

Resolution No. 2012-11-167

**RESOLUTION ANNEXING PROPERTY IN MINDEN TOWNSHIP  
TO THE CITY OF ST. CLOUD, WHICH PROPERTY IS KNOWN  
AS THE FAIRWAYS NORTH ADDITION, 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 Fairways North Addition right of way, a copy of which was submitted to the Town on October 4, 2012; and,

WHEREAS, in accordance with paragraph 5 of the Orderly Annexation Agreement, at least 30 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 development without 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; and,

WHEREAS, the City of St. Cloud and Minden Township have agreed to all the terms and conditions for the annexation of the above-described lands; and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

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

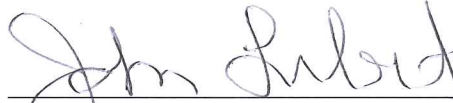
That the City expresses its desire and approval to cause annexation of the property described as that portion of 22<sup>nd</sup> Street Northeast lying east 55th Avenue Southeast within the plat of The Fairways North Addition, Benton County, MN, containing 108.91 acres, more or less and depicted in map form in Exhibit A, 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:

Pursuant to 404.36 as provided for in paragraph 8 of the Orderly Annexation Agreement agreed to by the City and township 9-year period a portion of the property taxes collected for the subject property. In accordance with paragraph 9 of the Orderly Annexation Agreement, the subject property is not eligible for a six-year tax step-up.


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 19 day of November, 2012.

  
\_\_\_\_\_

John Libert, Council President

Attest:


