

Resolution No. 2002-11-330

**RESOLUTION ANNEXING ACCEPTED TURNBACK OF SURPLUS
TRUNK HIGHWAY NO. 23 RIGHT-OF-WAY
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 west 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 developers of the Donovan Lake development approached the City to consider accepting the turnback of surplus property that would be used as a frontage road in the northern portion of the Donovan Lake development; and,

WHEREAS, the City of St. Cloud approved Resolution No. 2002-8-241 that accepted the turnback of surplus Trunk Highway No. 23 right-of-way from the MN Department of Transportation on August 19, 2002 (Exhibit A), a copy of which was submitted to the Town on September 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 subject property is located within the urban growth boundary identified in the officially adopted St. Cloud Area Joint Planning District Plan; 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 that part of Trunk Highway No. 23 right-of-way shown on Minnesota Department of Transportation Right Of Way Plat No. 05-7, located in the Northeast Quarter of Section 28, Township 36 North, Range 30 West of the 4th Principal Meridian, Benton County Minnesota described as follows: Commencing at the southeast corner of said Northeast Quarter; thence South 88 degrees, 36 minutes, 16 seconds West, assumed bearing along the south line of said Northeast Quarter, a distance of 372.03 feet to a point designated as B22 on said plat and the point of beginning of the land to be described; thence South 88 degrees, 36 minutes, 16 seconds West, continuing on said south line, a distance of 102.21 feet; thence North 13 degrees, 19 minutes, 45 seconds West a distance of 205.18 feet; thence North 76 degrees, 40 minutes, 15 seconds East a distance of 496.85 feet to a point designated at TB5 on said plat; thence South 0 degrees, 55 minutes, 53 seconds East a distance of 70.95 feet to a point designated as TB4 on said plat; thence South 76 degrees, 40 minutes, 15 seconds West a distance of 365.62 feet to a point designated as B19 on said plat; thence South 13 degrees, 19 minutes, 45 seconds East a distance

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of 23.00 feet to a point designated as B20 on said plat; thence South 76 degrees, 40 minutes, 15 seconds West a distance of 16.00 feet to a point designated as B21 on said plat; thence South 13 degrees, 19 minutes, 45 seconds East a distance of 134.02 feet to said point of beginning and depicted in map form in Exhibits B and C, 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 4th day of November, 2002.

