

Resolution No. 2002-3-81

RESOLUTION ANNEXING PROPERTY IN MINDEN TOWNSHIP  
TO THE CITY OF ST. CLOUD, WHICH PROPERTY IS KNOWN  
AS THE AYERS FAMILY TRUST 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 Ayers Family Trust, a copy of which was submitted to the Town on January 29, 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.

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 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.

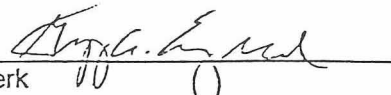
BE IT FURTHER RESOLVED:

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 six-year tax step-up.

Adopted this 3<sup>rd</sup> day of March, 2002.

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

Attest:

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

PETITION TO ANNEX REAL PROPERTY INTO THE  
CITY OF ST. CLOUD

TO: City of St. Cloud and its City Planner, David Carlberg

1. The Ayers Family Trust owns property currently located in Minden Township that is the subject of an orderly annexation agreement (Subject Property). The Subject Property is legally described in Exhibit 1 which is attached hereto and by this reference incorporated herein.

2. Joseph C. Ayers and Jane D. Thole are Co-Trustees of the Ayers Family Trust and have the authority to submit this petition to the City of St. Cloud.

3. The Ayers Family Trust hereby petitions the City of St. Cloud to annex the Subject Property into the City of St. Cloud and to extend sewer and water to the Subject Property as soon as possible to facilitate development of the property forthwith.

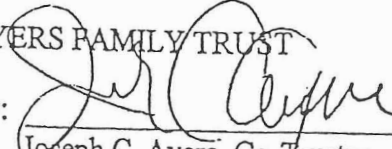
4. The Ayers Family Trust has retained Christopher J. Dietzen of Larkin, Hoffman, Daly & Lindgren, Ltd. to represent it in connection with this matter. All further correspondence and contact should be made directly to Mr. Dietzen. His address and telephone number are as follows:

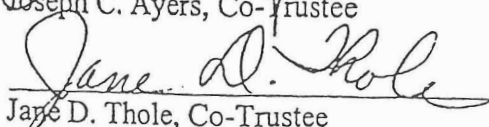
Christopher J. Dietzen  
Larkin, Hoffman, Daly & Lindgren, Ltd.  
1500 Wells Fargo Plaza  
7900 Xerxes Avenue South  
Bloomington, Minnesota 55431  
(952) 896-3216

Dated this 15<sup>th</sup> day of January, 2002.