  
\_\_\_\_\_

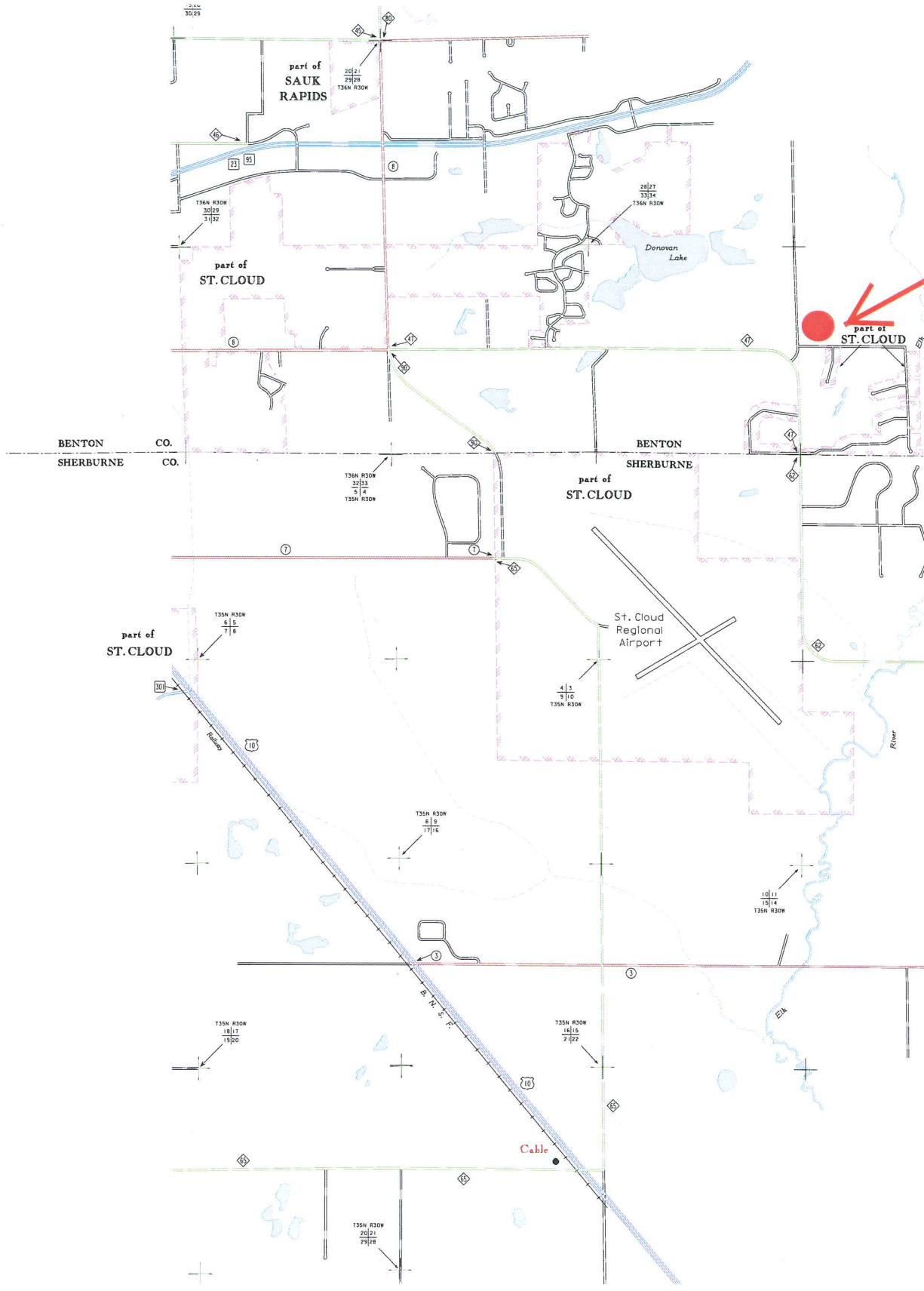
City Clerk

**STATE OF MINNESOTA  
COUNTY OF STEARNS  
CITY OF ST. CLOUD**

I Gregg A. Engdahl, City Clerk of the City of St. Cloud, Minnesota, do hereby certify, that the above and foregoing is a true and correct copy of Ord. # 2012-11-167 (passed-adopted) by the City Council of the City of St. Cloud, Minnesota.

WITNESS MY HAND AND THE SEAL OF THE CITY OF ST. CLOUD, MINNESOTA. This the 18<sup>th</sup> day of November 2012

  
\_\_\_\_\_  
City Clerk  
City of St. Cloud, MN



# THE FAIRWAYS NORTH ADDITION

## INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That James A. Spoden and Dianne J. Spoden, husband and wife; Kevin B. Schwegel and Kimberly Schwegel, husband and wife; Kenneth Jochum and Bernice Jochum, husband and wife; and Great River Energy, a cooperative corporation under the laws of the State of Minnesota, are owners and proprietors of the following described property situated in Benton County, Minnesota, to wit:

The Southwest Quarter of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, and the West 30 acres of the Southwest Quarter of the Northeast Quarter, all in Section 35, Township 36 North, Range 30 West in Minden Township Benton County, Minnesota.

Except: The North 330.00 feet of the South 1112.00 feet of the West 330.00 feet of the Northwest Quarter of said Section 35.

Have caused the same to be surveyed and platted as THE FAIRWAYS NORTH ADDITION and do hereby donate and dedicate to the public for public use forever, the thoroughfares and also dedicate the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said James A. Spoden and Dianne J. Spoden, husband and wife, have hereunto set their hands this 8<sup>TH</sup> day of August, 2012

By: James A. Spoden  
James A. Spoden

By: Dianne J. Spoden  
Dianne J. Spoden

STATE OF MINNESOTA  
COUNTY OF Stearns

The foregoing instrument was acknowledged before me this 8<sup>TH</sup> day of August, 2012 by James A. Spoden and Dianne J. Spoden, husband and wife.

Lynette K. Erickson  
Notary Public, Stearns County, Minnesota  
My Commission Expires 1-31-2016

Lynette K. Erickson  
Notary Printed Name

In witness whereof said Kevin B. Schwegel and Kimberly Schwegel, husband and wife, have hereunto set their hands this 6<sup>TH</sup> day of August, 2012

By: Kevin B. Schwegel  
Kevin B. Schwegel

By: Kimberly Schwegel  
Kimberly Schwegel

STATE OF MINNESOTA  
COUNTY OF JRUBENS

The foregoing instrument was acknowledged before me this 6<sup>TH</sup> day of August, 2012 by Kevin B. Schwegel and Kimberly Schwegel, husband and wife.