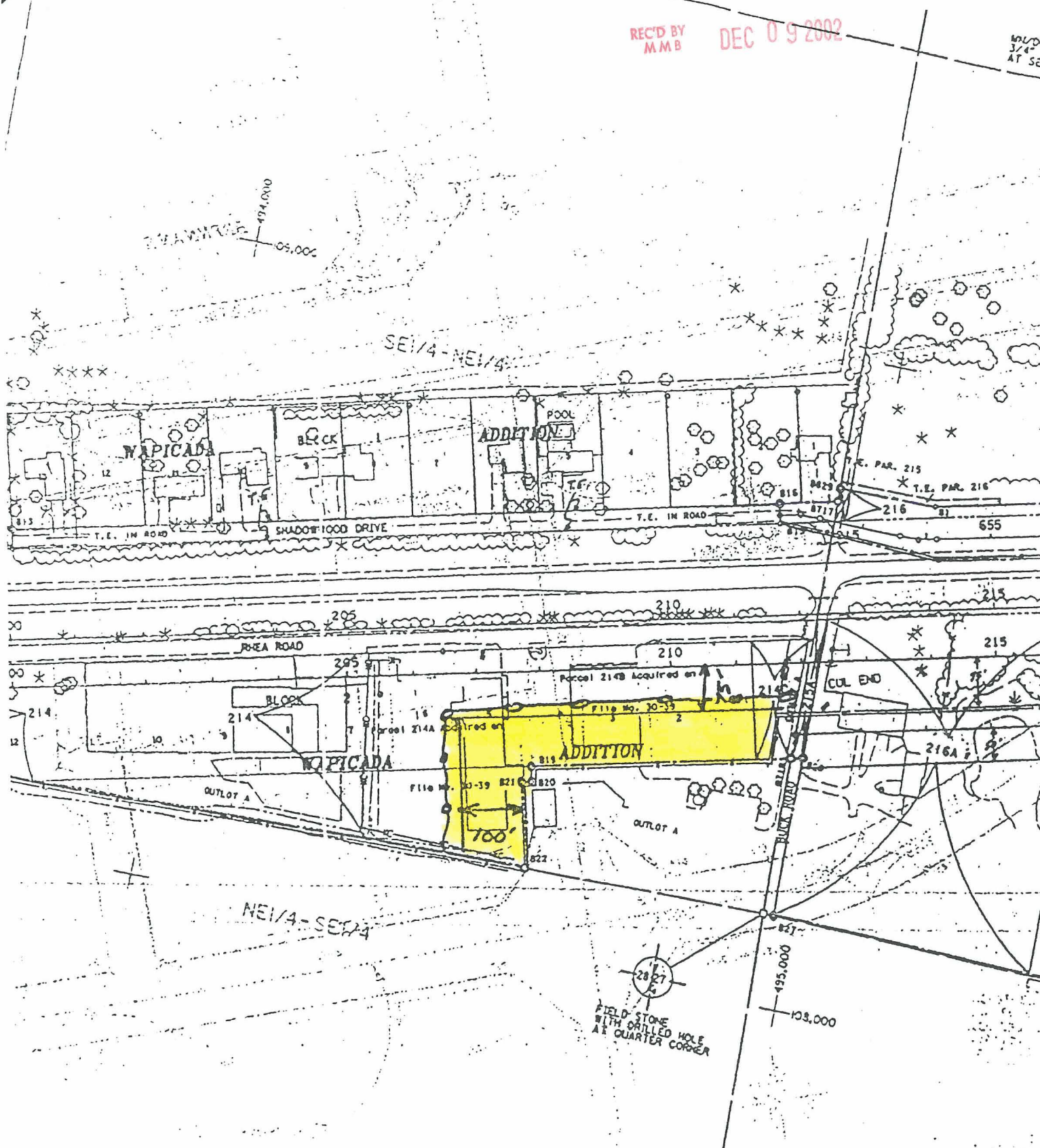


DeWayne F. Mareck, Council President

Attest:

