

REC'D BY  
MMB

APR 08 2003

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**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN  
THE TOWN OF WAKEFIELD AND THE CITY OF COLD SPRING  
(HIGHWAY 23 EAST COMMERCIAL AND RESIDENTIAL)**

**RECITALS**

- A. The Town of Wakefield (the "Town") and the City of Cold Spring (the "City"), both of Stearns County, Minnesota, agree on the orderly annexation of certain real property described in this resolution for orderly and planned services to the community.
- B. The property proposed to be annexed is not already part of another city, and it adjoins and is contiguous to the City (see attached maps in Exhibit 1).
- C. All owners of the property proposed to be annexed have petitioned the City for annexation.
- D. An orderly annexation of the proposed property is in the best interest of the area proposed for annexation.

**RESOLUTION**

In consideration of this resolution's mutual terms and conditions, the Town and City jointly resolve and enter into this Joint Resolution for Orderly Annexation (the "Joint Resolution") as follows:

1. **Designation of Orderly Annexation Area.** The Town and City designate the area set forth on the map(s) attached as Exhibit 1 and the legal descriptions of the properties attached as Exhibit 2 (the "Designated Property") as subject to orderly annexation pursuant to Minnesota Statutes § 414.0325.

2. **Minnesota Office of Strategic and Long Range Planning Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Minnesota Office of Strategic and Long Range Planning to approve annexation of the designated property pursuant to Minnesota Statutes § 414.0325.
3. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Office of Strategic and Long Range Planning of the Designated Property's stated boundaries is appropriate.
4. **Office of Strategic and Long Range Planning Review and Comment.** The Town and City agree and state that this Joint Resolution sets forth all the conditions for annexation of the designated property, and no consideration by the Office of Strategic and Long Range Planning is necessary. The Office of Strategic and Long Range Planning may review and comment, but shall order the annexation of the designated property according to this Joint Resolution's terms within thirty (30) days of the Office of Strategic and Long Range Planning's receipt of this Joint Resolution.
5. **Planning and Land Use Control Authority.** Upon the annexation's effective date, the City's zoning regulations and land use controls shall govern the Designated Property. Upon annexation those properties listed in Exhibit 2 with the heading *Legal Descriptions Residential Area* shall be included in the "R-1" One and Two Family Residence District; while those properties listed in Exhibit 2 with the heading *Legal Descriptions Commercial Area* shall be included in the "C-I" Commercial-Industrial District.
6. **Acres and Population.** The Designated Property consists of **23.5 acres**, more or less, and has a current population of **eight**.
7. **Authorization.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.
8. **Modification.** The Town and City may modify, amend or terminate this Joint Resolution only by a mutually signed, written agreement.
9. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution is invalid, illegal or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is inapplicable to any person or circumstance, it shall still remain applicable to all other persons or circumstances.
10. **Property Tax Sharing.** The Town shall receive the full share of the property taxes it would have otherwise

received from the Designated Property were it not annexed for the 2003 calendar year, determined to be \$2,388.13; 80% of said amount for the 2004 calendar year, determined to be \$1,910.50; 60% of said amount for the 2005 calendar year, determined to be \$1,432.88; 40% of said amount for the 2006 calendar year, determined to be \$955.25; 20% of said amount for the 2007 calendar year, determined to be \$477.63. Payment of such amounts shall be made twice each year in equal payments; with the first occurring by July 15<sup>th</sup> and the second occurring by December 15<sup>th</sup>.

11. **Effective Date.** This Joint Resolution shall be effective from the date of the Office of Strategic and Long Range Planning's order calling for the Designated Property's annexation to the City.

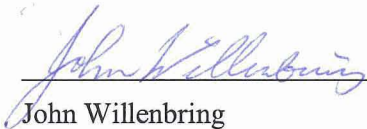
12. **Governing Law.** Minnesota law will govern this Agreement.

#### TOWN OF WAKEFIELD

The Town of Wakefield Board of Supervisors adopts this Joint Resolution on the sixth day of February, 2003.

SIGNED:

ATTEST:



John Willenbring  
Board of Supervisors Chairperson



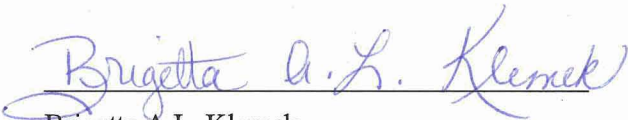
Leander Hansen  
Town Clerk

#### CITY OF COLD SPRING

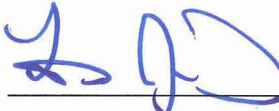
The Cold Spring City Council adopts this Joint Resolution on the 28<sup>th</sup> day of January, 2003.

