

JOINT RESOLUTION AND AGREEMENT AS TO ORDERLY ANNEXATION
BETWEEN THE TOWN OF WAKEFIELD AND THE CITY OF COLD SPRING

WHEREAS, the Town of Wakefield ("Town") and the City of Cold Spring ("City"), both of Stearns County, Minnesota, are in agreement as to the orderly annexation of certain land described herein for the purpose of orderly and planned services to the community; and

WHEREAS, the property proposed to be annexed adjoins and is contiguous to the City (see attached map); and

WHEREAS, all owners of the property proposed to be annexed have petitioned for annexation to the City.

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of Wakefield and the City of Cold Spring, as follows:

1. The following two parcels of property in the Town ("subject property") is subject to orderly annexation pursuant to Minnesota Statutes § 414.0325 and the parties hereto designate the area for orderly annexation as follows:

PARCEL #1 (Pt. Granite East)

All that part of the Southeast Quarter (SE¼) and of the South Half of the Northeast Quarter (S½ NE¼) of Section Fourteen (14), Township One Hundred Twenty-three (123) North, Range Thirty (30) West, lying Northerly of the Northerly right-of-way line of the Burlington Northern Railroad and Southerly of the thread of stream of the Sauk River and lying Westerly of the following described line: Commencing at the Southeast corner of said Section 14; thence North on an assumed bearing along the East line of said Section 1287.71 feet to said Northerly right of way of the Burlington Northern Railroad; thence South 72° 37' 45" West along said right of way line 1212.70 feet for the point of beginning of the line to be described; thence North 00° 35' 43" West 1690.77 feet; thence North 89° 24' 18" East 105.00 feet; thence North 00° 35' 42" West 700 feet more or less to said thread of stream of the Sauk River and said described line there terminating. (36-23665-010) + part of 36-23658-000.

Said tract of Parcel #1 in the Joint Resolution contains approximately 87 acres, more or less.

PARCEL #2 (Pt. Granite South)

That part of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section Numbered Twenty-three (23) Township Numbered One Hundred and Twenty-three (123) North of Range Numbered Thirty (30) West, in Stearns County, Minn. lying Westerly of the

centerline of Chapel Hill Road, excepting the Southerly sixteen and one-half (16½) feet thereof, also excepting that part of the Westerly sixteen and one-half (16½) feet thereof lying Southerly of road, said excepted portion being more particularly described as follows: Commencing at the Southeast (SE) corner of said Southeast Quarter of the Northwest Quarter (SE¼ NW¼); thence West along South line to Southwest (SW) corner of said Southeast Quarter of Northwest Quarter (SE¼ NW¼); thence North along West line of said Southeast Quarter of the Northwest Quarter (SE¼ NW¼) to Town road, which strip is Sixteen and one-half (16½) feet wide.

ALSO that part of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼) of Section Numbered Twenty-three (23) Township Numbered One Hundred and Twenty-three (123) North of Range Numbered Thirty (30) West lying Westerly of the centerline of Chapel Hill Road and southerly of the southerly right of way line of State Highway #23.

LESS AND EXCEPT:

That part of the NE¼ of NW¼ in Section Twenty-three (23), Township One Hundred Twenty Three (123), Range Thirty (30), Stearns County, Minnesota, within the following described tract: Beginning at the point of intersection of the West line of said NE¼ of the NW¼ and the South right of way line of Minnesota Trunk Highway No. 23, said point being 841.10 feet South of the NW corner of said NE¼ of the NW¼ thence South 52° 13' West along said Southerly right of way line a distance of 68 feet; thence South 30° 31' East a distance of 254 feet; thence North 27° 36' East a distance of 114.73 feet; thence North 39° 11' East a distance of 45 feet, thence North 33° 15' West a distance of 209.80 feet, more or less, to the Southerly right of way line of said Trunk Highway No. 23, thence South 51° 57' West along said Southerly right of way line a distance of 65 feet to the point of beginning and there terminating.

ALSO LESS AND EXCEPT:

A part of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼) of Section Twenty-three (23), Township One Hundred Twenty-three (123) North, Range Thirty (30) West, described as follows: Beginning at a point on the West line of said quarter quarter, said point being South 00° 39' East 977.2 feet from the Northwest corner thereof; thence continuing along said West line South 00° 39' East 248.53 feet; thence North 27° 36' East 151.97 feet; thence North 30° 31' West 145.0 feet to the point of beginning.

