

Resolution No. 2001-05-142

**RESOLUTION ANNEXING PROPERTY IN MINDEN TOWNSHIP
TO THE CITY OF ST. CLOUD, WHICH PROPERTY IS KNOWN
AS THE 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 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; and,

WHEREAS, the City of St. Cloud received a written petition requesting annexation to the City of property referred to as the Donovan Lake Development, a copy of which was submitted to the Town on March 21, 2001; 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 owner has indicated a desire to develop the property for mixed residential and commercial use through the extension of public utility services; 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 to facilitate eventual urban density development.

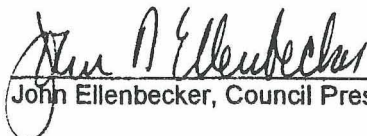
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. CLOUD, MINNESOTA:

That the City expresses its desire and approval to cause annexation of the property legally described in Exhibit A and depicted in map form in Exhibit 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 tax step-up.

Adopted this 7th day of May, 2001.



John Ellenbecker, Council President

Attest:



City Clerk

March 15, 2001

Patti Gartland
City Planning Office
City of St. Cloud
400 2nd St. So.
St. Cloud, MN 56301

RE: Donovan Lake Development -- Minden Township

Dear Mrs. Gartland,

Please accept this letter as a formal request for annexation to the City of St. Cloud of the property owned by Donovan Lake, LLP.

The Donovan Lake, LLP property is described in Attachment A and B. The property described in "A" is the original parcel. The property described in "B" is land acquired later for additional access to the original parcel. The formal legal description of the Donovan Lake, LLP property is; Attachment A plus Attachment B.

We also have an option to purchase additional adjoining property, which we will request to be annexed at some time in the future. This optioned property is described in Attachment C to this letter.

I have also enclosed a map showing the above noted properties.

Thank you in advance for your assistance with this annexation request. Please contact Rick Holtberg at 252-9385 or John Lund at 252-0330 if you need further information or have any questions.

Sincerely,



Richard F. Hobbs
Managing Partner

Donovan Lake, LLP
2455 12th St. SE
St. Cloud, MN 56304
320-252-9385

enclosures

JONOVAN LAKE, LLP

ATTACHMENT ALegal Description:

The East Half of the Southeast Quarter of Section 28, the North Half of the Southwest Quarter, Government Lot 2 and Government Lot 3 of Section 27 all in Township 36, Range 30, Benton County, Minnesota.

Also:

The West 1 rod of the Southwest Quarter of the Northwest Quarter of Section 27, Township 36, Range 30, Benton County, Minnesota lying south of the southerly right of way as shown on MINNESOTA DEPARTMENT OF TRANSPORTION RIGHT OF WAY NO. 05-13.

Also:

That part of the Southeast Quarter of the Northwest Quarter of Section 27, Township 36, Range 30, Benton County, Minnesota described as follows: Beginning at a point on the south line of said Southeast Quarter of the Northwest Quarter distant 580.00 feet west from the southeast corner of said Southeast Quarter of the Northwest Quarter; thence north parallel with the east line of said Southeast Quarter of the Northwest Quarter, a distance of 413.37 feet to the south right of way line of the Frontage Road as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 05-13 according to the recorded plat thereof; thence east along said south right of way line, a distance of 66.01 feet; thence south parallel with said east line of the Southeast Quarter of the Northwest Quarter, a distance of 415.76 feet to said south line of the Southeast Quarter of the Northwest Quarter; thence west along said south line, a distance of 66.04 feet to the point of beginning.

