNOWN AS "POINT A" FOR THE PURPOSES OF THIS DESCRIPTION; THENCE CONTINUE SOUTHEASTERLY ALONG SAID CENTERLINE BEING A TANGENTIAL CURVE

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CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 954.93 FEET FOR A CENTRAL ANGLE OF 38 DEGREES 44 MINUTES 56 SECONDS AND LENGTH 645.82 FEET, MORE OR LESS, TO INTERSECT SAID NORTHWESTERLY LINE OF THE RIGHT-OF-WAY OF COUNTY ROAD NO. 50 AS SHOWN ON SAID RIGHT-OF-WAY PLAT.

THENCE FROM SAID POINT OF INTERSECTION, NORTHWESTERLY ALONG SAID CURVE AND CENTERLINE TO SAID POINT A; THENCE NORTH 46 DEGREES 48 MINUTES 48 SECONDS WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 849.33 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM ALL THAT PART THEREOF LYING WITHIN SAID MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6. SUBJECT TO THAT PART THEREOF TAKEN FOR SAID COUNTY STATE AID HIGHWAY NO. 11 OVER AND ACROSS THAT PART OF THE NORTHEASTERLY 50 FEET THEREOF AS MEASURED AT RIGHT ANGLES TO SAID CENTERLINE AND LYING WEST OF SAID PART THEREOF LYING WITHIN SAID MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6. SAID PARCEL A CONTAINING 7.90 ACRES, MORE OR LESS, EXCLUSIVE OF SAID RIGHT-OF-WAY.

SUBJECT TO THE PROPRIETARY AND SOVEREIGN RIGHTS OF THE STATE OF MINNESOTA IN ALL THAT PORTION OF THE LAND LYING BELOW THE NATURAL ORDINARY HIGH WATERMARK THEREOF; NOT INTENDING HOWEVER, TO DEPRIVE THE FEE OWNERS OF THE USUAL REPARIAN RIGHTS THAT ATTACH TO THE LAND REPARIAN TO A NAVIGABLE PUBLIC BODY OF WATER INCIDENT TO THE OWNERSHIP THEREOF.

SUBJECT TO AN EASEMENT HELD BY NORTHERN STATES POWER COMPANY OVER PARCEL A LYING SOUTHERLY OF A LINE DESCRIBED AS COMMENCING AT THE MOST SOUTHERLY CORNER OF PARCEL A. AS SAID PARCEL A IS DESCRIBED IN THE LEGAL DESCRIPTION OF THE LAND UNDER REGISTRATION HEREIN, (SAID POINT BEING ON THE NORTHWESTERLY LINE OF THE RIGHT-OF-WAY OF COUNTY ROAD NO. 50, ON THE CURVE CONNECTING MNDOT MONUMENTS NOS. B25 AND B26 ON THE MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6 AND DENOTED BY A JUDICIAL LANDMARK); THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID PARCEL A A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE DEFLECTING TO THE RIGHT 90 DEGREES 00 MINUTES 00 SECONDS EASTERLY TO THE POINT OF INTERSECTION WITH SAID COUNTY ROAD NO. 50 AND SAID LINE THERE TERMINATING.

Subject to the encumbrances, liens and interest noted by the memorial underwritten or endorsed hereon; and subject to the following rights, or encumbrances subsisting, as provided in M.S. Section 508.25 namely;

1. Liens, claims, or rights arising or existing under the laws or Constitution of the United States, which this state cannot require to appear of record;
2. The lien of any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises thereunder;
4. All rights in public highways upon the land;
5. The right of appeal or right to appear and contest the application, as is allowed by the chapter;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17;

In Witness Whereof,

I have hereunto subscribed my name and affixed the seal of my office this 4th day of May, 2004.

Michelle Ashe
Registrar of Titles
In and for the
County of Sherburne
State of Minnesota

By _____

<http://www.co.sherburne.mn.us/LandShark/getcert.jsp?CertNum=7716&pages=1&UpdateB...> 7/3/2007

FEB 04 2008

DESCRIPTION:

All that part of Government Lots 3 and 4, Section 35, Township 33, Range 28, Sherburne County, Minnesota, described as follows:

