

**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, the Developer of such land Kenneth and Kathy Kotzer ("Developer") desires public water, sanitary sewer, and other City services for said development; and

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

WHEREAS, the parties herein desire to set forth the circumstances and terms of the orderly 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. Designation of Orderly Annexation Area: The following-described 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:

Lot 1, Block 1 and Lot 2, Block 1 of Goenner's First Addition,  
according to the plat filed and of record with the Sherburne County  
Recorder.

The above-described Subject Property contains 3.36 acres, and the population of the Subject Property is zero (0).

2. Jurisdiction of Minnesota Planning: The City and Town do, upon passage of this resolution and its adoption by both parties, confer jurisdiction upon the State of Minnesota Planning, Boundary Adjustments, so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution and pursuant to Minnesota Statutes §414.0325.

3. No Alterations of Boundaries: The Subject Property described above is appropriate for orderly annexation. No alteration of its stated boundaries by State of Minnesota Planning, Municipal Boundary Adjustments is appropriate. Furthermore, no further consideration by State of Minnesota Planning, Municipal Boundary Adjustments is necessary. State of Minnesota Planning, 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.
4. Conditions for Annexation of Parcel: The Town and the City agree that the above-described Subject Property will be annexed to the City immediately upon the issuance of the final Order of Minnesota Planning, Municipal Boundary Adjustments, approving this Joint Resolution.
5. Purpose of Annexation; Residential Zoning Classification: The purpose for said annexations is to provide for development of single-family housing and/or light commercial use. It is the present understanding and intent of the Town and City that the Subject Property will only be used for such residential and/or light commercial development purposes. Upon the final approval and Order for the annexation of each separate parcel described above in accordance with the terms of this Joint Resolution by Minnesota Planning, Municipal Boundary Adjustments, the specific parcel thus annexed shall automatically become zoned for PUD/(R-2) use, under the land use controls and ordinances of the City in effect as of the date of the passage of this Joint Resolution by the City.

- 6. Effective Date: The parties hereto agree that the terms of this Joint Resolution shall have full force and effect from the date of the Order of Minnesota Planning, Municipal Boundary Adjustments, approving this Joint Resolution.
- 7. Amendments: This Joint Resolution may be amended by subsequent joint resolution of the City and the Town.
- 8. Severability Clause: If any provision of this Joint Resolution is held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the balance of this Joint Resolution shall remain in effect; further, if any provision is inapplicable to any person or circumstances, it shall nevertheless remain applicable to all other persons and circumstances.

This joint resolution was adopted by the Town of Clear Lake Board of Supervisors the 16<sup>th</sup> day of January, 2001.

TOWN OF CLEAR LAKE

By: Jack R. Gallagher  
Chairman,  
Board of Supervisors.

ATTEST:

Debra L. Seeley  
Town Clerk

This Joint Resolution was adopted by the City Council of the City of Clear Lake the 5<sup>th</sup> day of February, 2001.

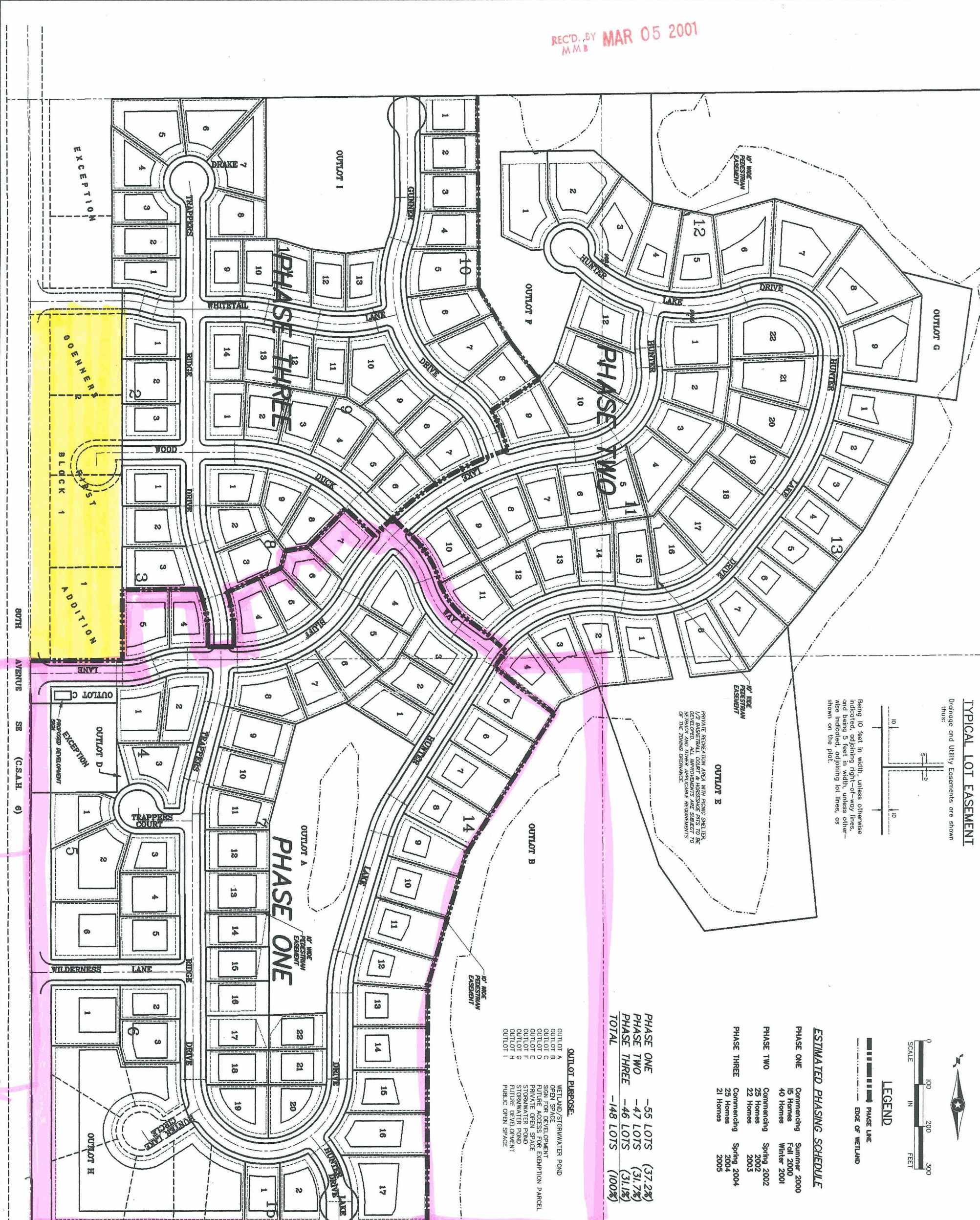
ATTEST:

