

**AMENDMENT TO JOINT RESOLUTION AND
AGREEMENT AS TO ORDERLY ANNEXATION
TOWN OF CLEAR LAKE - CITY OF CLEAR LAKE**

WHEREAS, the Town of Clear Lake ("Town") and the City of Clear Lake ("City"), both of Sherburne County, Minnesota, are in agreement as to the orderly annexation of certain land described herein for the purpose of orderly and planned services to the Clear Lake area community; and

WHEREAS, Town and City previously approved a Joint Resolution and Agreement for Orderly Annexation for the development of Hunter Lake Bluff Plat One; and

WHEREAS, the Developer of such land desires public water and sanitary sewer services for Hunter Lake Bluff Plats Two and Three; and

WHEREAS, such facilities and services are of benefit to the entire Clear Lake community; and

WHEREAS, the parties herein desire to amend the above-referenced Joint Resolution for Orderly Annexation in order to set forth the circumstances and terms of annexation by means of this resolution;

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of Clear Lake and the City of Clear Lake as follows:

1. The Joint Resolution and Agreement for Orderly Annexation between the City and Town dated July 18, 2000 is hereby amended to include the following-described property in the Town ("Subject Property") subject to orderly and immediate annexation pursuant to Minnesota Statutes §414.0325, and the parties hereto designate the area for orderly annexation as follows:

[LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED
HEREIN AS "EXHIBIT A"]

2. The Town does, upon passage of this Joint Resolution and its adoption by the City, confer jurisdiction upon the Director of Minnesota Municipal Boundary Adjustments to approve the annexation pursuant to Minnesota Statutes §414.0325.
3. The Subject Property contains approximately 111.60 acres, and the population of the Subject Property is 0.
4. The reason for said annexation is to provide for the Hunter Lake Bluff Plat Two and Plat Three Subdivisions. It is the understanding and intent of the Town and City that the Subject Property will only be used for residential purposes.
5. The Town and City agree that the Town will be given an ample opportunity to review and comment upon any applications for re-zoning, variances, other land use proposals, environmental impact proceedings, or traffic planning in the area designated herein for orderly annexation and that the City shall consider such comments in its deliberations upon any such applications.
6. The Town and City agree that no property currently in the Town, other than the Subject Property, shall be subject to any present or future charges, deferred assessments, deferred debt load, or installation fees adjusted for inflation, for any improvements made by the City to the Subject Property.
7. The property described above is appropriate for orderly annexation. No alteration of its stated boundaries is appropriate, nor is consideration by the Director of

Municipal Boundary Adjustments necessary. Therefore, the Director of Municipal Boundary Adjustments may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this Joint Resolution.

8. Once said annexation is ordered by the Director of Municipal Boundary Adjustments, the Subject Property shall be zoned for R-1 residential use, under the current ordinances of the City.
9. The parties hereto agree that the terms of this Joint Resolution and Agreement shall have full force and effect from the date of the order of the Director of Minnesota Municipal Boundary Adjustments calling for immediate annexation of the subject property to the City.
10. This instrument may be amended or terminated by mutual, written agreement of the City and the Town.
11. If any provision of this joint resolution and agreement is held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the balance of this instrument shall remain in effect, and if any provision is inapplicable to any person or circumstances, it shall nevertheless remain applicable to all other persons and circumstances.

This Resolution adopted by the Town of Clear Lake Board of Supervisors the 20th day of May 18, 2004.

TOWN OF CLEAR LAKE

By: Jack A. Gallagher
Chairman, Board of Supervisors

ATTEST:

Debra L Seelcy
Town Clerk

This Resolution adopted by the City of Clear Lake City Council the 5th day of May, 2004.