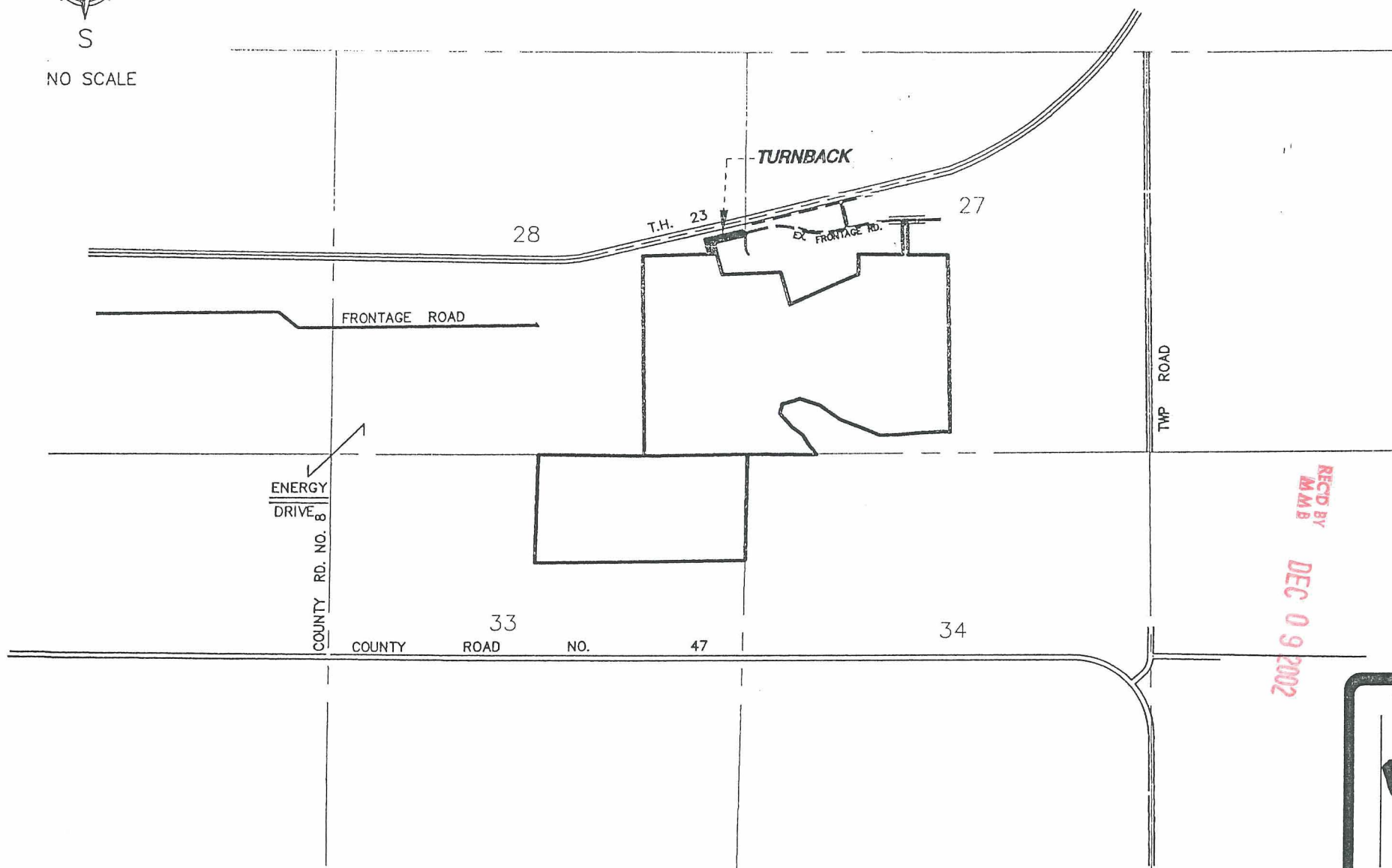

City Clerk

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AT SE





SITE EXHIBIT
TURNBACK EASEMENT



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TABLES

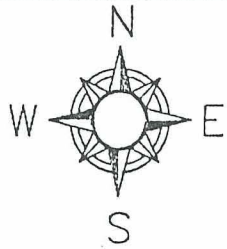
EXHIBIT
B

Anderson Engineering of Minnesota, LLC.

