

Resolution No. 2002-4-90

**RESOLUTION ANNEXING PROPERTY IN MINDEN TOWNSHIP  
TO THE CITY OF ST. CLOUD, WHICH PROPERTY IS KNOWN  
AS THE SYLVESTER AND JANE THOLE PROPERTY,  
IN ACCORDANCE WITH THE ORDERLY ANNEXATION AGREEMENT OF  
FEBRUARY 12 AND 13, 2001**

WHEREAS, the Town of Minden ("Town") and the City of St. Cloud ("City") are parties to a Joint Resolution as to Orderly Annexation ("Orderly Annexation Agreement") dated on or about February 13, 2001, which affects an area of the Town located south of TH 23 and east of the Elk River; and,

WHEREAS, paragraph 5 and 5.a. of the Orderly Annexation Agreement entitles the City to adopt a resolution approving annexation of property where a petition requesting annexation is signed by owners of 100% of individual parcels of record for agricultural and/or undeveloped properties in an area proposed for annexation; and,

WHEREAS, the City of St. Cloud received a written petition signed by 100% of property owners requesting annexation to the City and extension of municipal utility service for property referred to as the Sylvester and Jane Thole property, a copy of which was submitted to the Town on February 11, 2002; and,

WHEREAS, in accordance with paragraph 5 of the Orderly Annexation Agreement, at least 45 days have passed since submission of a copy of the annexation petition to the Town; and,

WHEREAS, the petitioning property owners have indicated a desire to have their properties annexed to facilitate the residential development with municipal utility service; and,

WHEREAS, the subject property is located within the urban growth boundary identified in the officially adopted St. Cloud Area Joint Planning District Plan; and,

WHEREAS, annexation of the subject property will enable the City to consider extension of municipal utility services as requested by the petitioning property owners; and,

WHEREAS, the City and Town mutually state that no consideration by the Office of Strategic and Long Range Planning ("Board") is necessary. The Board may review and comment, but shall, within (30) days, order annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. CLOUD, MINNESOTA:

That the City expresses its desire and approval to cause annexation of the property legally described as the West ½ of the West ½ of the SW ¼ of the NW ¼, Section 32, Township 36, Range 30, Benton County, MN, subject to the right of way of a county road over the southerly part thereof and easements of record, containing 10.26 acres, more or less and depicted in map form in Exhibits A and B, in accordance with the Joint Resolution as to Orderly Annexation adopted by the City on February 12, 2001, and by the Town on February 13, 2001.

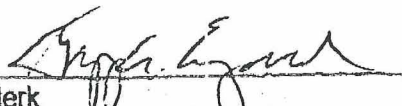
BE IT FURTHER RESOLVED:

That the City shall annually rebate to the Town for a 9-year period a portion of the property taxes collected for the subject property as provided for in paragraph 8 of the Orderly Annexation Agreement. In accordance with paragraph 9 of the Orderly Annexation Agreement, the subject property is not eligible for a six-year tax step-up.

Adopted this 1<sup>st</sup> day of April, 2002.

  
\_\_\_\_\_  
DeWayne F. Mareck, Council President

Attest:

  
\_\_\_\_\_  
City Clerk

NW COR.  
S 1/2 NW 1/4  
SEC. 32-T36-R30

NORTH LINE OF S 1/2 OF NW 1/4, SEC. 32-T36-R30

S 88°51'36"E  
335.86

100 FOOT WIDE  
N.S.P. CO. EASEMENT

REC'D BY  
MMB

APR 18 2002

WEST LINE OF S 1/2 NW 1/4, SEC. 32-T36-R30

N 00°34'11"W 1333.87

1273.84

GARAGE  
HOUSE

10.26 AC. +/-

WETLAND 1.38 AC. +/-

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SW COR. NW 1/4  
SEC. 32-T36-R30  
(COUNTY C.I.M.)

2ND STREET SOUTHEAST

ORIENTATION OF THIS BEARING SYSTEM IS ASSUMED

- DENOTES 1/2 INCH IRON PIPE SET AND MARKED WITH LICENSE NUMBER 12236
- DENOTES MONUMENT FOUND
- ⊙ DENOTES P. K. NAIL SET/FOUND

| LINE | BEARING      | DISTANCE |
|------|--------------|----------|
| L 1  | N 00°34'11"W | 60.03    |
| L 2  | S 00°30'15"E | 60.03    |
| L 3  | N 88°40'49"W | 334.36   |
| L 12 | N 83°16'30"W | 79.09    |
| L 13 | S 18°39'38"W | 84.25    |
| L 14 | S 32°30'45"E | 86.11    |
| L 15 | S 41°08'34"E | 92.86    |
| L 16 | N 00°30'15"W | 213.11   |
| L 17 | N 00°30'15"W | 72.27    |
| L 18 | N 00°30'15"W | 45.48    |
| L 19 | N 41°45'35"W | 72.90    |
| L 20 | N 49°45'01"W | 99.97    |
| L 21 | N 33°03'19"W | 101.62   |
| L 22 | N 41°27'09"W | 109.89   |
| L 23 | S 67°01'25"W | 57.75    |

THE WEST HALF OF THE WEST HALF OF THE  
SOUTHWEST QUARTER OF THE NORTHWEST  
QUARTER, SECTION 32, TOWNSHIP 36,  
RANGE 30, BENTON COUNTY, MINNESOTA,  
SUBJECT TO THE RIGHT OF WAY OF A  
COUNTY ROAD OVER THE SOUTHERLY PART  
THEREOF AND EASEMENTS OF RECORD,  
CONTAINING 10.26 ACRES, MORE OR LESS.