Lynette K. Erickson  
Notary Public, JRUBENS County, Minnesota  
My Commission Expires 1-31-2016

Lynette K. Erickson  
Notary Printed Name

In witness whereof said Kenneth Jochum and Bernice Jochum, husband and wife, have hereunto set their hands this 8<sup>TH</sup> day of August, 2012

By: Kenneth Jochum  
Kenneth Jochum

By: Bernice Jochum  
Bernice Jochum

STATE OF MINNESOTA  
COUNTY OF Stearns

The foregoing instrument was acknowledged before me this 8<sup>TH</sup> day of August, 2012 by Kenneth Jochum and Bernice Jochum, husband and wife.

Lynette K. Erickson  
Notary Public, Stearns County, Minnesota  
My Commission Expires 1-31-2016

Lynette K. Erickson  
Notary Printed Name

In witness whereof said Craig Poarker, Manager, Land Rights for Great River Energy, a cooperative corporation under the laws of the State of Minnesota, has hereunto set his hand this 8 day of August, 2012.

By: Craig Poarker  
Craig Poarker—Manager, Land Rights  
STATE OF MINNESOTA  
COUNTY OF Hennepin

The foregoing instrument was acknowledged before me this 8<sup>TH</sup> day of August, 2012 by Craig Poarker, Manager, Land Rights for Great River Energy.

Lillian J. Benton  
Notary Public, Sherman County, Minnesota  
My Commission Expires 1-31-15

Lillian J. Benton  
Notary Printed Name

## SURVEYOR'S CERTIFICATE

I, Perry L. Zieske do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly licensed land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01 Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this 3<sup>rd</sup> day of August, 2012.

Perry L. Zieske  
Perry L. Zieske, Licensed Land Surveyor  
Minnesota License No. 23008

STATE OF MINNESOTA  
COUNTY OF Jackson

The foregoing instrument was acknowledged to me this 3<sup>rd</sup> day of August, 2012, by Perry L. Zieske, Licensed Land Surveyor, Minnesota License No. 23008.

Kari Ann Esplan  
Notary Public, Jackson County, Minnesota  
My Commission Expires Jan 31, 2011

Kari Ann Esplan  
Notary Printed Name

## MINDEN ORDERLY ANNEXATION AREA JOINT PLANNING BOARD

Approved by the Minden Orderly Annexation Area Joint Planning Board this 9 day of June, 2012.

Signed: Mark Jensen  
Attest: Steve Jensen  
Planning Director

Signed: Steve Jensen  
Attest: Steve Jensen  
Chair

## COUNTY SURVEYOR

I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statutes this 14<sup>TH</sup> day of August, 2012.

Signed: Ernie C. Wittstock  
Benton County Surveyor

## COUNTY AUDITOR/TREASURER

No delinquent taxes and transfer entered this 13<sup>TH</sup> day of August, 2012.

I hereby certify that taxes on year 2010 land herein described are paid this 13<sup>TH</sup> day of August, 2012.

Signed: Steve Jensen  
County Auditor/Treasurer, Benton County, MN

## COUNTY RECORDER

Document Number 390843

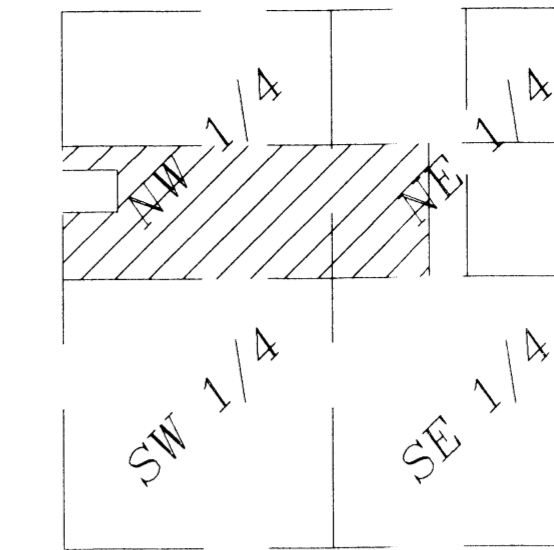
I hereby certify that this instrument was filed in the office of the Benton County Recorder for record this 27<sup>TH</sup> day of August, 2012, at 8:45 o'clock P.M.

