

**RESOLUTION NO. 100608-03
CITY OF WAITE PARK**

REC'D BY
MAMB

OCT 20 2008

RESOLUTION FOR ORDERLY ANNEXATION

BE IT RESOLVED by the City Council of the City of Waite Park, Minnesota as follows:

1. The Township of St. Joseph and the City of Waite Park have entered into an Orderly Annexation Agreement executed on May 29, 2001 and May 8, 2001 respectively, and approved by the Municipal Board as OA-775.
2. The City has received a petition for annexation from 100% of the owners of the following described property, all of which is governed by the Orderly Annexation Agreement and constitutes part of Zone 3 of the Orderly Annexation Agreement:

See attached legal description (Exhibit "A")

(hereinafter "the Property"). The property contains approximately 46.84 acres.

3. The City Council agrees to reimburse the Township pursuant to Minnesota Statutes 414.036 and Section 6 of the Orderly Annexation Agreement, for the taxes to be collected on the Property according to the following formula:

2008	60%
2009	50%
2010	40%
2011	30%
2012	20%

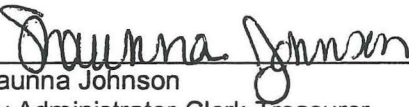
In the year 2013 and every year thereafter, all pertinent tax revenue will go to the City.

4. Upon annexation the Property shall be subject to the City's zoning and land use controls subject to the requirements according to City Ordinance and future amendments to such Zoning Ordinance. Upon annexation, the Property shall be zoned A-1 Agricultural/Rural Residential District.
5. The Orderly Annexation Agreement states that the Town and the City mutually agree and that Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the Director of Minnesota Planning (now Office of Administrative Hearings Municipal Boundary Adjustment) is necessary. The Office of Administrative Hearings Municipal Boundary Adjustment may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of the Joint Resolution.
6. The Town approved the annexation of the Property by resolution dated September 8, 2008.
7. The City hereby approves the annexation of the Property.
8. This Resolution shall be effective from the date of the Office of Administrative Hearings Municipal Boundary Adjustment's order calling for the designated property's annexation to the City.


Approved by the City of Waite Park this 6th day of October, 2008.

(seal)

ATTEST:



Shaunna Johnson
City Administrator-Clerk-Treasurer



Richard E. Miller
Mayor

ACTION ON THIS RESOLUTION:

Motion for adoption: Schneider
Seconded by: Linqvist
Voted in favor of: Bartz, Linqvist, Miller, Schneider, Theisen
Voted against: None
Abstained: None
Absent: None
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Waite Park, MN, at a duly authorized meeting held on 10/06/2008.



Shaunna Johnson
City Administrator-Clerk-Treasurer

**EXHIBIT A
LEGAL DESCRIPTION**

REC'D BY
MMB

OCT 20 2008

The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 36, Township 124N, Range 29W, Stearns County, Minnesota, EXCEPT the following:

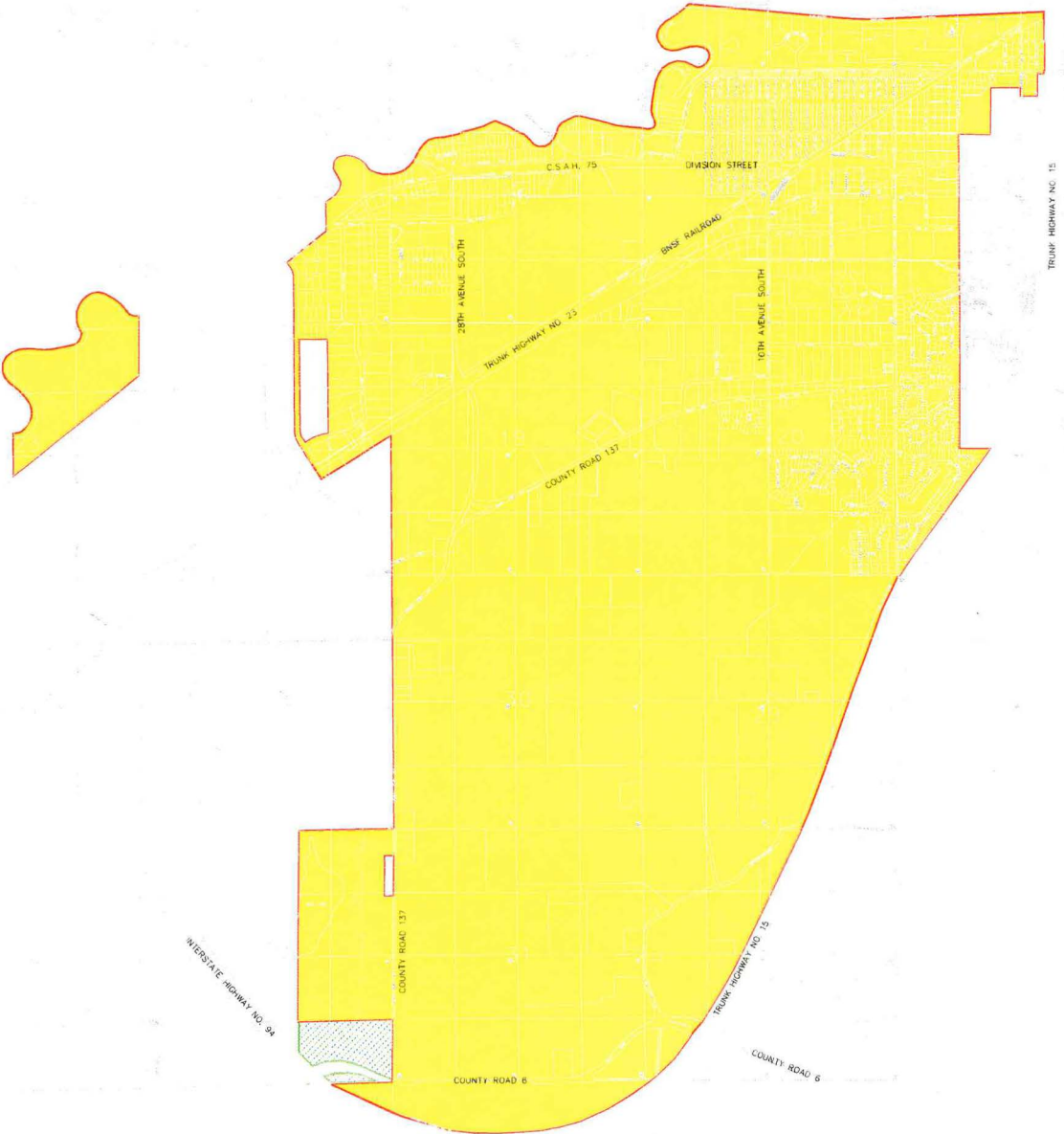
That part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 36, Township 124N, Range 29W, described as parcel 18 of the State Highway Right of Way Plats, according to the plat thereof as recorded as Plats 73-12 and 73-13 in Book T of Plats, on pages 12 and 13 in the office of the County Recorder in and for said county.

CITY OF WAITE PARK



-  CORPORATE LIMIT LINE
-  JEROME R. ZABINSKI ANNEXATION

REC'D BY
AMB
OCT 20 2008



TOWNSHIP OF SAINT JOSEPH

FROM THE OFFICE OF

August 14, 2008

REC'D BY
MAMB

OCT 20 2008

City of Waite Park
19 13th Ave N
Waite Park, MN 56387

RE: Jerome Zabinski's Request for Annexation

The St. Joseph Town Board voted unanimously at the September 8, 2008 meeting to support Jerome Zabinski's request to annex the parcel of 46.8 acres into the City of Waite Park. Mr. Zabinski is trying to get the majority of these acres into RIM which will be a financial gain for him. The property does not require sewer or water and can never be built on. 13 acres are highland and will not go into the RIM program. The property is contiguous to the City of Waite Park and is in an urban area, which results in a higher payment if the land is accepted into RIM.

Sincerely,



Ann Reischl
St. Joseph Township Clerk

RECEIVED

10-17-08

REC'D BY
M.M.B

OCT 20 2008

P.722
090808.min

Regular Meeting

Chairman Janssen called the meeting to order at 8 p.m. Motion by Salzer, seconded by Symalla and carried unanimously to approve the minutes of the August 25, 2008 regular meeting as printed and the August 25 D. Michael and Judith Noonan Variance Hearing minutes as printed.