CITY OF CLEAR LAKE

By: William K. Johnson
Mayor

ATTEST:

Marilyn Bijalski
City Clerk-Treasurer

THIS INSTRUMENT DRAFTED BY:

Frank J. Kundrat
Attorney at Law
KUNDRAT LAW OFFICE, P.A.
919 West St. Germain, Suite 2000
St. Cloud, MN 56301

LEGAL DESCRIPTION PROVIDED BY:

Short Elliott Hendrickson
1200 25TH Ave. S
P.O Box 1717
St. Cloud, MN 56302-1717

EXHIBIT A**LEGAL DESCRIPTION
JOINT RESOLUTION AND
AGREEMENT AS TO ORDERLY ANNEXATION
TOWN OF CLEAR LAKE - CITY OF CLEAR LAKE**

That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4), Section 7, Township 34, Range 29, Sherburne County, Minnesota described as follows: Beginning on the north line of said NW 1/4 NE 1/4, distant 191.97 feet east of the northwest corner of said NW 1/4 NE 1/4, assume said north line bears North 89 degrees 31 minutes 04 seconds East; thence North 89 degrees 31 minutes 04 seconds East along said north line 1140.82 feet to the northeast corner of said NW 1/4 NE 1/4; thence southerly along the east line of said NW 1/4 NE 1/4, South 00 degrees 11 minutes 28 seconds East for 1332.29 feet to the southeast corner of said NW 1/4 NE 1/4; thence westerly along the south line of said NW 1/4 NE 1/4, North 89 degrees 48 minutes 58 seconds West for 235.74 feet to the point of intersection with the northeasterly right-of-way line of Wood Duck Way, HUNTER LAKE BLUFF, according to the recorded plat thereof as is on file in the office of the County Recorder, Sherburne County, Minnesota, said point also being a point on a 280.00 foot radius curve, the center of circle of said curve bears South 52 degrees 37 minutes 35 seconds East from said point; thence northeasterly along said curve 25.96 feet, central angle 05 degrees 18 minutes 43 seconds; thence on a line not tangent to the last described curve North 53 degrees 27 minutes 55 seconds East 118.69 feet; thence along a tangential curve concave to the northeast, radius 186.20 feet, central angle 36 degrees 06 minutes 57 seconds, 117.37 feet to a point of compound curvature; thence northwesterly deflecting to the left along compound curve, radius 230.00 feet, central angle 28 degrees 52 minutes 39 seconds, 115.92 feet; thence North 46 degrees 13 minutes 37 seconds West, tangent last described curve and along said northeasterly right-of-way line, 67.19 feet; thence South 43 degrees 46 minutes 23 seconds West 60.00 feet to the most easterly corner of Block 4 of said HUNTER LAKE BLUFF; thence North 46 degrees 13 minutes 37 seconds West, along the northerly line of said Block 4, a distance of 94.72 feet; thence South 43 degrees 46 minutes 23 seconds West, along said northerly line of Block 4, a distance of 125.00 feet; thence South 80 degrees 36 minutes 26 seconds West, along said northerly line of Block 4, a distance of 53.55 feet; thence South 14 degrees 36 minutes 20 seconds West, along said northerly line of Block 4, a distance of 40.70 feet; thence South 65 degrees 30 minutes 38 seconds West, along said northerly line of Block 4, a distance of 136.47 feet to the most westerly corner of said Block 4, said point being on a 330.00 foot radius curve, the center of circle of said curve bears South 72 degrees 33 minutes 23 seconds West from said point; thence southerly along said curve and along the westerly line of said Block 4, a distance of 99.30 feet, central angle 17 degrees 14 minutes 25 seconds; thence South 00 degrees 12 minutes 12 seconds East tangent and along said westerly line of Block 4, a distance of 30.00 feet to a point on the northerly right-of-way line of Hunter Lake Bluff Lane according to said plat of HUNTER LAKE BLUFF, also known as Natures Edge Road; thence South 89 degrees 47 minutes 48 seconds West, along said northerly right-of-way line, 60.00 feet to the southeast corner of Block 5, said HUNTER LAKE BLUFF; thence North 00 degrees 12 minutes 12 seconds West, along the east line of said Block 5, a distance of 30.00 feet; thence northerly, along said east line of said Block 5 and along a

tangential curve, concave to the west, radius 270.00 feet, central angle 17 degrees 14 minutes 25 seconds, 81.24 feet; thence North 17 degrees 26 minutes 37 seconds West, tangent to last described curve and along said east line of Block 5 and along tangent 26.15 feet to the northeast corner of said Block 5; thence South 89 degrees 47 minutes 48 seconds West, along the north line of said Block 5, a distance of 180.12 feet to the east line of KOTZER ESTATES according to the recorded plat thereof; thence North 00 degrees 12 minutes 12 seconds West, along said east line of KOTZER ESTATES and along the east line of GOENNERS FIRST ADDITION, according to the recorded plat thereof, 706.93 feet to the northeast corner of Lot 2, Block 1, of said GOENNERS FIRST ADDITION; thence South 89 degrees 31 minutes 04 seconds West, along the north line of said Lot 2, Block 1, a distance of 22.03 feet; thence North 00 degrees 12 minutes 12 seconds West 444.55 feet to the point of beginning.

