

St. Cloud Resolution No. 2001-4-115

Town Resolution No. 02-3001

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN
THE TOWN OF LESAUK AND THE CITY OF ST. CLOUD, MINNESOTA**

WHEREAS, the Town of LeSauk (the "Town"), the City of Sartell ("Sartell") and the City of St. Cloud ("St. Cloud"), have had numerous discussions regarding the land areas adjacent to the City; and,

WHEREAS, the Town and Sartell are parties to a Joint Resolution as to Orderly Annexation ("LeSauk/Sartell Agreement") approved by the Minnesota Municipal Board on November 6, 1992, (Municipal Board Docket No. OA-276); and

WHEREAS, the Town, Sartell and St. Cloud have agreed that the property legally described in Exhibit A attached hereto, located in the Town and formerly included in the orderly annexation area covered by the terms of the LeSauk/Sartell Agreement, will best be served with municipal services, including utilities, from St. Cloud; and

WHEREAS, the Town Board, the Sartell Council and the St. Cloud Council have determined that future planning and development by St. Cloud of the property legally described in Exhibit A attached hereto, which is adjacent to St. Cloud, is of benefit to all parties and the residents thereof; and,

WHEREAS, the Town Board and the St. Cloud Council desire to accomplish future planning and development of the property legally described in Exhibit A attached hereto by St. Cloud in an orderly fashion and, insofar as is reasonable and possible, to resolve any present and future differences between the Town and St. Cloud by mutual agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOWN OF LESAUK AND THE COUNCIL FOR THE CITY OF ST. CLOUD:

1. Designation of Orderly Annexation Area. The property legally described in Exhibit A and whose location is indicated on the map included as Exhibit B is designated for orderly annexation to St. Cloud under and pursuant to Minnesota Statute 414.0325, Subdivision 1. The area designated as an orderly annexation area is approximately 150 acres in size.
2. Minnesota Planning Jurisdiction. That upon approval by the parties, this agreement shall confer jurisdiction upon Minnesota Planning so as to accomplish said orderly annexation in accordance with the terms of this agreement.

3. No Alteration of Boundaries. The Town and St. Cloud mutually state that no alteration by the Board of the boundaries of the area designated for orderly annexation to St. Cloud is appropriate.
4. Review and Comment by Minnesota Planning. The Town and St. Cloud mutually state that this agreement sets forth all of the conditions for annexation of the area designated herein for orderly annexation to st. Cloud and that no consideration by Minnesota Planning is necessary. Minnesota Planning may review and comment, but shall, within thirty (30) days order annexation in accordance with the terms and conditions of this agreement.
5. Special Terms and Conditions for Orderly Annexation of the Subject Area. The Town and St. Cloud mutually agree and resolve that the following terms and conditions shall govern annexations under this agreement for Orderly Annexation:
 - a. Petition Requirement for Annexation Approval. Any request for annexation of a described area within the designated orderly annexation area may be subject to annexation to St. Cloud only upon presentation of a petition signed by owners of a majority of the parcels of record in an area proposed for annexation. Annexation to St. Cloud shall require approval of a resolution by a majority of both the Town Board and St. Cloud Council acting as separate bodies.
 - b. Areas Requirements, for Annexation Petitions. Areas proposed for annexation must include all of an abutting right-of-way included within the orderly annexation area. Annexation of any property on Cypress Road will require inclusion of the public park property abutting Cypress Road located within the orderly annexation area. Areas proposed for annexation must have contiguity to existing corporate boundaries to prevent a leap-frog pattern of annexation and provision of services.
 - c. Urban and Rural Tax Districts. A rural tax district shall be established for those properties existing within the Town immediately prior to an annexation approval except those that are developed for commercial or industrial purposes. For property tax purposes, the tax capacity rate for the rural district will be adjusted to the mid-point between the rate in the present St. Cloud City and the most recent Town tax rate for taxes payable in 2000. Thereafter, the differential between the Town tax rate and the City tax rate will remain constant.

An urban tax district shall be established for those properties existing within the Town immediately prior to an annexation approval that are developed for commercial or industrial purposes. For property tax purposes, the tax

capacity rate for the urban district portions of the present Town will be the St. Cloud City tax capacity rate, beginning with taxes payable in 2000.