# CERTIFICATE OF SURVEY FOR SYLVESTER & JANE THOLE

I hereby certify that this survey, plan,  
or report 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.

David P. Regan

Date 2/5/02

Lic. No. 12236

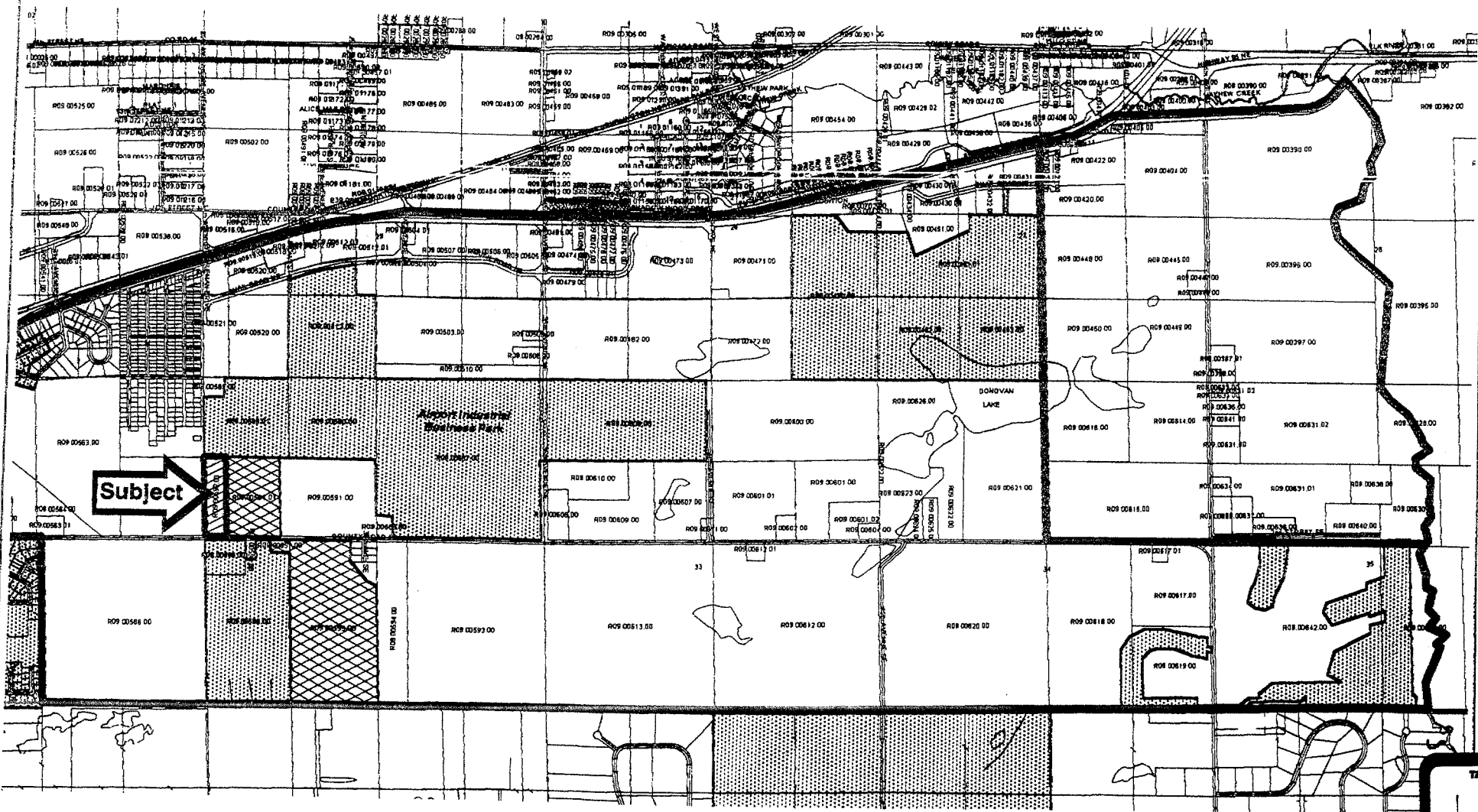
DAVID P. REGAN  
LAND SURVEYING,  
INC.  
WAITE PARK, MN.  
320-252-0400

NO. 02-2765

Bk. D-111  
Pg. DC



# Sylvester and Jane Thole Annexation Petition Area



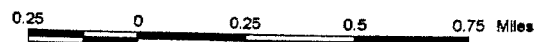
Minden Township Orderly Annexation Area  
Pending Annexations as of 2/12/02



City of St. Cloud Corporate Limits

The annexation petition area is approximately 10 acres  
and contains approximately 2.52 persons.

Map prepared by the St. Cloud Planning Office, 02/02.



This map is neither a legally recorded map nor survey  
and is to be used only for reference purposes. The City  
of St. Cloud assumes no responsibility for actual or  
consequential damage incurred as a result of using the

RECD BY  
MAB  
APR 18 2002

TABLES.

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EXHIBIT