Except the following ^{three} tracts of land:

- 1.) That part of the North Half of the Southwest Quarter of Section 27, Township 36, Range 30, Benton County, Minnesota described as follows: Commencing at the northwest corner of said North Half of the Southwest Quarter; thence east along the north line of said North Half of the Southwest Quarter, a distance of 393.04 feet to the point of beginning of the land to be described; thence southerly deflecting 79 degrees 29 minutes 56 seconds right, a distance of 717.92 feet; thence northeasterly deflecting 96 degrees 55 minutes 39 seconds left, a distance of 988.93 feet; thence north deflecting 67 degrees 28 minutes 23 seconds left, a distance of 275.86 feet to said north line of the North Half of the Southwest Quarter; thence west along said north line, a distance of 1107.14 feet to the point of beginning.
- 2.) That part of the East Half of the Southeast Quarter of Section 28, Township 36, Range 30, Benton County, Minnesota described as follows: Commencing at the northeast corner of said East Half of the Southeast Quarter; thence west along the north line of said East Half of the Southeast Quarter, a distance of 58.13 feet to the point of beginning of the land to be described; thence south deflecting 90 degrees left, a distance of 13.50 feet; thence west, a distance of 51.63 feet to a point distant 12.80 feet south of said north line of the East Half of the Southeast Quarter as measured along a perpendicular line from said north line; thence north along said perpendicular line, a distance of 12.80 feet to said north line; thence east along said north line to the point of beginning.

FROM: STEPHENS CNTY ABSTRACT

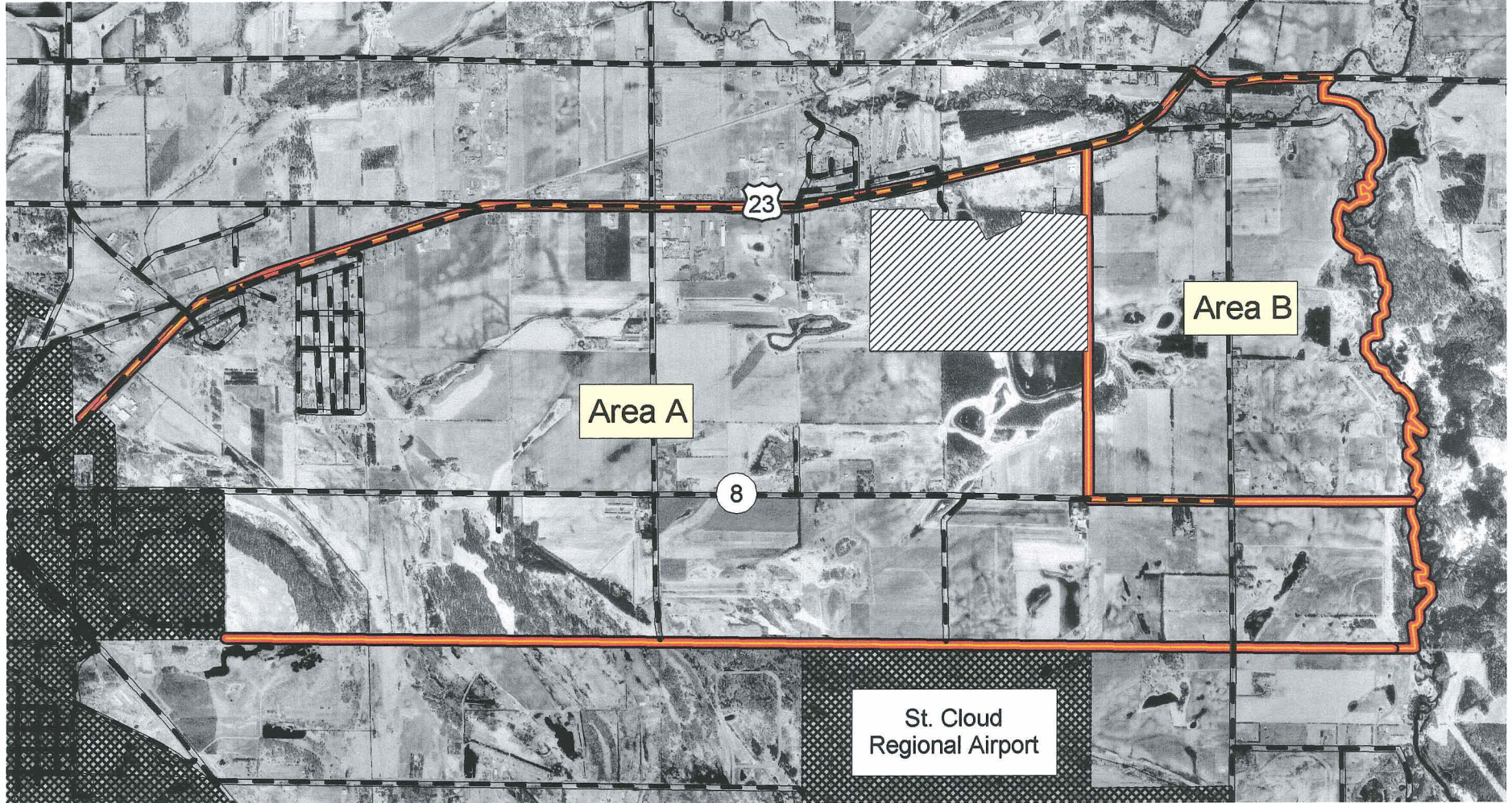
3. That part of the East Half of the Southeast Quarter of Section 28 and the North Half of the Southwest Quarter of Section 27 all in Township 36, Range 30, Benton County, Minnesota described as follows: Beginning at the northeast corner of said East Half of the southeast Quarter; thence on an assumed bearing of South 88 degrees 36 minutes 16 seconds West along the north line of said East Half of the Southeast Quarter a distance of 372.03 feet; thence South 13 degrees 19 minutes 46 seconds East, a distance of 89.56 feet; thence southerly along a tangential curve concave to the east having a radius of 1909.91 feet and a central angle of 6 degrees 02 minutes 15 seconds, a distance of 201.46 feet; thence North 88 degrees 14 minutes 21 seconds east, a distance of 764.51 feet to a line hereinafter referred to as Line A to be described; thence North 16 degrees 28 minutes 44 seconds West along said Line A, a distance of 270.00 feet to the north line of said North Half of the Southwest Quarter; thence North 88 degrees 58 minutes 40 seconds West along said north line, a distance of 293.04 feet to the point of beginning