AYERS FAMILY TRUST

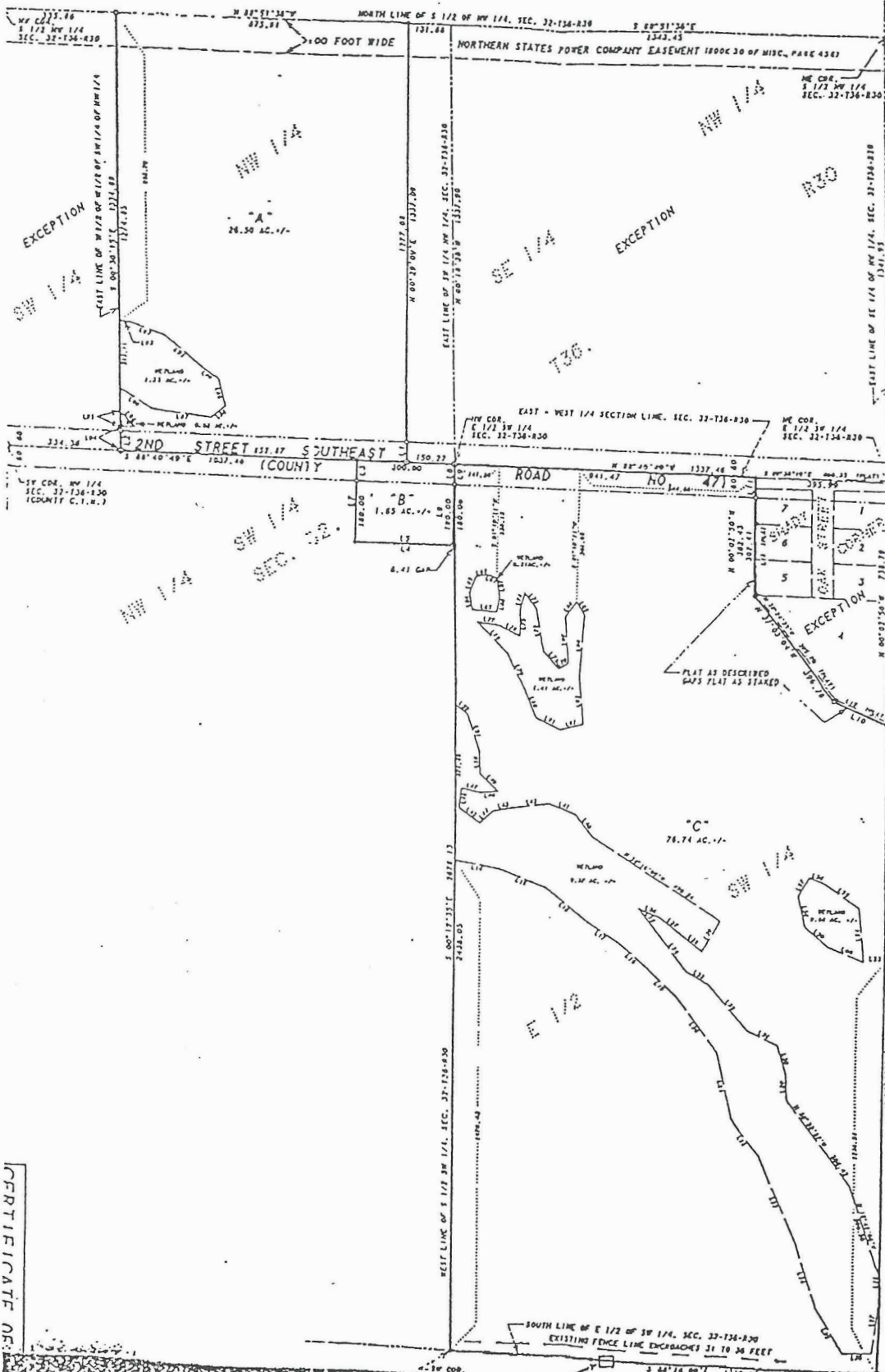
By:

  
Joseph C. Ayers, Co-Trustee

  
Jane D. Thole, Co-Trustee

RECT'D BY  
MMB  
MAY 10 2002

Joseph Agent  
2643 Michoud Drive  
Rahway, NJ 07065



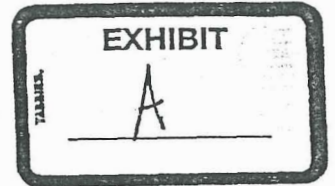
LINE	BEAR
L 1	N 00° 22' 00"
L 2	S 00° 22' 00"
L 3	S 01° 15' 00"
L 4	S 04° 45' 00"
L 5	S 08° 45' 00"
L 6	N 01° 15' 00"
L 7	S 01° 15' 00"
L 8	S 01° 15' 00"
L 9	S 00° 15' 00"
L 10	N 64° 45' 00"
L 11	N 00° 45' 00"
L 12	N 64° 45' 00"
L 13	N 00° 45' 00"
L 14	S 00° 45' 00"
L 15	S 00° 45' 00"
L 16	S 53° 45' 00"
L 17	S 54° 45' 00"
L 18	S 01° 15' 00"
L 19	S 45° 45' 00"
L 20	S 32° 45' 00"
L 21	S 15° 45' 00"
L 22	S 35° 45' 00"
L 23	S 25° 45' 00"
L 24	S 15° 45' 00"
L 25	S 12° 45' 00"
L 26	N 79° 45' 00"
L 27	N 04° 45' 00"
L 28	N 00° 45' 00"
L 29	N 04° 45' 00"
L 30	N 17° 45' 00"
L 31	N 64° 45' 00"
L 32	N 42° 45' 00"
L 33	N 01° 15' 00"
L 34	N 25° 45' 00"
L 35	N 35° 45' 00"
L 36	S 64° 45' 00"
L 37	S 53° 45' 00"
L 38	S 54° 45' 00"
L 39	S 01° 15' 00"
L 40	N 20° 45' 00"
L 41	N 70° 45' 00"
L 42	S 82° 45' 00"
L 43	S 80° 45' 00"
L 44	S 47° 45' 00"
L 45	N 01° 15' 00"
L 46	N 04° 45' 00"
L 47	S 77° 45' 00"
L 48	N 04° 45' 00"
L 49	N 64° 45' 00"
L 50	N 15° 45' 00"
L 51	N 10° 45' 00"
L 52	N 53° 45' 00"
L 53	N 55° 45' 00"
L 54	N 70° 45' 00"
L 55	S 78° 45' 00"
L 56	S 12° 45' 00"
L 57	S 15° 45' 00"
L 58	S 51° 45' 00"
L 59	S 89° 45' 00"
L 60	S 84° 45' 00"
L 61	S 81° 10' 00"
L 62	S 20° 22' 00"
L 63	S 04° 22' 00"
L 64	S 13° 22' 00"
L 65	N 10° 45' 00"
L 66	N 10° 45' 00"
L 67	N 00° 45' 00"
L 68	S 37° 24' 00"
L 69	S 02° 27' 00"
L 70	S 52° 28' 00"
L 71	N 42° 28' 00"
L 72	N 00° 17' 00"
L 73	N 34° 24' 00"
L 74	S 13° 54' 00"
L 75	S 00° 53' 00"
L 76	N 04° 12' 00"
L 77	N 81° 27' 00"
L 78	S 64° 25' 00"
L 79	S 26° 47' 00"
L 80	S 23° 09' 00"
L 81	S 64° 27' 00"
L 82	N 78° 03' 00"
L 83	N 05° 10' 00"
L 84	N 05° 01' 00"
L 85	N 30° 24' 00"
L 86	S 36° 24' 00"
L 87	S 12° 21' 00"
L 88	N 51° 22' 00"
L 89	N 14° 41' 00"
L 90	N 52° 22' 00"
L 91	N 48° 14' 00"
L 92	N 67° 21' 00"
L 93	N 82° 11' 00"
L 94	N 00° 22' 00"
L 95	S 00° 22' 00"
L 96	S 41° 42' 00"
L 97	S 89° 02' 00"