SIGNED:

ATTEST:



Brigetta A.L. Klemek  
Mayor



Larry J. Lahr  
City Administrator

**This document was drafted by:**  
Rajkowski Hansmeier, Ltd.  
Thomas G. Jovanovich, Attorney at Law  
11 Seventh Avenue North  
St. Cloud, MN 56302-1433



EXHIBIT 1

MAP 1 of 3

REC'D BY  
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MINNESOTA  
23

5.62 Acres +/-

NO. 23

36.24062.000

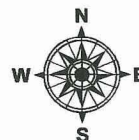
36.23794.000

36.23793.000

36.23791.000

36.23789.000

36.23790.000



CITY OF COLD SPRING, MN  
ANNEXATION MAP - RESIDENTIAL

- ANNEXATION AREA
- CITY BOUNDARY

50 0 50 100 Feet







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M.M.B  
APR 08 2003

EXHIBIT 1  
MAP 2 of 3

17.88 Acres +/-

CITY OF COLD SPRING  
WAKEFIELD TWP



36.23668.000

290.00

36.23669.000

260.00

36.24020.000

150.00

266.00

36.24019.001

150.00

266.00

36.24019.000

200.00

266.00

36.24018.001

150.00

266.00

36.24018.000

183.00

266.00

36.24017.000

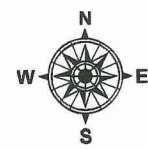
655.55

152.76



108.00

118.12


JOHN LANE (VACATED)





CITY OF COLD SPRING, MN  
ANNEXATION MAP - COMMERCIAL

 ANNEXATION AREA  
 CITY BOUNDARY

100 0 100 200 Feet

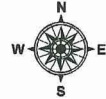
 Bonestroo  
Williamson  
Katsmith  
Engineers • Architects  
Surveyors

CITY OF COLD SPRING, MN  
ANNEXATION MAP - LOCATIONS

-  ANNEXATION AREAS
-  CITY BOUNDARY

1000 0 1000 2000 Feet

Bonestroff  
Williamson  
Kotze  
Engineers & Architects  
Surveyors



Page 6 of 9

WAKEFIELD  
TOWNSHIP

COLD  
SPRING

WAKEFIELD  
TOWNSHIP

MAP 3 of 3

EXHIBIT 1

Krays Lake

Knaus Lake

Sauk River

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**EXHIBIT 2****LEGAL DESCRIPTIONS RESIDENTIAL AREA**

PID NO. 36.23790.000

James Weidner

Book 436 of Deeds, Page 476

That part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 123 North, Range 30 West, Stearns County, Minnesota described as follows: Beginning at a point on the west line of said quarter quarter, said point being South 00 degrees 39 minutes East 977.2 feet from the northwest corner thereof; thence continuing along said west line South 00 degrees 39 minutes East 248.51 feet; thence North 27 degrees 36 minutes East 151.97 feet; thence North 30 degrees 31 minutes West 145.0 feet to the point of beginning.

PID NO 36.23789000

State of Minnesota

(Former Holland Property)

That part of Parcel 204B of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-65 on file and of record in the Office of the County Recorder, Stearns County, Minnesota that lies within the Northeast Quarter of the Northwest Quarter of Section 23, Township 123 North, Range 30 West, Stearns County, Minnesota.

PID NO 36.23793.000

Jennifer B. Kelley

Document No. 841608

That part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 123 North, Range 30 West, Stearns County, Minnesota described as follows: Beginning at a point on the southerly 50 foot right of way line of Minnesota Trunk Highway Number 23, said point of beginning being 65.0 feet, as measured along said right of way line, from the point of intersection of said right of way and the west line of said quarter quarter; said point of intersection being South 0 degrees 39 minutes East 841.10 feet from the northwest corner of said quarter quarter; thence South 33 degrees 15 minutes East 209.80 feet; thence North 59 degrees 11 minutes East 149.80 feet; thence North 43 degrees 18 minutes West 233.50 feet to a point on said right of way line; thence along said right of way line, southwesterly 110.0 feet to the point of beginning.

PID NO 36.23794.000

John L. and Sandra A. Vogt

Document No. 878956

That part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 123 North, Range 30 West, Stearns County, Minnesota described as follows, to wit: Beginning at a point 841.10 feet south of the northwest corner of said Northeast Quarter of the Northwest Quarter, said point being on the southerly right of way line of Trunk Highway No. 23, and running thence South 60.00 feet; thence due East 275.00 feet to the point of beginning of the tract to be described; thence North at right angles 112.70 feet to the southwest corner of Outlot "A" of CHAPEL HILL SUBDIVISION; thence continuing North along the westerly line of said Outlot "A" a distance of 56.70 feet; thence North 26 degrees 07 minutes West 110.00 feet to the southerly right of way line of Trunk Highway No. 23; thence southwesterly along said right of way line a distance of 146.10 feet to a point which bears North 43 degrees 18 minutes West 233.50 feet from the point of beginning; thence South 43 degrees 18 minutes East 233.50 feet to the point of beginning and there terminating.

