

**AMENDMENT TO JOINT RESOLUTION AND
AGREEMENT AS TO ORDERLY ANNEXATION
TOWN OF CLEAR LAKE - CITY OF CLEAR LAKE**

WHEREAS, the Town of Clear Lake ("Town") and the City of Clear Lake ("City"), both of Sherburne 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 Clear Lake area community; and

WHEREAS, Town and City previously approved a Joint Resolution and Agreement for Orderly Annexation for the development of Hunter Lake Bluff Plat One; and

WHEREAS, the Developer of such land desires public water and sanitary sewer services for Hunter Lake Bluff Plats Two and Three; and

WHEREAS, such facilities and services are of benefit to the entire Clear Lake community; and

WHEREAS, the parties herein desire to amend the above-referenced Joint Resolution for Orderly Annexation in order to set forth the circumstances and terms of annexation by means of this resolution;

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of Clear Lake and the City of Clear Lake as follows:

1. The Joint Resolution and Agreement for Orderly Annexation between the City and Town dated July 18, 2000 is hereby amended to include the following-described property in the Town ("Subject Property") subject to orderly and immediate annexation pursuant to Minnesota Statutes §414.0325, and the parties hereto designate the area for orderly annexation as follows:

**[LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED
HEREIN AS "EXHIBIT A"]**

2. The Town does, upon passage of this Joint Resolution and its adoption by the City, confer jurisdiction upon the Director of Minnesota Municipal Boundary Adjustments to approve the annexation pursuant to Minnesota Statutes §414.0325.
3. The Subject Property contains approximately 111.60 acres, and the population of the Subject Property is 0.
4. The reason for said annexation is to provide for the Hunter Lake Bluff Plat Two and Plat Three Subdivisions. It is the understanding and intent of the Town and City that the Subject Property will only be used for residential purposes.
5. The Town and City agree that the Town will be given an ample opportunity to review and comment upon any applications for re-zoning, variances, other land use proposals, environmental impact proceedings, or traffic planning in the area designated herein for orderly annexation and that the City shall consider such comments in its deliberations upon any such applications.
6. The Town and City agree that no property currently in the Town, other than the Subject Property, shall be subject to any present or future charges, deferred assessments, deferred debt load, or installation fees adjusted for inflation, for any improvements made by the City to the Subject Property.
7. The property described above is appropriate for orderly annexation. No alteration of its stated boundaries is appropriate, nor is consideration by the Director of

Municipal Boundary Adjustments necessary. Therefore, the Director of Municipal Boundary Adjustments may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this Joint Resolution.

8. Once said annexation is ordered by the Director of Municipal Boundary Adjustments, the Subject Property shall be zoned for R-1 residential use, under the current ordinances of the City.
9. The parties hereto agree that the terms of this Joint Resolution and Agreement shall have full force and effect from the date of the order of the Director of Minnesota Municipal Boundary Adjustments calling for immediate annexation of the subject property to the City.
10. This instrument may be amended or terminated by mutual, written agreement of the City and the 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 circumstances, it shall nevertheless remain applicable to all other persons and circumstances.

JUN 28 2004

This Resolution adopted by the Town of Clear Lake Board of Supervisors the 20th day
of May 18, 2004.

TOWN OF CLEAR LAKE

By: Jack A. Gallagher
Chairman, Board of Supervisors

ATTEST:

Debra L Seeley
Town Clerk

This Resolution adopted by the City of Clear Lake City Council the 5th day of
May, 2004.

CITY OF CLEAR LAKE

By: William F. Hansen
Mayor

ATTEST:

Marilyn Bujalski
City Clerk-Treasurer

THIS INSTRUMENT DRAFTED BY:

Frank J. Kundrat
Attorney at Law
KUNDRAT LAW OFFICE, P.A.
919 West St. Germain, Suite 2000
St. Cloud, MN 56301

LEGAL DESCRIPTION PROVIDED BY:

Short Elliott Hendrickson
1200 25TH Ave. S
P.O Box 1717
St. Cloud, MN 56302-1717

EXHIBIT A**LEGAL DESCRIPTION
JOINT RESOLUTION AND
AGREEMENT AS TO ORDERLY ANNEXATION
TOWN OF CLEAR LAKE - CITY OF CLEAR LAKE**

