

REC'D BY
MMB

JUN 13 2003

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN
THE TOWN OF WAKEFIELD AND THE CITY OF COLD SPRING
(BENJAMIN SWANSON PROPERTY)**

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 attached as Exhibit 1 and as legally described below (the "Designated Property") as subject to orderly annexation pursuant to Minnesota Statutes § 414.0325.

All that part of the Northeast Quarter of the Southeast Quarter (NE ¼ of SE ¼), lying North of the centerline of the Sauk River, and West of the right-of-way of State Aid Road No. 2, as now located and constructed over and across said tract, in Section Number Twenty-two (22), in Township Numbered One Hundred Twenty-three (123) North, of Range Numbered Thirty (30) West, Less and except the following: Beginning at the NW Corner of the NE ¼ of SE ¼ of Sec. 22, Twp. 123, Rge. 30, and thence proceeding due East along said quarter section line a distance of 100 feet; thence due South a distance of approximately 295 feet, more or less, to the North shore line of the Sauk River; thence in a Wly direction along said Sauk River to a point due South of the point of beginning; thence due North a distance of approximately 300 feet to the point of beginning and there terminating, in Stearns County, Minnesota.

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 the Designated Property shall be included in the "R-1" One and Two Family Residence District.
6. **Acreage and Population.** The Designated Property consists of **1.34 acres**, more or less, and has a current population of **one**.
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. **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.

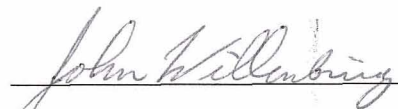
11. **Governing Law.** Minnesota law will govern this Agreement.

TOWN OF WAKEFIELD

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

SIGNED:

ATTEST:





John Willenbring
Board of Supervisors Chairperson

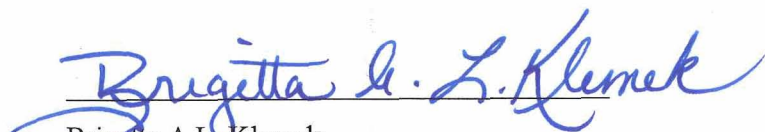
Leander Hansen
Town Clerk

CITY OF COLD SPRING

The Cold Spring City Council adopts this Joint Resolution on the 28th day of May, 2003.

SIGNED:

ATTEST:



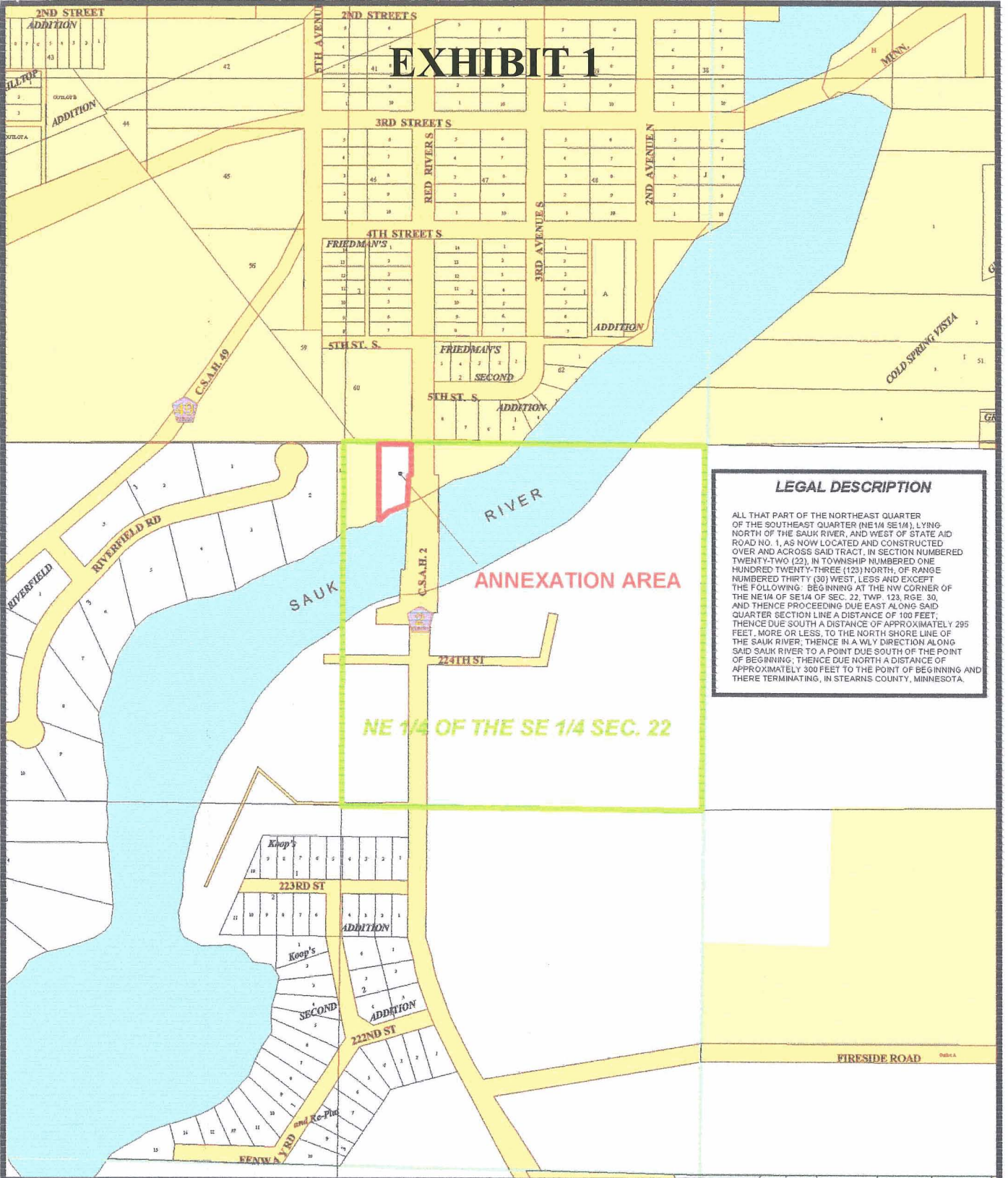


Brigetta A.L. Klemek
Mayor

Larry J. Lahr
City Administrator

This document was drafted by:
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11 Seventh Avenue North
St. Cloud, MN 56302-1433

EXHIBIT 1



LEGAL DESCRIPTION

ALL THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE 1/4 SE 1/4), LYING NORTH OF THE SAUK RIVER, AND WEST OF STATE AID ROAD NO. 1, AS NOW LOCATED AND CONSTRUCTED OVER AND ACROSS SAID TRACT, IN SECTION NUMBERED TWENTY-TWO (22), IN TOWNSHIP NUMBERED ONE HUNDRED TWENTY-THREE (123) NORTH, OF RANGE NUMBERED THIRTY (30) WEST, LESS AND EXCEPT THE FOLLOWING: BEGINNING AT THE NW CORNER OF THE NE 1/4 OF SE 1/4 OF SEC. 22, TWP. 123, RGE. 30, AND THENCE PROCEEDING DUE EAST ALONG SAID QUARTER SECTION LINE A DISTANCE OF 100 FEET; THENCE DUE SOUTH A DISTANCE OF APPROXIMATELY 295 FEET, MORE OR LESS, TO THE NORTH SHORE LINE OF THE SAUK RIVER; THENCE IN A WLY DIRECTION ALONG SAID SAUK RIVER TO A POINT DUE SOUTH OF THE POINT OF BEGINNING; THENCE DUE NORTH A DISTANCE OF APPROXIMATELY 300 FEET TO THE POINT OF BEGINNING AND THERE TERMINATING, IN STEARNS COUNTY, MINNESOTA.

CITY OF COLD SPRING, MN

ANNEXATION MAP

200 0 200 400 600 Feet

- ANNEXATION AREA
- CITY BOUNDARY
- RIGHT OF WAY
- WATER