Commencing at the northwest corner of said Government Lot 4, also being the northwest corner of said Section 35; thence South 88 degrees 51 minutes 29 seconds East, assumed basis of bearings, along the north line of said Government Lot 4 for a distance of 1323.88 feet to the point of intersection of said north line with the northerly extension of the east line of the duly recorded plat of STEPHEN'S POINT, said County; thence South 0 degrees 01 minutes 28 seconds West along said northerly extension for a distance of 278.62 feet to intersect the centerline of County State Aid Highway No. 11, said point of intersection also being the northeast corner of said plat of STEPHEN'S POINT; thence continue South 0 degrees 01 minutes 28 seconds West along said east line of STEPHEN'S POINT for a distance of 561.35 feet to the point of beginning of the land to be described, said point also marked by Judicial Landmark described and set pursuant to Torrens case No. CX-97-213; thence North 89 degrees 58 minutes 25 seconds East, a distance of 342.46 feet to a point marked by Judicial Landmark set pursuant to said case no. CX-97-213; thence South 46 degrees 42 minutes 33 seconds East, a distance of 377.09 feet to a point marked by Judicial Landmark set pursuant to said case no. CX-97-213; thence South 26 degrees 02 minutes 32 seconds West, a distance of 181.90 feet to a point marked by Judicial Landmark set pursuant to said case no. CX-97-213; thence North 86 degrees 10 minutes 56 seconds West, a distance of 226.34 feet; thence South 0 degrees 31 minutes 31 seconds East, a distance of 166.14 feet; thence North 35 degrees 58 minutes 17 seconds West, a distance of 290.84 feet; thence South 54 degrees 00 minutes 18 seconds West, a distance of 175.65 feet to the southerly extension of the said east line of STEPHEN'S POINT; thence North 0 degrees 01 minutes 28 seconds East along said east line and its extensions, a distance of 440.76 to the point of beginning, and there terminating.

PID 10-335-2145

That part of Government Lot 3 of Section 35, Township 33, Range 28, Sherburne County, Minnesota, described as follows: Commencing at Point B-22 of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6, according to the recorded plat thereof; thence on an assumed bearing of South 36 degrees 22 minutes 53 seconds West, a distance of 223.58 feet to Point B-23 of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6; thence southwesterly along a tangential curve concave to the northwest having a radius of 480.19 feet and a central angle of 13 degrees 04 minutes 27 seconds, a distance of 109.57 feet; thence south 58 degrees 56 minutes 05 seconds East not tangent to said curve, a distance of 48.20 feet to the point of beginning of the land to be described; thence return North 58 degrees 56 minutes 05 seconds West, a distance of 48.20 feet; thence southwesterly along a non-tangential curve concave to the northwest having a radius of 480.19 feet and a central angle of 33 degrees 25 minutes 23 seconds, a distance of 280.12 feet, the chord of said curve bears South 66 degrees 10 minutes 02 seconds West; thence south 29 degrees 04 minutes 34 seconds West not tangent to said curve, a distance of 124 feet more or less to the shoreline of the Mississippi River; thence southeasterly along said shoreline, a distance of 247 feet more or less to the intersection of a line bearing South 24 degrees 12 minutes 20 seconds West from the point of beginning; thence North 24 degrees 12 minutes 20 seconds East, a distance of 279 feet more or less to the point of beginning.

(continued)

Legal Description

That part of Government Lot 3 of Section 35, Township 33, Range 28, Sherburne County, Minnesota described as follows: Beginning at Point B-22 of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6, according to the recorded plat thereof; thence on an assumed bearing of South 36 degrees 22 minutes 53 seconds West, a distance of 223.58 feet to Point B-23 of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 71-6; (for the purposes of this description Points B-22, B-23, B-15, B-16, B-17, B-18, B-19, B-20, B-21 are of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT No. 71-6) thence southwesterly along a tangential curve concave to the northwest having a radius of 480.19 feet and a central angle of 13 degrees 04 minutes 27 seconds, a distance of 109.57 feet; thence South 58 degrees 56 minutes 05 seconds East not tangent to said curve, a distance of 48.20 feet; thence South 24 degrees 12 minutes 20 seconds West, a distance of 279 feet more or less to the shoreline of the Mississippi River; thence southeasterly along said shoreline, a distance of 199 feet more or less to the intersection with a line drawn between said Points B-16 and B-15, said intersection line bearing South 40 degrees 39 minutes 23 seconds West; thence North 40 degrees 39 minutes 23 seconds East along said intersection line, a distance of 223 feet more or less to said Point B-16; thence South 77 degrees 59 minutes 06 seconds East, a distance of 28.49 feet to the said Point B-17; thence North 40 degrees 39 minutes 23 seconds East, a distance of 77.06 feet to said Point B-18; thence northeasterly along a tangential curve concave to the southeast having a radius of 1687.03 feet and a central angle of 7 degrees 48 minutes 55 seconds, a distance of 230.12 feet to said Point B-19; thence North 1 degree 15 minutes 25 seconds East not tangent to said curve, a distance of 66.83 feet to said Point B-20; thence North 46 degrees 48 minutes 14 seconds West, a distance of 274.81 feet to said Point B-21; thence south 79 degrees 22 minutes 55 seconds West, a distance of 87.36 feet to the point of beginning.

