

Resolution No. 2003-6-152

**RESOLUTION ANNEXING PROPERTY IN MINDEN TOWNSHIP
TO THE CITY OF ST. CLOUD, WHICH PROPERTY IS KNOWN
AS THE FORMER SEEMAN PROPERTY
(DONOVAN LAKE DEVELOPMENT),
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 City of St. Cloud received a written petition signed by 100% of property owners requesting annexation to the City for property referred to as the former Seeman property (Donovan Lake Development), a copy of which was submitted to the Town on May 1, 2003; 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 the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 33, Township 36, Range 30, Benton County, described as commencing at the E $\frac{1}{4}$ corner of said Section 33; thence west along the south line of said S $\frac{1}{2}$ of the NE $\frac{1}{4}$ 1,608.62 ft. to the point of beginning of the parcel to be described; thence north at right angles to said south line a distance of 450 ft.; thence east at right angles to the last described line a distance of 307.75 ft.; thence south at right angles to the last described line to the said south line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$; thence west along said south line to the point of beginning and there terminating, subject to the right-of-way of County Rd. 47 over the southerly 33 ft. of the above described parcel. Together with that part of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 33, Township 36, Range 30, Benton County, described as follows: Commencing at the E $\frac{1}{4}$ corner of said Section 33, thence west along the south line of the S $\frac{1}{2}$ of said NE $\frac{1}{4}$ a distance of 1,300.87 ft. to the SE corner of the above described parcel; thence north a distance of 1,315.34 ft. to the north line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 33, Township 36, Range 30 West; thence east along said north line to the east line of said Section 33; thence south along the east line of Section 33 to the point of beginning, less and except the south 608 ft. of the east 780 ft. of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 33, Township 36, Range 30 West, Benton County, MN, and depicted in map form in

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JUL 18 2003

Exhibit A, in accordance with the Joint Resolution as to Orderly Annexation adopted by the City of February 12, 2001, and by the Town on February 13, 2001.

BE IT FURTHER RESOLVED:

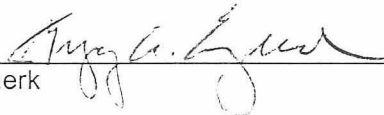
That the City shall annually rebate to the Town for a 9-year period a portion of the property taxes collected for the subject property as provided for in paragraph 8 of the Orderly Annexation Agreement. In accordance with paragraph 9 of the Orderly Annexation Agreement, the subject property is not eligible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

Adopted this 23th day of June, 2003.



DeWayne F. Mareck, Council President

Attest:



City Clerk

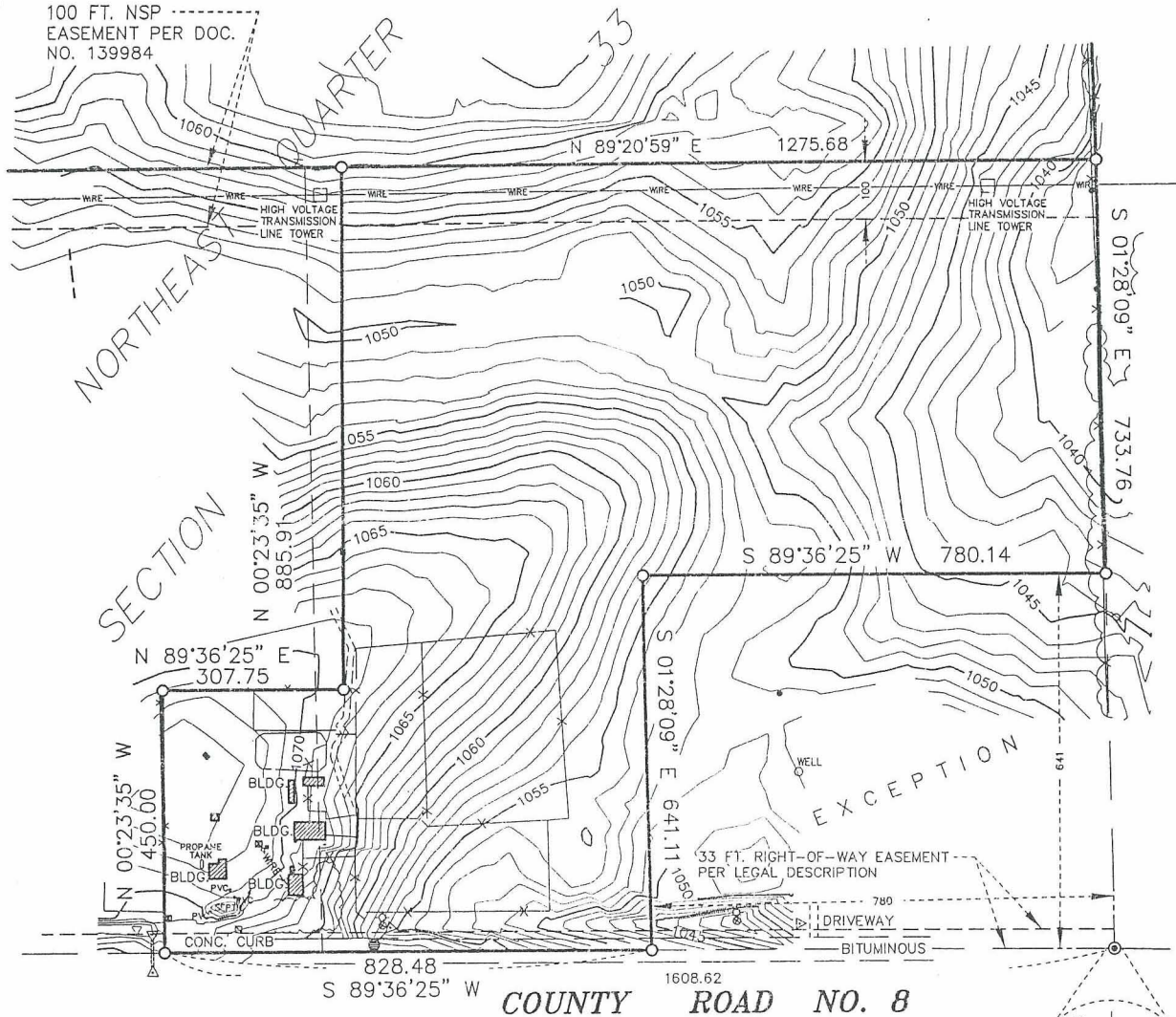
Revised Legal

ANNEXATION EXHIBIT

REC'D BY
MMB

SEP 24 2003

100 FT. NSP
EASEMENT PER DOC.
NO. 139984



SURVEY FOR: DONOVAN LAKE, LLP

LEGAL DESCRIPTION:

That part of the South Half of the Northeast Quarter of Section 33, Township 36, Range 30, Benton County, described as:

Commencing at the east quarter corner of said Section 33; thence west along the south line of said South Half of the Northeast Quarter 1608.62 feet to the point of beginning of the parcel to be described; thence North at right angles to said south line a distance of 450 feet; thence east at right angles to the last described line a distance of 307.75 feet; thence south at right angles to the last described line to the south line of said South Half of the Northeast Quarter; thence west along said south line to the point of beginning and there terminating, subject to the right-of-way of County Road No. 47 over the southerly 33 feet of the above described parcel.

Together with that part of the South Half of the Northeast Quarter, Section 33, Township 36, Range 30, Benton County, described as follows:

Commencing at the east quarter corner of said Section 33, thence west along the south line of the South Half of said Northeast Quarter a distance of 1300.87 feet to the southeast corner of the above described parcel; thence North a distance of 1315.34 feet to the north line of the South Half of the Northeast Quarter, Section 33, Township 36, Range 30 West; thence east along said north line to the east line of said Section 33; thence south along the east line of Section 33 to the point of beginning, less and except the south 641 feet of the east 780 feet of the South Half of the Northeast Quarter, Section 33, Township 36, Range 30 West, Benton County.

The parcels described herein contain approximately 31.88 acres, more or less.

CERTIFICATION:

I hereby certify that this exhibit 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.

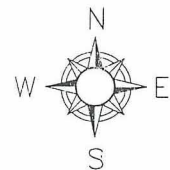
Date: April 23, 2003.

Revised: September 17, 2003.