That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4), Section 7, Township 34, Range 29, Sherburne County, Minnesota described as follows: Beginning on the north line of said NW 1/4 NE 1/4, distant 191.97 feet east of the northwest corner of said NW 1/4 NE 1/4, assume said north line bears North 89 degrees 31 minutes 04 seconds East; thence North 89 degrees 31 minutes 04 seconds East along said north line 1140.82 feet to the northeast corner of said NW 1/4 NE 1/4; thence southerly along the east line of said NW 1/4 NE 1/4, South 00 degrees 11 minutes 28 seconds East for 1332.29 feet to the southeast corner of said NW 1/4 NE 1/4; thence westerly along the south line of said NW 1/4 NE 1/4, North 89 degrees 48 minutes 58 seconds West for 235.74 feet to the point of intersection with the northeasterly right-of-way line of Wood Duck Way, HUNTER LAKE BLUFF, according to the recorded plat thereof as is on file in the office of the County Recorder, Sherburne County, Minnesota, said point also being a point on a 280.00 foot radius curve, the center of circle of said curve bears South 52 degrees 37 minutes 35 seconds East from said point; thence northeasterly along said curve 25.96 feet, central angle 05 degrees 18 minutes 43 seconds; thence on a line not tangent to the last described curve North 53 degrees 27 minutes 55 seconds East 118.69 feet; thence along a tangential curve concave to the northeast, radius 186.20 feet, central angle 36 degrees 06 minutes 57 seconds, 117.37 feet to a point of compound curvature; thence northwesterly deflecting to the left along compound curve, radius 230.00 feet, central angle 28 degrees 52 minutes 39 seconds, 115.92 feet; thence North 46 degrees 13 minutes 37 seconds West, tangent last described curve and along said northeasterly right-of-way line, 67.19 feet; thence South 43 degrees 46 minutes 23 seconds West 60.00 feet to the most easterly corner of Block 4 of said HUNTER LAKE BLUFF; thence North 46 degrees 13 minutes 37 seconds West, along the northerly line of said Block 4, a distance of 94.72 feet; thence South 43 degrees 46 minutes 23 seconds West, along said northerly line of Block 4, a distance of 125.00 feet; thence South 80 degrees 36 minutes 26 seconds West, along said northerly line of Block 4, a distance of 53.55 feet; thence South 14 degrees 36 minutes 20 seconds West, along said northerly line of Block 4, a distance of 40.70 feet; thence South 65 degrees 30 minutes 38 seconds West, along said northerly line of Block 4, a distance of 136.47 feet to the most westerly corner of said Block 4, said point being on a 330.00 foot radius curve, the center of circle of said curve bears South 72 degrees 33 minutes 23 seconds West from said point; thence southerly along said curve and along the westerly line of said Block 4, a distance of 99.30 feet, central angle 17 degrees 14 minutes 25 seconds; thence South 00 degrees 12 minutes 12 seconds East tangent and along said westerly line of Block 4, a distance of 30.00 feet to a point on the northerly right-of-way line of Hunter Lake Bluff Lane according to said plat of HUNTER LAKE BLUFF, also known as Natures Edge Road; thence South 89 degrees 47 minutes 48 seconds West, along said northerly right-of-way line, 60.00 feet to the southeast corner of Block 5, said HUNTER LAKE BLUFF; thence North 00 degrees 12 minutes 12 seconds West, along the east line of said Block 5, a distance of 30.00 feet; thence northerly, along said east line of said Block 5 and along a

tangential curve, concave to the west, radius 270.00 feet, central angle 17 degrees 14 minutes 25 seconds, 81.24 feet; thence North 17 degrees 26 minutes 37 seconds West, tangent to last described curve and along said east line of Block 5 and along tangent 26.15 feet to the northeast corner of said Block 5; thence South 89 degrees 47 minutes 48 seconds West, along the north line of said Block 5, a distance of 180.12 feet to the east line of KOTZER ESTATES according to the recorded plat thereof; thence North 00 degrees 12 minutes 12 seconds West, along said east line of KOTZER ESTATES and along the east line of GOENNERS FIRST ADDITION, according to the recorded plat thereof, 706.93 feet to the northeast corner of Lot 2, Block 1, of said GOENNERS FIRST ADDITION; thence South 89 degrees 31 minutes 04 seconds West, along the north line of said Lot 2, Block 1, a distance of 22.03 feet; thence North 00 degrees 12 minutes 12 seconds West 444.55 feet to the point of beginning.

Together with:

The Northeast Quarter of the Northeast Quarter, and the Southeast Quarter the Northeast Quarter, both of Section 7, Township 34, Range 29, Sherburne County, Minnesota

Also together with:

The South 75 feet of the West 907.60 feet of the Southeast Quarter of Section 6, Township 34, Range 29, Sherburne County, Minnesota.

REC'D BY
MMB

JUN 28 2004



ANNEXATION
AREA

CORR. LIMITS

LAKE



CSAH 6 80TH AVE S

MALLARD
COURT

WILDERNESS
LANE

QUAIL CT

TRAPPERS RIDGE DRIVE

HUNTER LAKE DRIVE

EDGE ROAD

WOOD DUCK WAY

NATURES