EXCEPT THE FOLLOWING TWO TRACTS OF LAND:

- 1) That part of Government Lot 3, Section 35, Township 33, Range 28, Sherburne County, Minnesota described as follows: Commencing at the northwest corner of Government Lot 2 of said Section 35; thence west on the extension of the north line of said Government Lot 2, a distance of 1.26 chains; thence north and parallel to the east line of said Government Lot 3 to a point which is 165 feet north of the former north right of way line of Minnesota State Highway No. 25; thence southwesterly and parallel to the former centerline of said Minnesota State Highway No. 25 for a distance of 100.00 feet to the point of beginning of the tract to be described; thence continue on the last named course for a distance of 100.00 feet; thence south and parallel to the east line of said Government Lot 3 to said former centerline of Minnesota State Highway No. 25; thence northeasterly along said former centerline of Minnesota State Highway No. 25 for a distance of 100.00 feet; thence north and parallel to the east line of said Government Lot 3 to the point of beginning.

(continued)

2) That part of Government Lot 3, Section 35, Township 33, Range 28, Sherburne County, Minnesota described as follows: Commencing at the northwest corner of Government Lot 2 of said Section 35; thence west on the extension of the north line of said Government Lot 2, a distance of 83.16 feet; thence north parallel with the east line of said Government Lot 3 to a point distant 165.00 feet north of the former north right of way line of Minnesota State Highway No. 25, said former north right of way line being distant 50.00 feet north of and measured at a right angle from the former centerline of said highway; thence southwesterly parallel with said former north right of way, a distance of 200.00 feet; thence south, parallel with the east line of said Government Lot 3, a distance of 7.90 feet to the intersection with a line connecting Points B-22 and B-21 of MINNESOTA DEPARTMENT OF TRANSPORTATION PLAT NO. 71-6, according to the recorded plat thereof, said point of intersection being the point of beginning of the land to be described; thence continue south, parallel with said east line of Government Lot 3, a distance of 161.36 feet, more or less, to said former right of way line of Minnesota State Highway No. 25; thence westerly along said former northerly right of way line of Minnesota State Highway No. 25, a distance of 5.29 feet more or less to a point on the former north right of way line of said Minnesota State Highway No. 25 distant 88.00 feet easterly of the intersection of said former northerly right of way line of Minnesota State Highway No. 25 with the former easterly right of way line of Sherburne County State Aid Highway No. 11, said former easterly right of way line of Sherburne County State Aid Highway No. 11 being 50.00 feet easterly of, measured at a right angle with and parallel with the former centerline of said Sherburne County State Aid Highway No. 11; thence northwesterly 105.63 feet, more or less to a point on said former easterly right of way line of Sherburne County State Aid Highway No. 11 distant 100.00 feet northerly from the intersection of said former easterly right of way line of Sherburne County State Aid Highway No. 11 with said former northerly right of way line of Minnesota State Highway No. 25; thence northerly along said former easterly right of way of Sherburne County State Aid Highway No. 11, a distance of 22.42 feet, more or less to the intersection with a line connecting points B-23 and B-22 of said MINNESOTA DEPARTMENT OF TRANSPORTATION PLAT NO. 71-6; thence northeasterly along said line connecting Points B-23 and B-22, a distance of 82.23 feet to said Point B-22; thence northeasterly along said line connecting Points B-22 and B-21, a distance of 41.51 feet to the point of beginning; according to the United States Government Survey thereof.