Signed: Marie J. Novak  
County Recorder, Benton County, MN



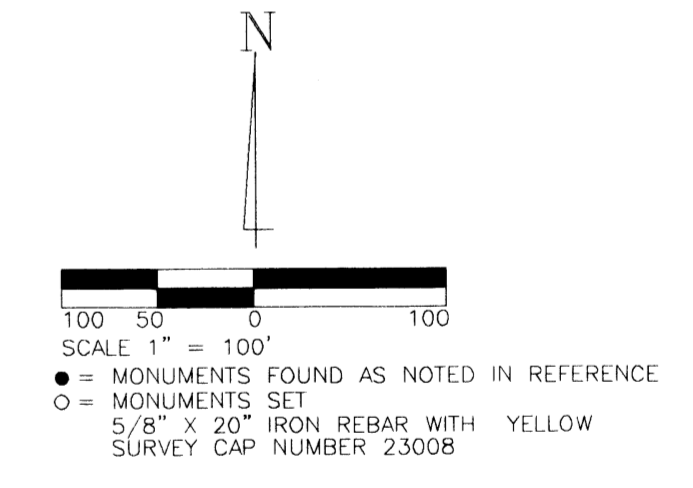
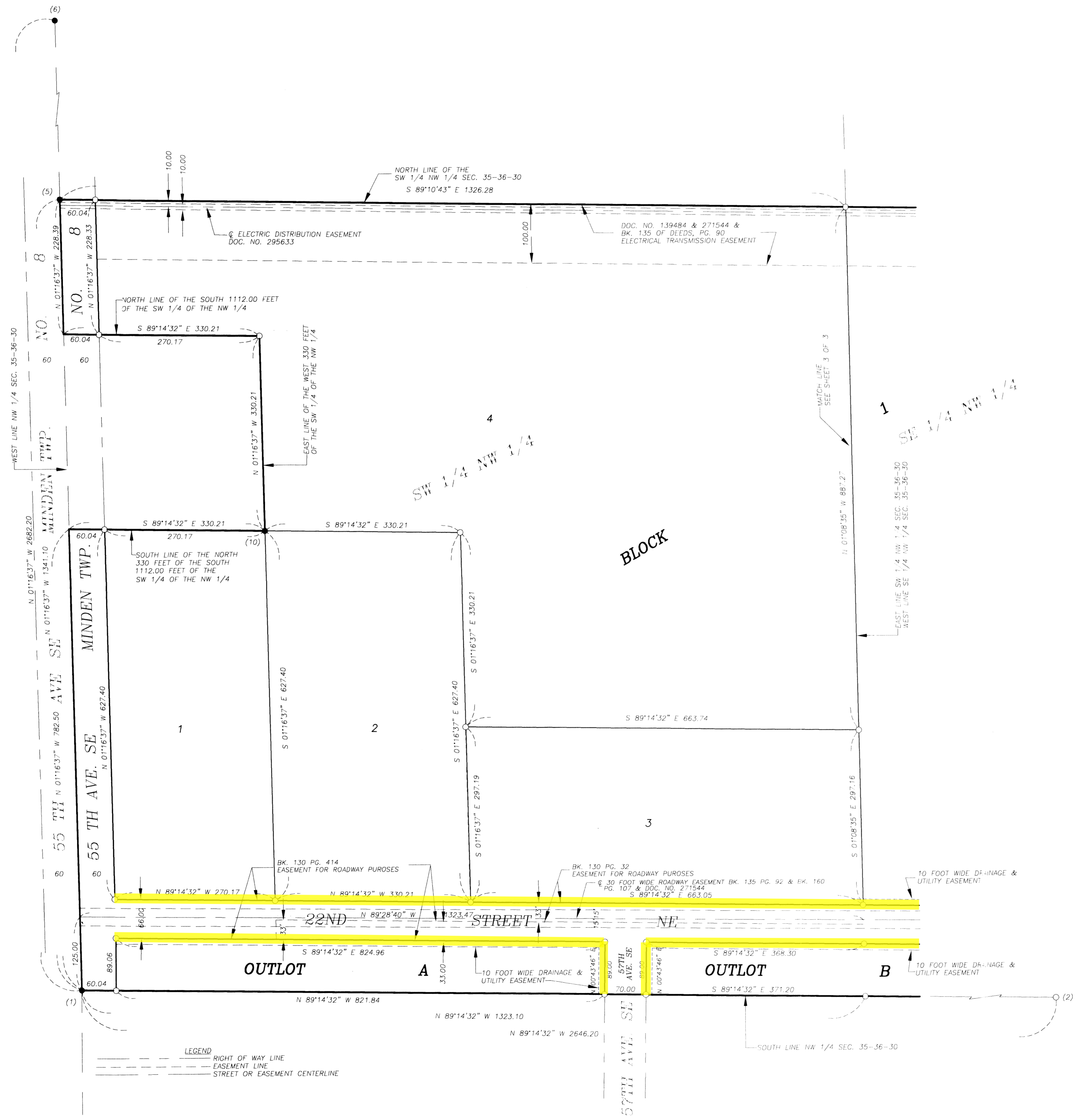
# THE FAIRWAYS NORTH ADDITION