CERTIFICATE OF

SCALE  
ORIENTATION OF THIS PLAT  
BY MEANS OF THE  
MAGNETIC NUT

REC'D BY  
M M B

MAY 10 2002



**EXHIBIT 1**

Ayers Family Trust owns the following legally described real property:

**PARCEL "A"**

The South One-half of the Northwest Quarter, Section 32, Township 36, Range 30, Benton County, Minnesota, less and except the West Half of the West Half of the Southwest Quarter of the Northwest Quarter.

Also less and except that part of said South One-half of the Northwest Quarter described as follows: Commencing at the southwest corner of the Northwest Quarter; thence EAST (*South 88 degrees 40 minutes 49 seconds East on Certificate of Survey*), assumed bearing, of the south line of said Northwest Quarter 1187.24 feet to the point of beginning of the land to be described; then North 00 degrees 50 minutes 02 seconds West (*North 00 degrees 29 minutes 09 seconds West on Certificate of Survey*), 1333 feet, more or less, to the north line of said South One-half of the Northwest Quarter; thence easterly on said north line 1485 feet, more or less; to the northeast corner of said South One-half of the Northwest Quarter; thence southerly on the east line of said South One-half of the Northwest Quarter to the southeast corner of said Northwest Quarter; thence westerly on said south line of the Northwest Quarter to the point of beginning.

Subject to the right of way of a county road over the south part thereof and easements of record.