RECD BY
MAB

FEB 04 2008

REC'D BY
MMB

FEB 04 2008

EXHIBIT B

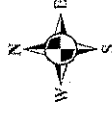
Boundary Map

City of Big Lake

Base Map



City Limits/Orderly Annexation Area

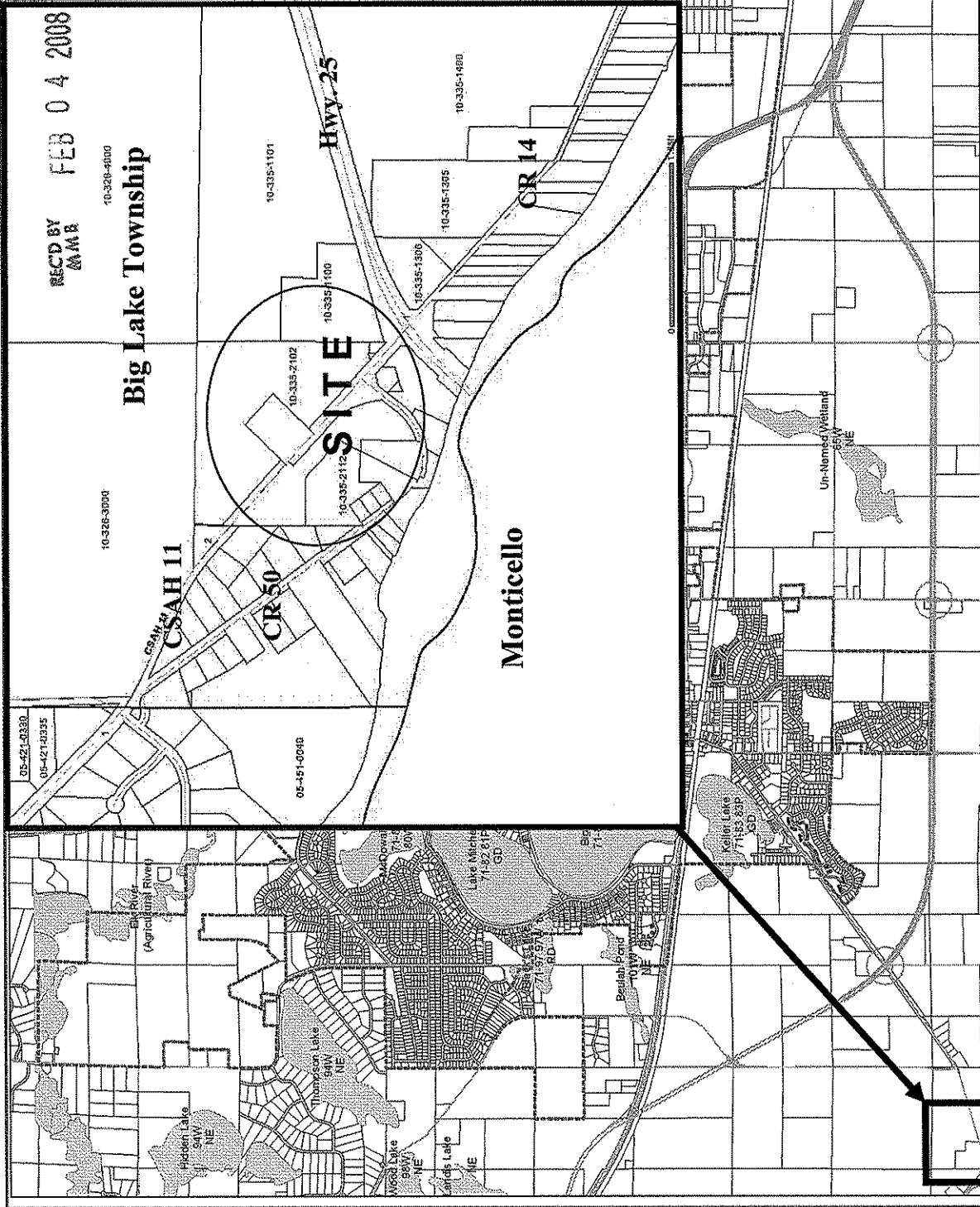


Mode of Transportation	Miles
Car	0.75
Train	0.5
Boat	0.25
Plane	0.25

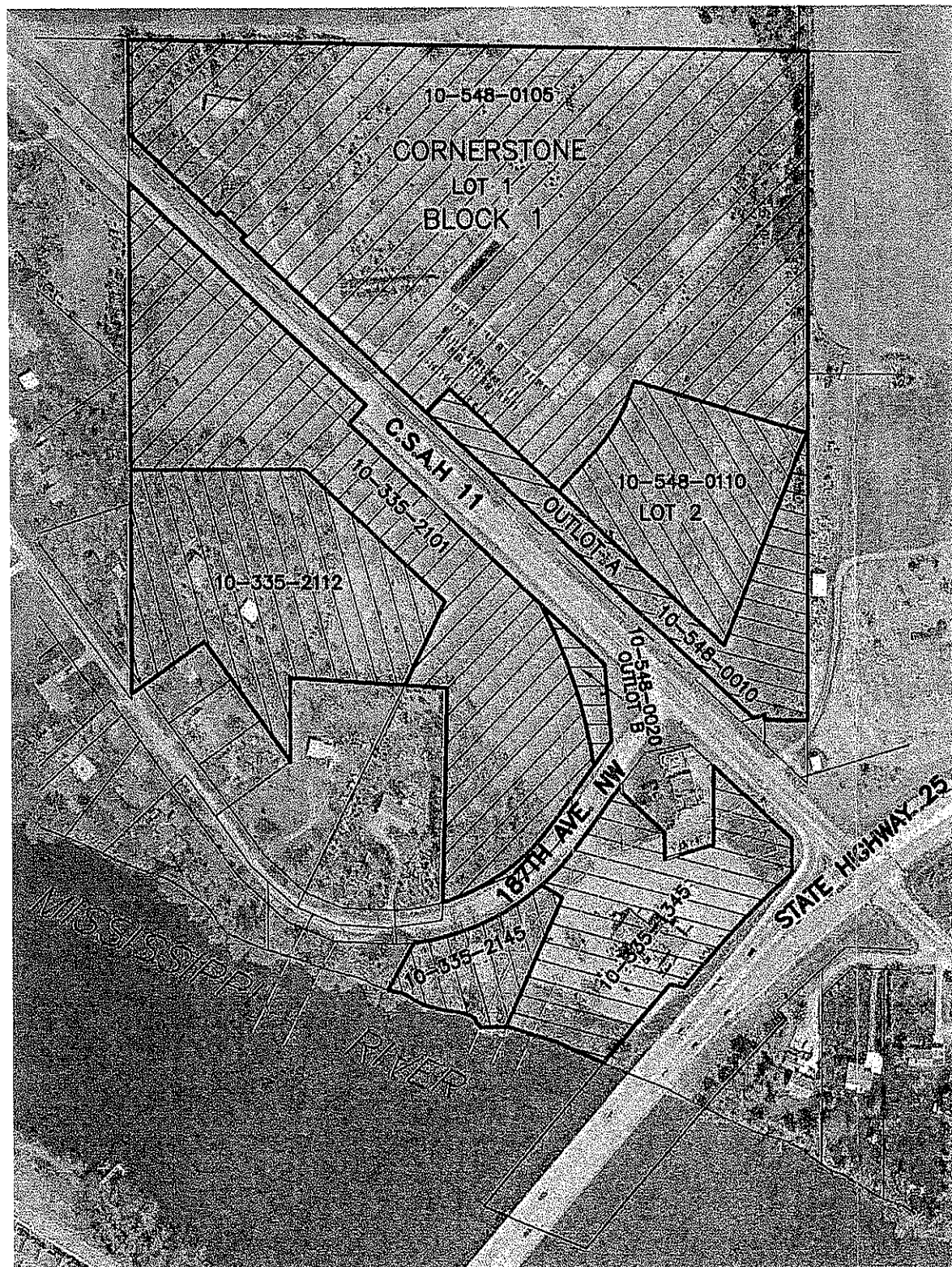
1 inch equals 0.5 miles



Source: Shesapeake County, MH Dept & Northwest Associated Counties 1/1/05



Cobblestone Crossing – Site Location Map



PROPOSED ANNEXATION PARCELS

REC'D BY
MAB FEB 04 2008

PID: 10-548-0105 Lot 1, Block 1 CORNERSTONE (18.68 Acres)

PID: 10-548-0110 Lot 2, Block 1, CORNERSTONE (3.07 Acres)

PID: 10-548-0010 Outlot A, CORNERSTONE (2.46 Acres)

PID: 10-548-0020 Outlot B, CORNERSTONE (0.31 Acres)

PID: 10-335-2101 (7.88 Acres)

PID: 10-335-2112 (5.00 Acres)

PID: 10-335-2145 (1.12 Acres)


PID: 10-335-1345 (3.65 Acres)

TOTAL ANNEXATION AREA = 42.17 Acres

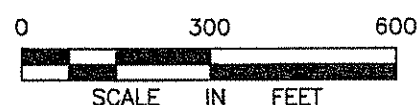
NOTE: AREAS CALCULATED FROM LEGAL DESCRIPTIONS WITHOUT THE BENEFIT OF A FIELD SURVEY.

SURVEYOR'S CERTIFICATION

I hereby certify that this exhibit was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.


Craig E. Johnson
License Number 44530

01/17/08
Date



PROPOSED ANNEXATION EXHIBIT BIG LAKE TOWNSHIP



BOLTON & MENK, INC.
Consulting Engineers & Surveyors

7533 SUNWOOD DRIVE, RAMSEY, MN 55303 (763) 433-2851
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
WILLMAR, MN CHASKA, MN RAMSEY, MN AMES, IA

PART OF GOVT. LOTS 3 & 4
SEC. 35, T 33, R 28
SHERBURNE COUNTY, MN

FOR: CITY OF BIG LAKE