Line A is described as follows: Commencing at the northwest corner of said North Half of the Southwest Quarter; thence east along the north line of said North Half of the Southwest Quarter, a distance of 393.04 feet to the point of said Line A to be described; thence southerly deflecting 79 degrees 25 minutes 56 seconds right along said Line A, a distance of 717.92 feet and said Line A there terminating.

Except that part of said East Half of the Southeast Quarter described as follows: Commencing at the northeast corner of said East Half of the Southeast Quarter; thence west along the north line of said East Half of the Southeast Quarter; a distance of 58.13 feet to the point of beginning of the land to be described; thence south deflecting 90 degrees left, a distance of 13.50 feet; thence west, a distance of 51.65 feet to a point distant 12.80 feet south of said north line of the East Half of the Southeast Quarter as measured along a perpendicular line from said north line; thence north along said perpendicular line, a distance of 12.80 feet to said north line; thence east along said north line to the point of beginning, and except easements of record.

Together with an easements for ingress and egress over and across the West 1 rod of the Southwest Quarter of the Northwest Quarter of Section 27, Township 36, Range 30, Benton County, Minnesota lying south of the southerly right of way as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY NO. 05-13.

Donovan Lake Development Minden Township



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|---|-----------------------------|---|--------------------------|
|  | Orderly Annexation Boundary |  | Roads |
|  | St. Cloud Corporate Limits |  | Donovan Lake Development |