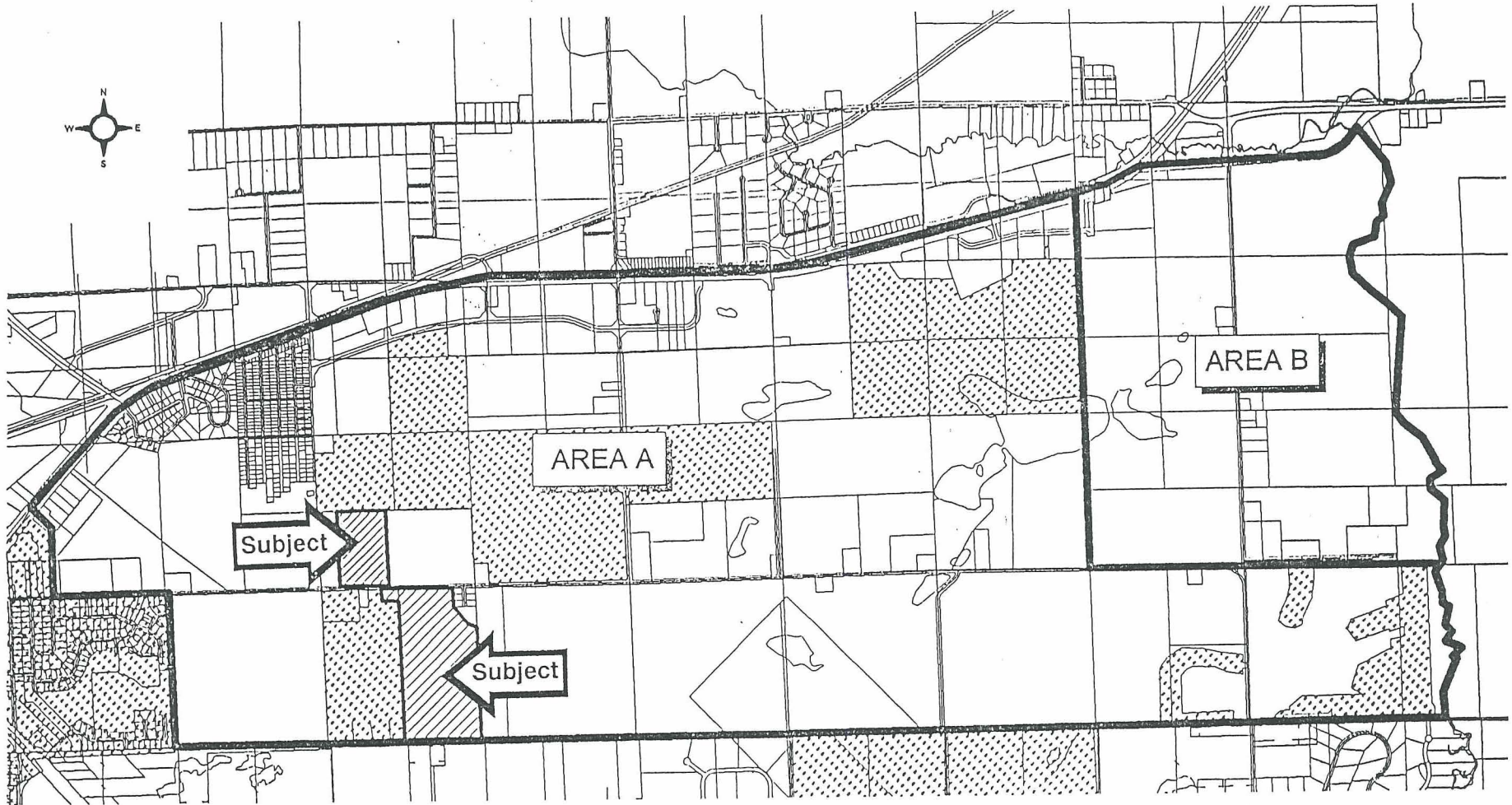
**PARCEL "B"**

That part of the West Half of the Southwest Quarter (W 1/2 SW 1/4) of Section Thirty-two (32), Township Thirty-six (36) North of Range Thirty (30), described as follows: Beginning on the Northeast corner of said West Half of the Southwest Quarter (W 1/2 SW 1/4), Section, Township and Range aforesaid, thence West along the North line of said West Half for a distance of 300 feet; thence at right angles due South 240 feet  
thence at right angles due East 300 feet thence at right angles due North 240 feet to the point of beginning and there terminating (DESCRIPTION AS RECORDED AS DOCUMENT NUMBER 204203).

**PARCEL "C"**

The East Half of the Southwest Quarter (E 1/2 SW 1/4) excepting therefrom that part thereof platted as "Shady Corner", All in Section, Thirty-two (32), Township Thirty-six (36) North, Range Thirty (30) West, According to the U.S. Government Survey thereof, Benton County, Minnesota. (DESCRIPTION AS RECORDED AS DOCUMENT NUMBER 204203).

# Ayers Family Trust Annexation Petition Area



Minden Township Orderly Annexation Area



St. Cloud Corporate Limits

The annexation petition area is approximately 101 acres.  
No population increase in the annexation petition area.

0.5                      0                      0.5 Miles



Map prepared by the St. Cloud Planning Office, 01/02.

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 this map.

REC'D BY  
M M B  
MAY 10 2002

TABBLES

B

EXHIBIT