VICINITY MAP



SECTION 35  
T 36N - R 30W  
NOT TO SCALE

LOT AREAS  
BLOCK ONE  
LOT 1 3.89 ACRES  
LOT 2 4.35 ACRES  
LOT 3 4.52 ACRES  
LOT 4 19.18 ACRES  
OUTLOT "A" 1.68 ACRES  
OUTLOT "B" 3.73 ACRES  
ROW 5.90 ACRES  
OVERALL 108.91 ACRES

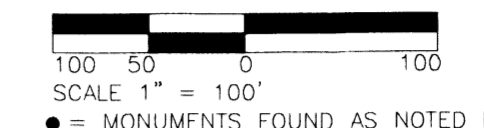


- REFERENCE
- (1) WEST 1/4 COR. SEC. 35-36-30  
1/2" IRON PIPE WITH SURVEY CAP NUMBER 40341
  - (2) CENTER SEC. 35-36-30  
5/8" IRON STAKE WITH CAP NUMBER 2300B
  - (3) EAST 1/4 COR. SEC. 35-36-30  
1/2" IRON PIPE
  - (4) NORTH 1/4 COR. SEC. 35-36-30  
EXISTING COUNTY CAST IRON MONUMENT 67.7 FEET OF ACTUAL CORNER
  - (5) NW COR. SW 1/4, NW 1/4 SEC. 35-36-30  
IRON MONUMENT UNDER PAVEMENT
  - (6) NW COR. SEC. 35-36-30  
CAST IRON MONUMENT