ALSO LESS AND EXCEPT:

A tract of land lying in the NE¼ of NW¼ of Section 23, Township 123 North, Range 30 west of the Fifth Principal Meridian, in Stearns County, Minnesota, described as follows: Beginning at the SE corner of Outlot lettered "A", Chapel Hill Subdivision; thence due South 149.5 feet; thence due West 279.5 feet; thence due North 112.7 feet to the SW corner of said Outlot lettered "A"; thence North 82 degrees 31 minutes East along the South line of said Outlot lettered "A" 261.8 feet to the point of beginning.

ALSO LESS AND EXCEPT:

That part of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼) of Section Twenty-three (23) in Township One Hundred Twenty-three (123) North of Range Thirty (30) West, in Stearns County, Minnesota, described as follows, to-wit: Beginning at a point 841.10 feet South of the Northwest corner of the NE¼ of the NW¼ of said Section, Township and Range, said point being on the Southerly right-of-way line of Trunk Highway No. 23, and running thence South 60.00 feet; thence due East 275.00 feet to the point of beginning of the tract to be described; thence North at right angles 112.70 feet to the Southwest corner of Outlot "A" of Chapel Hill Subdivision; thence continuing North along the Westerly line of said Outlot "A" a distance of 56.70 feet; thence North 26 degrees 07

minutes West 110.00 feet to the Southerly right of way line of Trunk Highway No. 23; thence Southwesterly along said right-of-way line a distance of 146.10 feet to a point which bears North 43 degrees 18 minutes West 233.50 feet from the point of beginning; thence South 43 degrees 18 minutes East 233.50 feet to the point of beginning and there terminating.

ALSO LESS AND EXCEPT:

A part of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Section Twenty-three (23), Township One Hundred Twenty-three (123) North of Range Thirty (30) West, Stearns County, Minnesota, described as follows: Beginning at a point on the South 50 foot right-of-way of Highway #23, said point of beginning being 65 feet northeasterly of, as measured along right-of-way line, from the point of intersection of said right-of-way line with the West line of said quarter, said point of intersection being South 00° 39' East 841.10 feet from the Northwest corner of said quarter, thence South 33° 15' East 209.8 feet, thence North 59° 11' East 149.80 feet, thence North 43° 18" West 233.5' to a point on the said right-of-way line, thence along said right-of-way line Southwesterly 110 feet to the point of beginning and terminating.

ALSO LESS AND EXCEPT that part platted as Chapel Hill Subdivision.

AND LESS AND EXCEPT the right of way of Town Road No. 534 as shown on the Wakefield Township Road Map on file and of record in the office of the Stearns County Recorder.

Said tract of Parcel #2 in the Joint Resolution contains approximately 40 acres, more or less.

2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board to approve the annexation pursuant to Minnesota Statutes § 414.0325.

3. The above-described Parcel #1 contains approximately 87 acres, more or less, and the population of said parcel is 0. The above-described Parcel #2 contains approximately 40 acres, more or less, and the population of said parcel is 0.

4. The reason for said annexation is in the best interest of the area proposed for annexation.

5. The land is not already a part of another City.

6. Both parcels are contiguous to the corporate limits of the City.

7. The property described above is appropriate for orderly annexation. No alteration of its stated boundaries is appropriate, nor is consideration by the Municipal Board

necessary. Therefore, the Municipal Board may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution.

8. The parties hereto agree that the taxes on the annexed property shall be phased in over a five-year period in equal installments pursuant to Minn. Stat. § 414.036. The phase-in of the taxes will be as follows: the City shall retain 20% of the taxes during the first year that it receives taxes from the annexed property, and the City shall retain 40% in the second year, 60% in the third year, 80% in the fourth year, and 100% in the fifth year. The reimbursement to the Township shall be made in five equal installments to be made in the first, second, third, fourth and fifth year.

9. The parties hereto agree that the terms of this joint resolution and agreement shall have the full force and effect from the date of the order of the Minnesota Municipal Board calling for annexation of the subject property to the City.

10. This agreement may be amended or terminated by mutual, written agreement of the City and Town.

11. If any provision of this joint resolution and agreement is held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the balance of this instrument shall remain in effect, and if any provision is inapplicable to any person or circumstance, it shall nevertheless remain applicable to all other persons and circumstances.

This resolution adopted by the Town of Wakefield Board of Supervisors on this 12nd day of Feb, 1996.