CIVIL ENGINEERING AND LAND SURVEYING

13400 15th AVENUE NORTH, SUITE B, PLYMOUTH, MN 55441

TEL (763) 383-1084 FAX (763) 383-1089

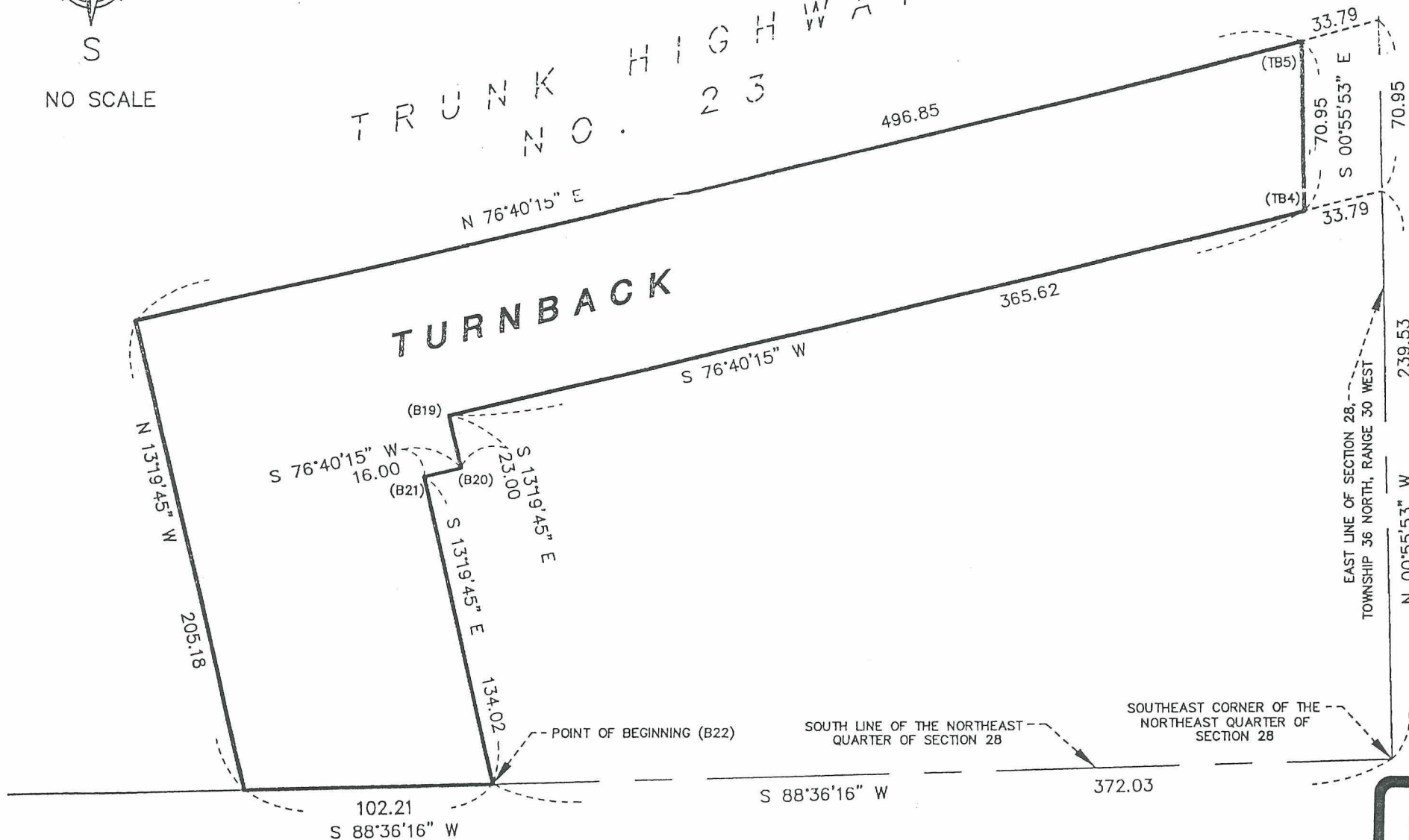


NO SCALE

EXHIBIT TURNBACK EASEMENT

TRUNK HIGHWAY
NO. 23

TURNBACK



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Anderson Engineering of Minnesota, LLC.