Property designated as being in a rural tax district must be pre-designated as being part of the urban tax district upon development inconsistent with its rural designation. In the case of unplatted property, redesignation occurs upon; (1) platting, in whole or part, (2) whenever application is made for a permit for the construction of a commercial, industrial or urban residential development or improvement on the property, or (3) when basic urban services such as sewer, water or street improvements are extended to such property or portion. In the case of platted properties which were determined to be rural in character, the redesignation occurs whenever: (1) any lot or portion of a platted property is developed, or (2) when basic urban services such as sewer, water or street improvements are extended to any such lot or portion. All designations and redesignations of property must be consistent with the requirements of Minn. Stat. Sec. 272.67. It is the policy of St. Cloud not to make such street improvements prior to installation of water and sewer.

- d. Planning in Areas Designated for Orderly Annexation. Prior to annexation, joint planning and land use control for areas within the orderly annexation area shall be accomplished in accordance with Minn. Stat. Sec. 414.0325, Subd. 5(c), Paragraph 2 (three-member committee with one member appointed from each of the municipal, town and county governing bodies).
- e. Special Assessments. Special assessments for public improvements provided to all properties annexed to St. Cloud from the orderly annexation area will be assessed in accordance with adopted St. Cloud policy, for a period of up to 20 years, at the option of the property owner, except as follows:
 - 1) Large Tracts of Substantially Undeveloped Residential Land: At the request of the property owner, assessments for all but the first 200' of assessable frontage on unplatted, residential property will be deferred with interest waived for the first five (5) years of the deferment period. Deferment will terminate and assessments with interest will come due when the property is subdivided or 20 years from the date of the improvement, whichever comes first.
 - 2) Large Platted Lots for Single Family Dwellings: Platted lots of record for low density single family dwellings that exist at the date of annexation will be assessed for a maximum of 200' of assessable frontage. Should such a platted lot be split or subdivided in the future to create another building lot(s), each additional lot created will be charged a utility connection fee.

Assessment rates will be the uniform rate established annually by the St. Cloud Council.

- f. Planned Timeline for Installation of public Utility Services in Proximity to the Orderly Annexation Area. In accordance with the timeline established for extension of utility service to former parts of St. Cloud Township, St. Cloud plans to install sanitary sewer and water main along Cypress Road and in the Southview 90 area between years 2001 and 2003. These utilities will be installed with sufficient depth and capacity so that they may eventually be extended into the platted portions of the orderly annexation area.
- g. Services Provided. Upon annexation to St. Cloud, subject property shall receive all normal and customary services offered to other like properties within St. Cloud except as otherwise described herein and as follows:

Municipal refuse collection will be provided to all residential property at said time as public utility services are provided to the property.

6. Authorization. Appropriate officers of the Town and St. Cloud are hereby authorized to carry the terms of this agreement into effect.
7. Severability and Repealer. All prior resolutions and ordinances of the Town and St. Cloud or portions thereof, that are in conflict herewith, are hereby repealed. Should any section of this agreement be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provision shall remain in full force and effect.
8. Effective Date. This agreement shall be effective immediately upon its adoption by the respective governing bodies of the Town and St. Cloud.


Adopted this 11 day of JUNE, 2001, by the Board of Supervisors for the Town of LeSauk.

Ronald Nales
Board Chair

Attest:


Marlyce L. Plante
Town Clerk

Adopted this 21st day of June, 2001, by the Council for the City of St. Cloud.



Council President

Attest:



City Administrator/Clerk

REC'D BY
MMB

JUN 25 2001

EXHIBIT "A"

Legal Description of Area for Orderly Annexation

All the land West of the centerline of C.S.A.H. No. 4 as recorded in Stearns County Highway Right of Way Plat No. 6 and South of the following described line and located in Section 31, TOWNSHIP 125 North, Range 28 West of the 5th

Principal Meridian, LeSauk Township, Stearns County, Minnesota:

Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 31; thence South along the West line of said Southwest Quarter of the Southwest Quarter, a distance of 16.70 feet to the point of beginning of the line to be described; thence Easterly to a point designated as "M 50" on sheet No. 11 of said Stearns County Highway Right of Way Plat No. 6, and there terminating, said line being the centerline of 322nd Street.