Anderson Engineering of Minnesota, LLC.

by:

Jack Bolke
Jack Bolke
Minnesota License No. 20281



SCALE = 1"=200"

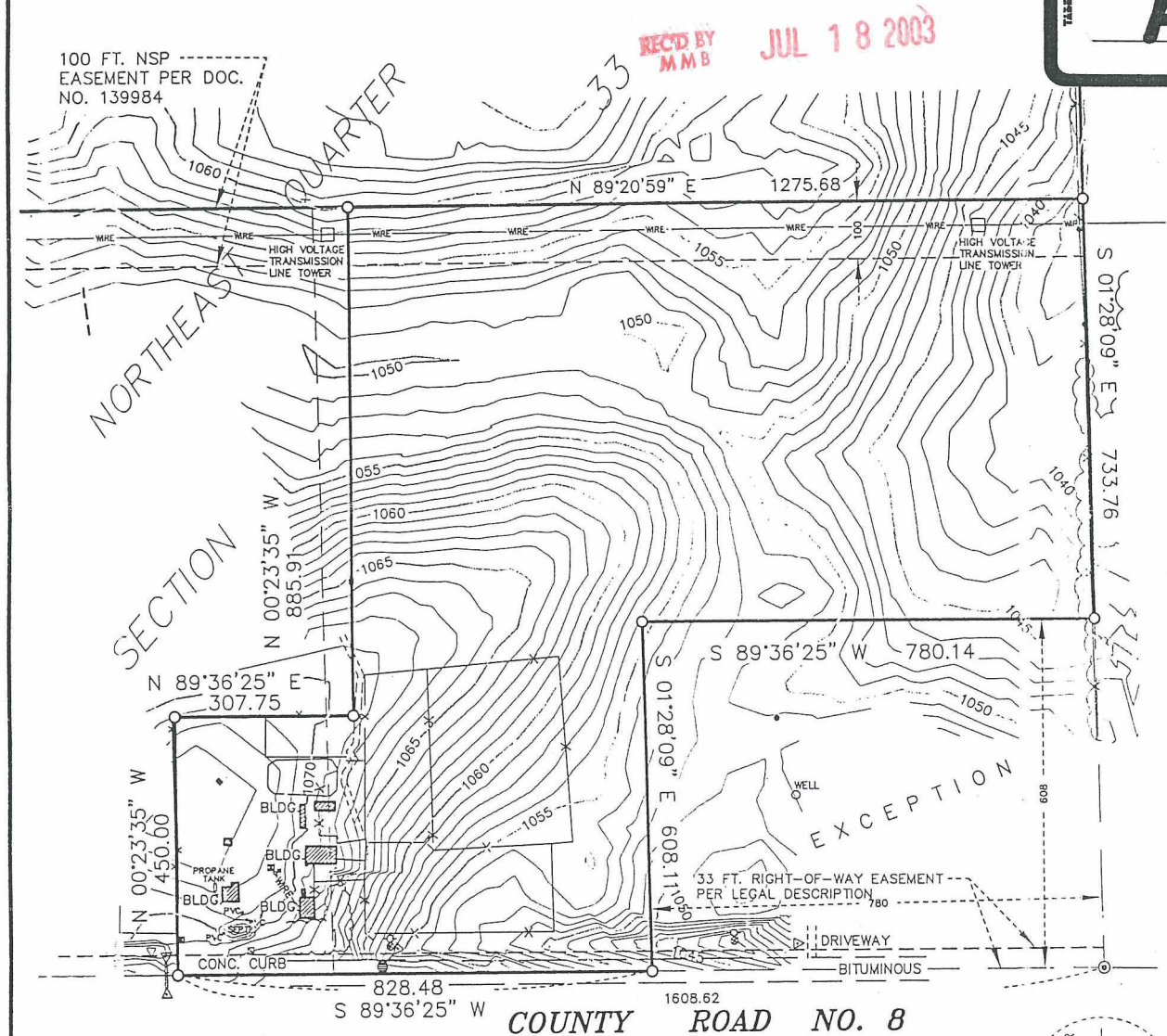
Anderson Engineering of Minnesota, LLC.