Marilyn Brjalski  
City Clerk - Treasurer

CITY OF CLEAR LAKE

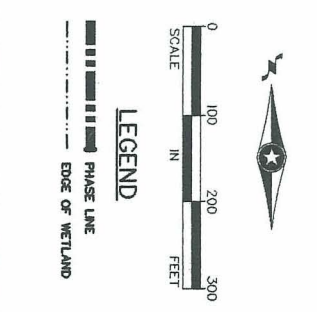
William Kiffman  
Mayor

REC'D. BY MAR 05 2001  
MMB



**TYPICAL LOT EASEMENT**  
Drainage and Utility Easements are shown thus:

Being 10 feet in width, unless otherwise indicated, adjoining right-of-way lines, and being 5 feet in width, unless otherwise indicated, adjoining lot lines, as shown on the plot.



**ESTIMATED PHASING SCHEDULE**

PHASE	COMPLETION	START DATE	END DATE
PHASE ONE	15 Homes	Summer 2000	Winter 2001
PHASE TWO	25 Homes	Spring 2002	Spring 2003
PHASE THREE	25 Homes	Spring 2004	Spring 2005

PHASE ONE	-55 LOTS (37.2%)
PHASE TWO	-47 LOTS (31.7%)
PHASE THREE	-46 LOTS (31.1%)
<b>TOTAL</b>	<b>-148 LOTS (100%)</b>

- OUTLOT PURPOSE:**
- OUTLOT A WETLAND/STORMWATER POND
  - OUTLOT B SIGN FOR DEVELOPMENT
  - OUTLOT C PRIVATE OPEN SPACE
  - OUTLOT D PRIVATE OPEN SPACE
  - OUTLOT E STORMWATER POND
  - OUTLOT F STORMWATER POND
  - OUTLOT G FUTURE DEVELOPMENT
  - OUTLOT H PUBLIC OPEN SPACE

*Kotzer Property*  
*Current portion of City Limits*

HUNTER LAKE BLUFF  
CLEAR LAKE, MN  
FOR  
ROGER HALLER  
PUD DEVELOPMENT STAGE PLAN

**John Oliver & Associates, Inc.**  
Civil Engineering, Land Surveying, Land Planning  
580 Dodge Avenue  
Ely River, Minnesota 55330  
(612)441-2072 (FAX)441-5865  
301 W. Travelers Trail, Suite 200  
Burnsville, Minnesota 55337  
(612)894-3045 (FAX)894-3049

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a Licensed Professional Engineer in the State of Minnesota.  
**PRELIMINARY**  
Signed: \_\_\_\_\_  
Date: X Reg. No. X

DATE: 1/24/00  
DESIGN BY: TLH,MS  
DRAWN BY: TGL  
CHECKED BY: TLH,MS  
DWG: HLB-PUDEV.DWG  
TEXT: NONE  
FILE NO.: 7663.10-03

REV NO.	DATE	DESCRIPTION
1	04/18/00	CITY COMMENTS
2	05/08/00	CITY COMMENTS

SHEET NO. 6 OF 8