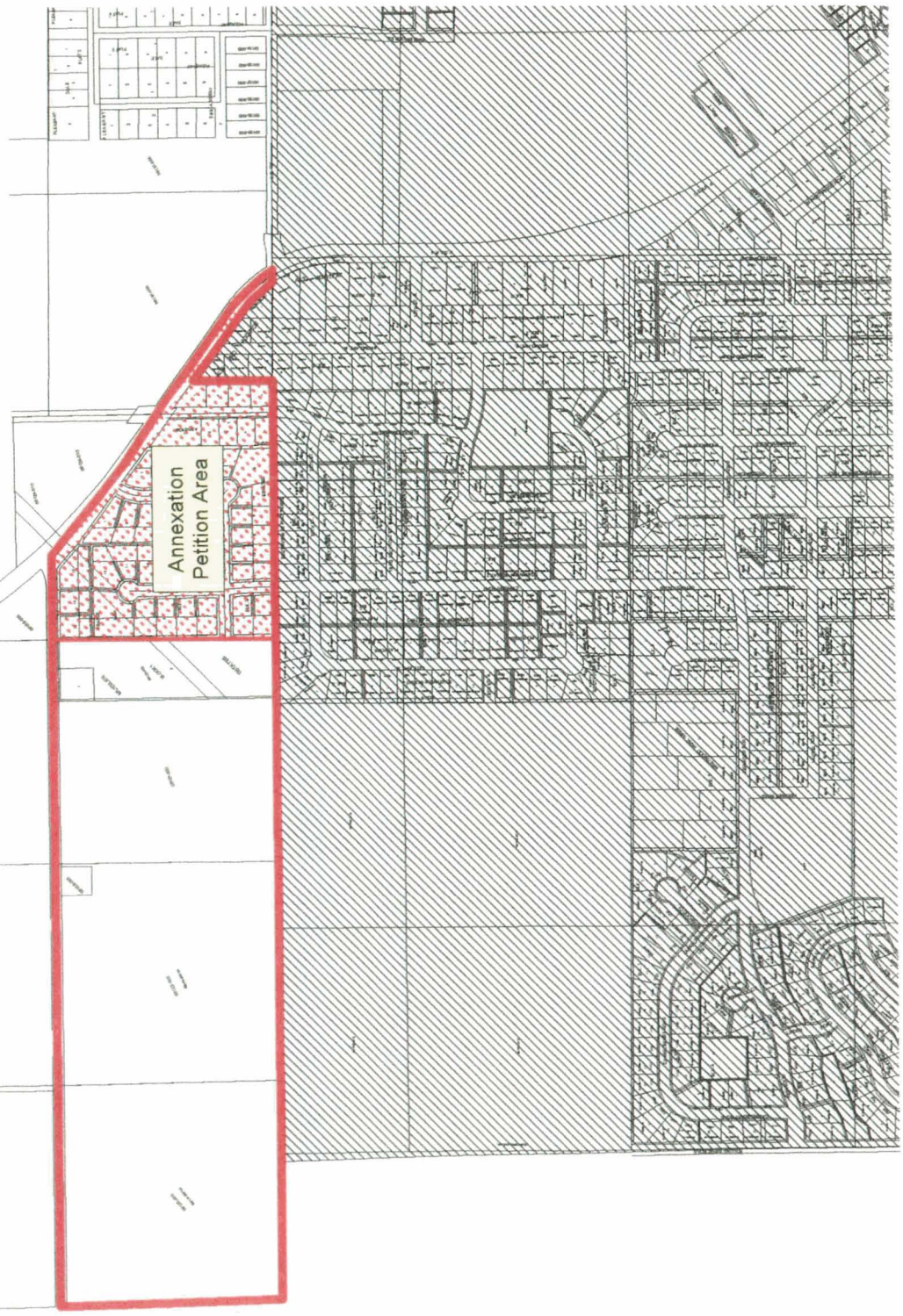
LeSauk Township/City of St. Cloud Annexation Petition Area

EXHIBIT
B

REC'D BY
MMB JUN 25 2001



The entire orderly annexation area is
157 acres.



Map prepared by the St. Cloud Planning Office, 04/01.

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

REC'D BY
MMB

JUN 25 2001

Area to be
attached to St. Cloud
growth corridor

Area annexed to St. Cloud
5/24/99

322ND STREET

CSA.H.A