CIVIL ENGINEERING AND LAND SURVEYING

ANNEXATION EXHIBIT

EXHIBIT

A



SURVEY FOR: **DONAVAN LAKE LLP.**

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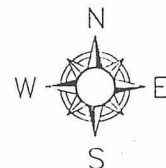
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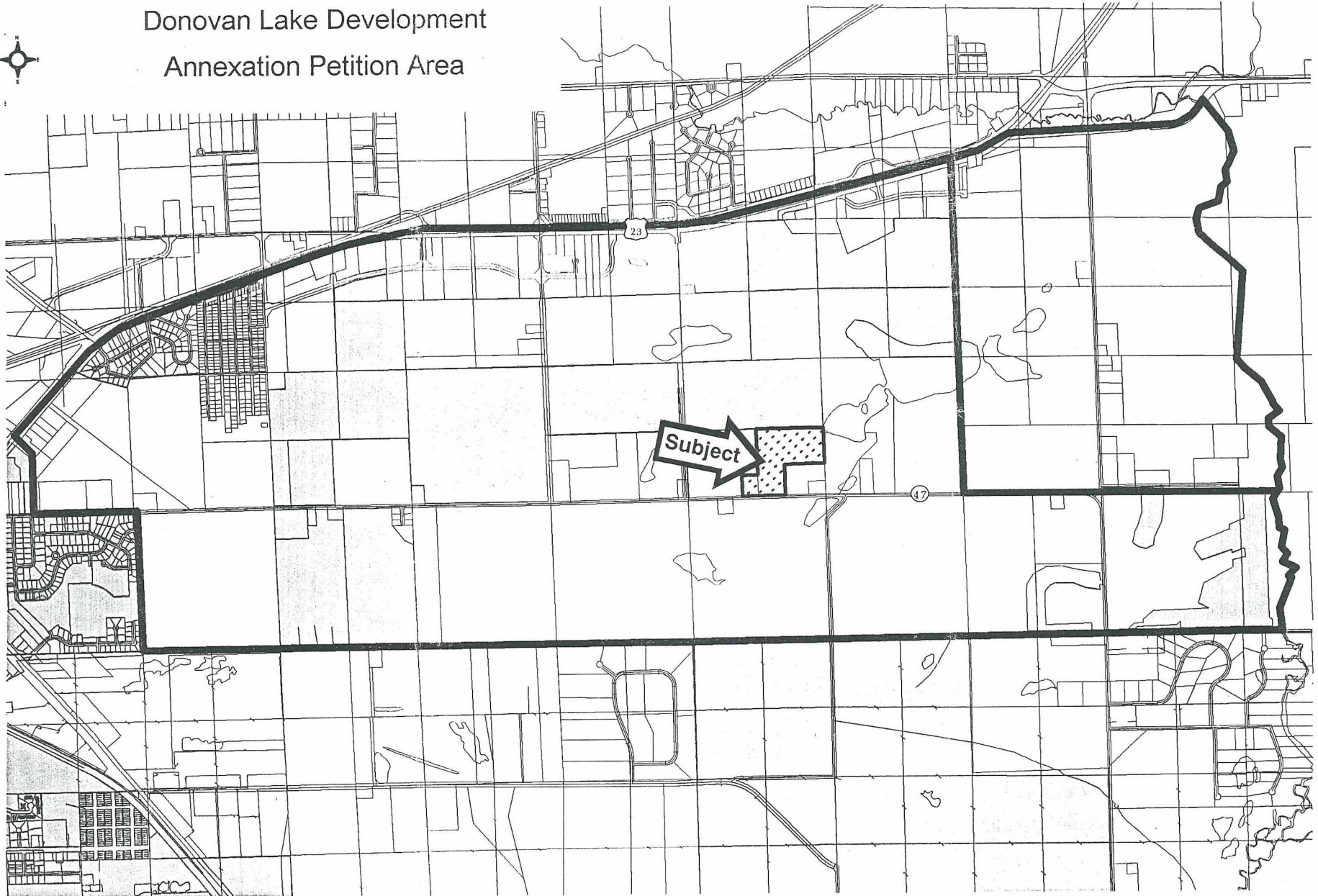
SCALE = 1"=200"

Anderson Engineering of Minnesota, LLC.

CIVIL ENGINEERING AND LAND SURVEYING

13400 16th AVENUE NORTH, SUITE B, PLYMOUTH, MN 55441 TEL (763) 383-1084 FAX (763) 383-1089

Donovan Lake Development Annexation Petition Area



The annexation petition area is approximately 31.88 acres
and contains no increase in population.

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, 05/03.



Minden Township Orderly Annexation Area
City of St. Cloud

0 0.7 Miles

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M.M.B
JUL 18 2003