TOWN OF WAKEFIELD

By John Willenbring
Chairman
Board of Supervisors

ATTEST:

Leanda L. Hansen
Town Clerk

RECEIVED BY MAR 13 1996
M A R

This resolution adopted by the Cold Spring City Council on this 13th day of FEBRUARY, 1996.

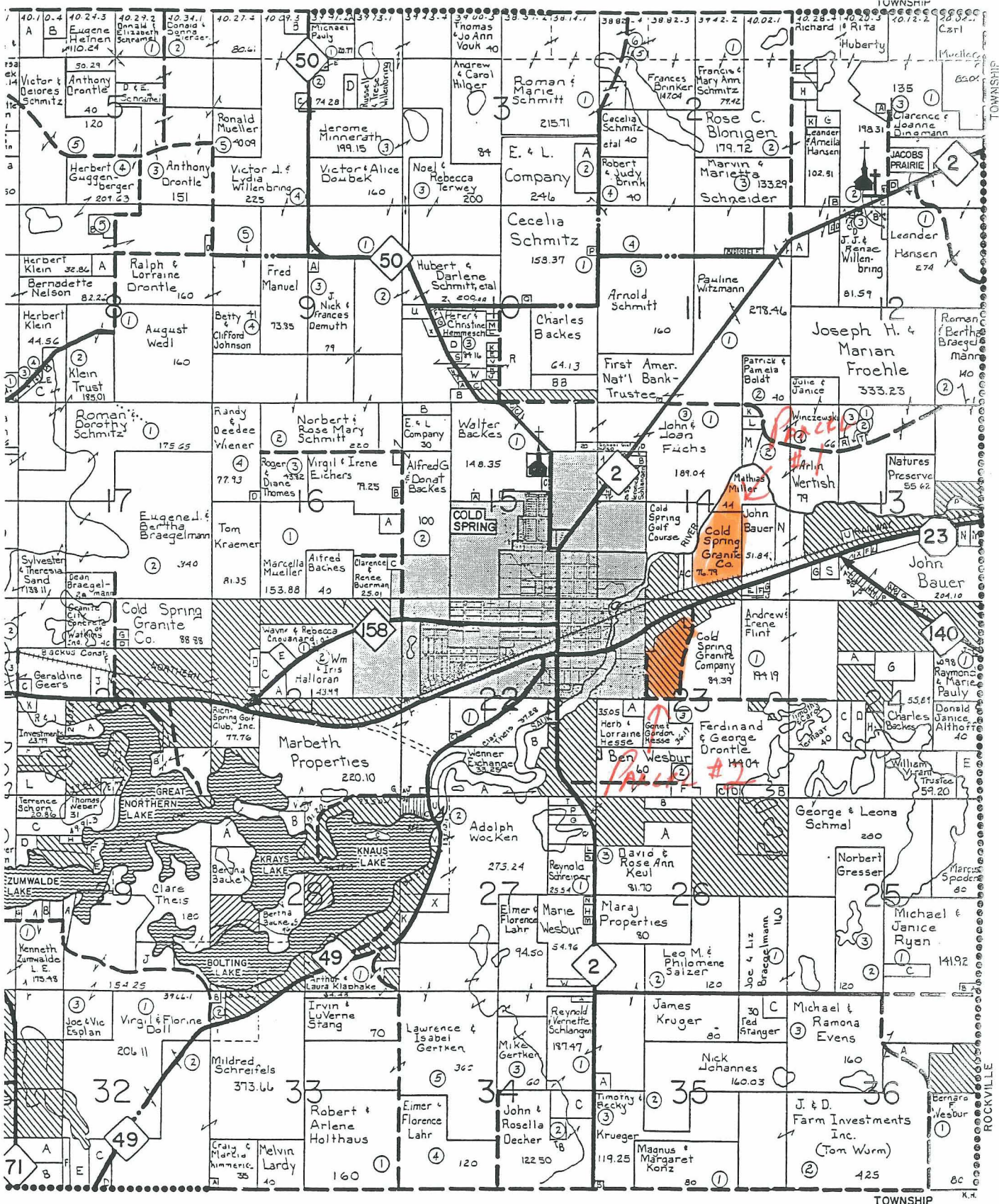
CITY OF COLD SPRING

By 
Mayor

ATTEST:

Kerena M. Weber
City Clerk/Coordinator

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SEE SMALL TRACT OWNERS SECTION FOLLOWING TOWNSHIP MAPS

REC'D. BY MAR 11 1996
M A R R

Area Proposed for Annexation