Joe Zabinski was present and requested 46.8 acres to be annexed into the City of Waite Park. He is trying to get the majority of these acres into RIM which will be a financial gain for Zabinski. The property does not require sewer or water, but it can never be built on. 13 acres are highland and will not go into the RIM program. The property is contiguous to the City of Waite Park and is in an urban area, which results in a higher payment if the land is accepted into RIM. Motion by Janssen, seconded by Salzer and carried unanimously to support Joe Zabinski's request to annex the parcel of 46.8 acres into the City of Waite Park.

Motion by Salzer, seconded by Symalla and carried unanimously to approve Claims #4909 – 4914 to be paid by Checks #3615 – 3621 totaling \$1,731.22.

Motion by Salzer, seconded by Symalla and carried unanimously to approve the following building, plumbing and mechanical permits as presented:

Building Permits:

- 19-08 Erie Iken – Reroof
- 20-08 Randy Gillitzer – 34/42 X 24 Addition
- 21-08 Robert Ethen – 16 X 16 Deck

Plumbing Permits:

- 5-08P Valley Cartage – Install Softener
- 6-08P Fifth Gear Repair – Install Softener


Mechanical Permits:

- 10-08M Jennifer Evinrude – Mobile Home Gas Piping
- 11-08M Tim Miller – Gas Fireplace, Heat Exchanger, 2 Stoves & 1 Chimney

Motion by Symalla, seconded by Salzer and carried unanimously to adjourn at 8:50.

PRESENT: Salzer, Symalla, Janssen, Reischl, Rassier and Joe Zabinski

 Clerk

 Chairman

Approved As Read/Printed As Amended

252-1507

Filing Fee \$ 400⁰⁰
Date Paid 8/27/08
Receipt # 14812

PETITION FOR ANNEXATION

TO THE CITY COUNCIL OF THE CITY OF WAITE PARK, MINNESOTA:

REC'D BY
M M B
OCT 20 2008

IN THE MATTER OF THE PETITION OF CERTAIN PERSONS FOR ANNEXATION OF UN-INCORPORATED PROPERTY TO THE CITY OF WAITE PARK, MINNESOTA:

We, the undersigned, all the owners of the property described below, hereby petition the City Council to annex this property to the City of Waite Park, Minnesota, and to extend the City boundaries to include the same, and for that purpose respectfully state:

1. The property to be annexed consists entirely of land which lies within an orderly annexation area in an agreement between the City of Waite Park and St. Joseph Township in the County of Stearns, Minnesota and the description of such lands is as follows: (Insert legal description, including acreage)

2. The petitioner(s) are in need of municipal sewer service. Yes _____ No X

3. All of this land is urban (or suburban) in character and occupied by _____, or is vacant land.

4. The residents in the area will increase the population by 0.

5. All of the property is within the 11-15 year zone of the Orderly annexation Agreement between the Township of St. Joseph and the City of Waite Park as of _____.

6. All of the property owners of title exceed the required percentage to constitute a sufficient petition under M.S. 414.033, Subd 5, and the percentage of parcels of property in the affected area according to Section 7B of the Orderly Annexation Agreement between the Township of St. Joseph and the City of Waite Park.

7. The acreage of the parcel(s) requesting annexation is 40.8 acres (include to .00 of acres)

8. All cost incurred by the City will be the responsibility of the petitioner.

ALL OF THE PROPERTY OWNERS OF TITLE

Signatures

Printed Names

Date:

Jerome R Zabiniski

JEROME R ZABINSKI

AUG 20 2008

RECEIVED BY:

8/26/08
Date

Sheila Mahow, Bldg/Planning Asst.
Signature and Title

August 6, 2008

REC'D BY
AAMB

OCT 20 2008

Waite Park City Council:

I am asking that Parcel # R31.21154.000 consisting of 46.84 acres, which is located in St. Joseph Township, be annexed into Waite Park. It is joined on three sides by land that is now Waite Park.

I am working on a conservation Plan for the wet lands in that parcel. Because the other parcels I own (formerly St. Augusta Township & Rockville Township) have been annexed into Waite Park and this parcel is in orderly annexation to Waite Park, my desire is to have it all in the same jurisdiction as it eventually will be.

I would appreciate action on this annexation as soon as is reasonable, and I will provide additional information if so needed.

cc S.W.C.D.

Thank you

Jerome R Zabinski
Kathleen M Zabinski

Kathleen M. Zabinski
Jerome R Zabinski