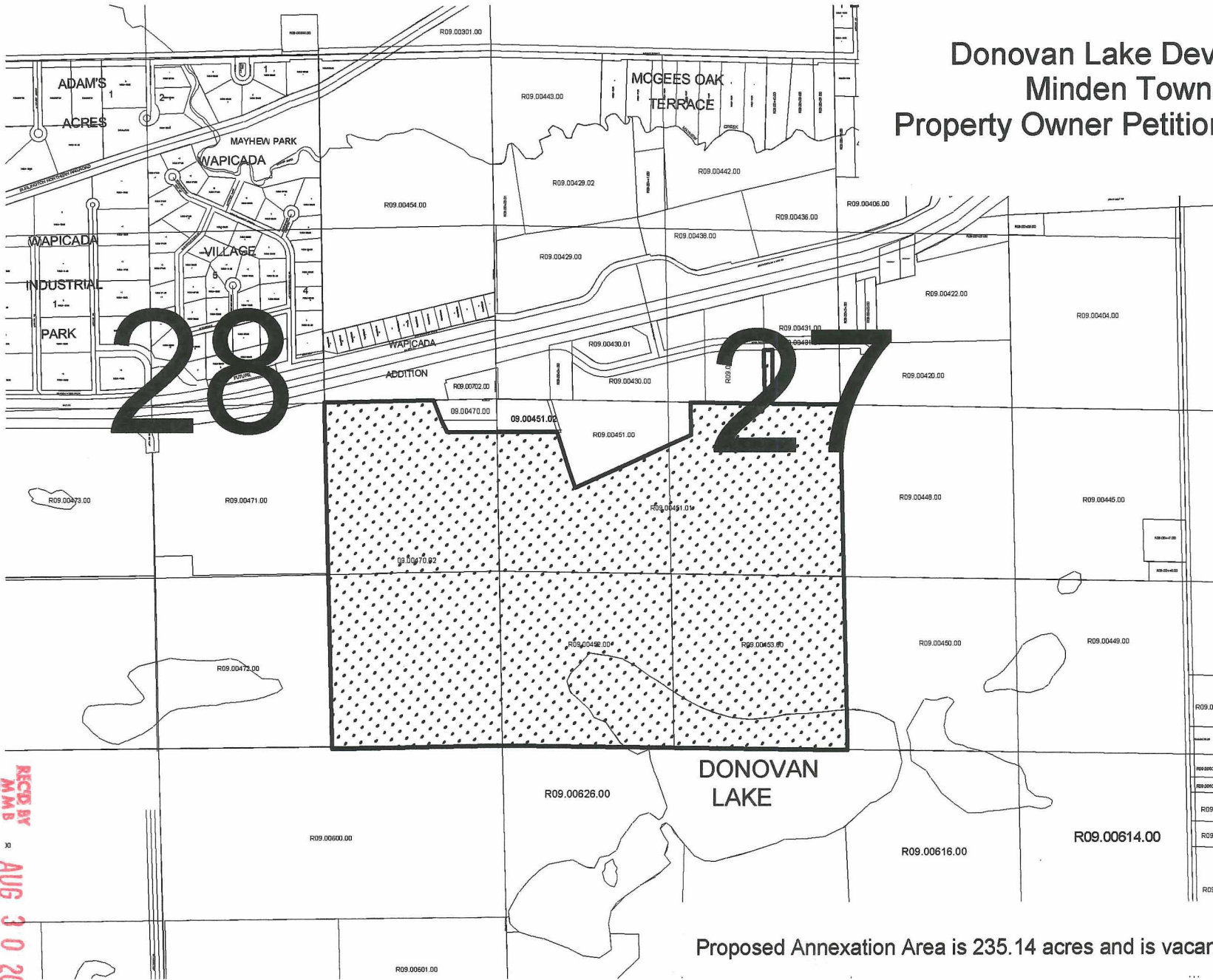
This map is neither a legally recorded map nor survey and is to be used only for reference purposes. The City of St. Cloud assumes no responsibility for actual or consequential damage incurred as a result of using this data.



Map prepared by the St. Cloud Planning Office, 08/01.

REC'D BY
MAM B
AUG 30 2001

Donovan Lake Development Minden Township Property Owner Petition Map - 2001



REC'D BY
 M.M.B.
 AUG 30 2001

Proposed Annexation Area is 235.14 acres and is vacant property.

Map prepared by the St. Cloud Planning Office, 08/01.

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TABIES.

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EXHIBIT