PID NO 36.24062.000 and 36.23791.000

State of Minnesota

(Former Alton Property)

Parcel 204E of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-65 according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota.

**HIGHWAY RIGHT OF WAY**

Together with the 100.00 foot strip of Trunk Highway No. 23 in Sections 23, Township 123 North, Range 30 West, Stearns County, Minnesota, that lies southeasterly of the southerly line of Parcel 204A, of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-65, according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota (said southerly line is the old northerly right of way line of Trunk Highway No. 23) and westerly of the northwesterly extension of the east line of Parcel 204E of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP NO. 73-65.

**EXHIBIT 2****LEGAL DESCRIPTIONS COMMERCIAL AREA**

PID NO 36.23668.000

Terese Ann Bibeau

Document No. 976313

That part of the Southwest Quarter of Section 14, Township 123 North, Range 30 West, Stearns County, Minnesota described as follows: Commencing at a point on the east line of said Section 14 which is 1084.65 feet North of the southeast corner of said section, said point being on the southeasterly right of way line of S.T. H. No. 23; thence southwesterly on said southeasterly right of way line 251.27 feet for the point of beginning; thence southeasterly at right angles 290 feet; thence southwesterly at right angles 200 feet; thence northwesterly at right angles 290 feet to said right of way line of S.T.H. No 23; thence northeasterly on said right of way line 200 feet to point of beginning.

PID NO 36.23669.00

Cold Spring Coop Creamery Association

That part of the west Quarter of Section 14, Township 123 North, Range 30 West, Stearns County, Minnesota described as follows: Commencing at the intersection of the east line of said Section 14 and the southerly right of way line of Trunk Highway No. 23; thence southwesterly along said right of way line 151.27 feet to the actual point of beginning; thence southeasterly at right angles 260 feet; thence southwesterly at right angles 100 feet; thence northwesterly at right angles 260 feet to said southerly right of way line; thence northeasterly along said right of way line 100 feet to the point of beginning.

PID NO 36.24020.000

Thomas Braegelmann

Lot 3, Block 2, BAUER ADDITION, according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota. Less and except the East 100 feet thereof.

PID NO 36.24019.001

Ralph C. Lieser

The West 50 feet of Lot 2 and the East 100 feet of Lot 3, all in Block 2 BAUER ADDITION, according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota.

PID NO 36.24019.000

Terry R. and Maridee Knauf  
(Dairy Queen)

Lot 2, Block 2, BAUER ADDITION, according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota. Less and except the West 50 feet thereof.

PID NO 36.24018.001

Cold Spring Realty

The West 150 feet of Lot 1, Block 2, BAUER ADDITION, according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota.

PID NO 36.24018.000

Anderson Properties of St. Cloud, LLP

Lot 1, Block 2 BAUER ADDITION, according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota. Together with the West Half of vacated John Lane. Less and except the West 150 feet thereof.



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JUN 13 2003

PID NO 36.24017.000  
Anderson Properties of St. Cloud, LLP

Lot 1, Block 1 BAUER ADDITION, according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota. Together with the East Half of vacated John Lane.

#### HIGHWAY AND RAILROAD RIGHT OF WAY

Together with all that part of Trunk Highway No. 23 and the Burlington Northern and Santa Fe Railroad in Section 13 and 14, Township 123 North, Range 30 West, Stearns County, Minnesota that lies westerly of Line A described below and easterly of Line B described below.

Line A: Commencing at the most westerly corner of Lot 1, Block 1, BAUER ADDITION, according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota; thence northeasterly along the northerly line of said Lot 1, a distance of 463.26 feet to the most northerly corner of said Lot 1 and the actual point of beginning of the line to be described; thence northwesterly at a right angle a distance of 200.00 feet to the northerly right of way line of the Burlington Northern and Santa Fe Railroad and said Line A terminating thereat.

Line B: Commencing at a point on the east line of said Section 14 which is 1084.65 feet North of the southeast corner of said section, said point being on the southeasterly right of way line of S.T. H. No. 23; thence southwesterly on said southeasterly right of way line 451.27 feet to the actual point of beginning of the line to be described; thence northwesterly at right angles 200 feet to the northerly right of way line of said Burlington Northern and Santa Fe Railroad and said line terminating thereat.

The above annexation to include all of Parcel 206J of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-55 according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota and Parcels 206T, 206H, 206G, 206F, 206E and 206D of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-61 according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County, Minnesota.