CIVIL ENGINEERING AND LAND SURVEY

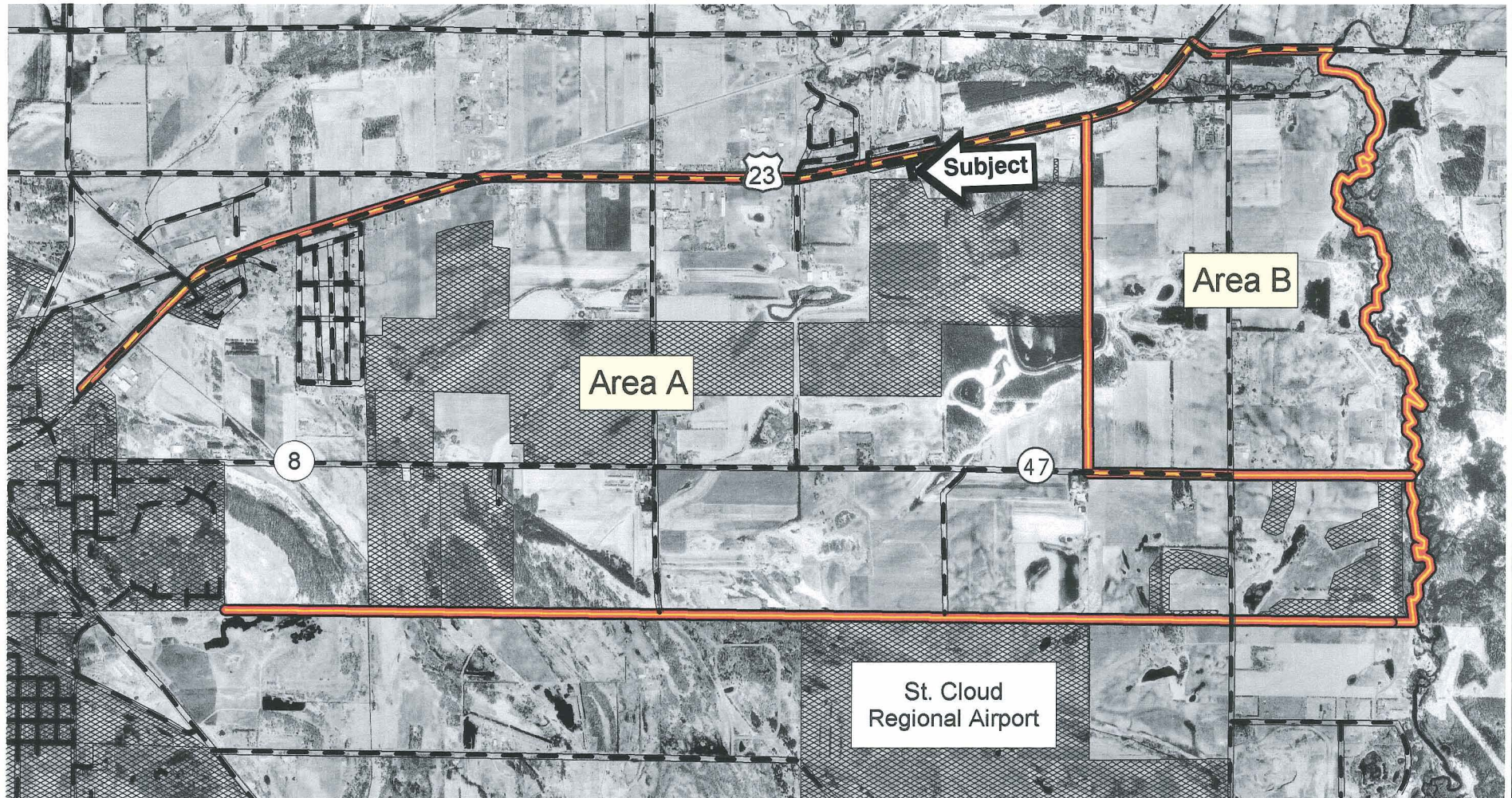
13400 15th AVENUE NORTH, SUITE B, PLYMOUTH, MN 55441

TEL (763) 383-1084 FAX (763)

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EXHIBIT
C

Annexation of Surplus Highway No. 23 Right-of-Way - Donovan Lake Development Minden Township



Annexation area contains approximately
1.12 acres of land area
and no population increase.



Orderly Annexation Boundary



St. Cloud Corporate Limits



Roads

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 this data.

Map prepared by the St. Cloud Planning Office, 11/02.

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M.M.B.
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EXHIBIT
D