ZIESKE LAND SURVEYING INC.  
WINDOM, MN. 56101

# THE FAIRWAYS NORTH ADDITION

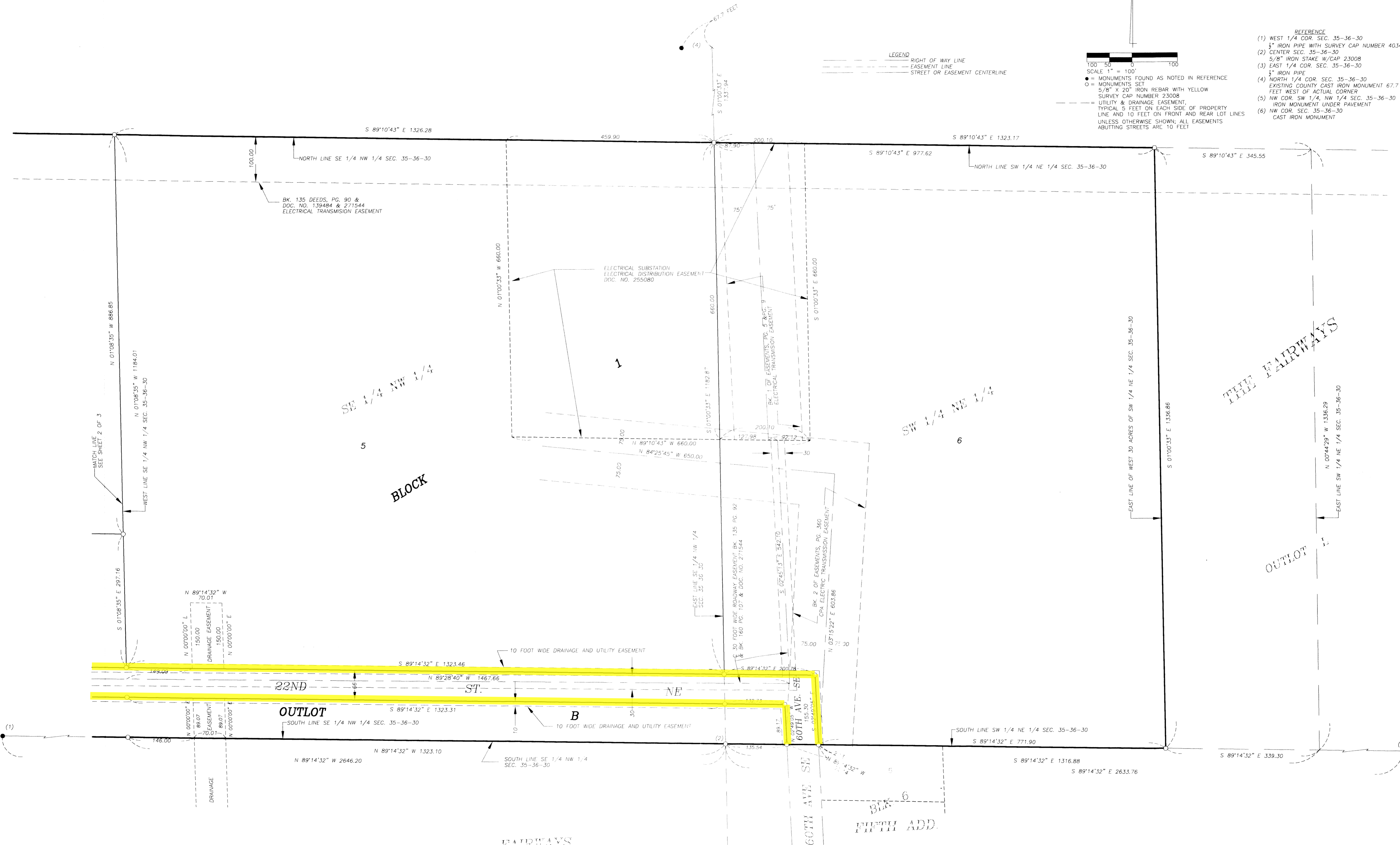
COPY



● = MONUMENTS FOUND AS NOTED IN REFERENCE  
 ○ = MONUMENTS SET  
 ○ = 5/8" X 20" IRON REBAR WITH YELLOW SURVEY CAP NUMBER 23008  
 --- = UTILITY & DRAINAGE EASEMENT, TYPICAL 5 FEET ON EACH SIDE OF PROPERTY LINE AND 10 FEET ON FRONT AND REAR LOT LINES UNLESS OTHERWISE SHOWN; ALL EASEMENTS ABUTTING STREETS ARE 10 FEET

- REFERENCE
- (1) WEST 1/4 COR. SEC. 35-36-30
  - (2) 1" IRON PIPE WITH SURVEY CAP NUMBER 40341, CENTER SEC. 35-36-30
  - (3) 5/8" IRON STAKE W/CAP 23008, EAST 1/4 COR. SEC. 35-36-30
  - (4) NORTH 1/4 COR. SEC. 35-36-30 EXISTING COUNTY CAST IRON MONUMENT 67.7 FEET WEST OF ACTUAL CORNER
  - (5) NW COR. SW 1/4, NW 1/4 SEC. 35-36-30 IRON MONUMENT UNDER PAVEMENT
  - (6) NW COR. SEC. 35-36-30 CAST IRON MONUMENT

LEGEND  
 --- RIGHT OF WAY LINE  
 --- EASEMENT LINE  
 --- STREET OR EASEMENT CENTERLINE



LOT AREAS  
 BLOCK ONE  
 LOT 5 35.98 ACRES  
 LOT 6 29.28 ACRES

TITLE

FAIRWAYS

BLK 6  
 FIFTH ADD.

ZIESKE LAND SURVEYING INC.  
 WINDOM, MN. 56101