Together with:

The Northeast Quarter of the Northeast Quarter, and the Southeast Quarter the Northeast Quarter, both of Section 7, Township 34, Range 29, Sherburne County, Minnesota

Also together with:

The South 75 feet of the West 907.60 feet of the Southeast Quarter of Section 6, Township 34, Range 29, Sherburne County, Minnesota.

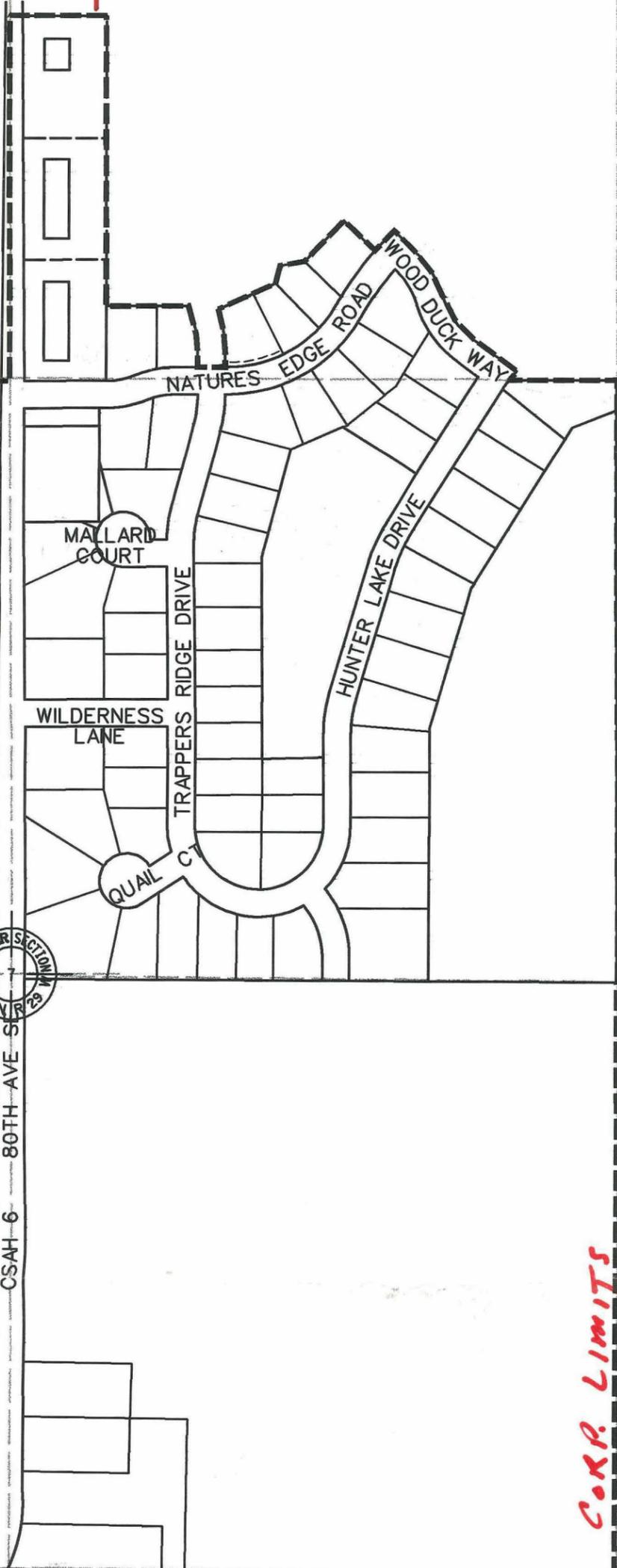
REC'D BY
M M B JUN 28 2004



ANNEXATION
AREA

CORP. LIMITS

LAKE



CSAH 6 80TH AVE S

REC'D. BY
AUG 04 2000

JOINT RESOLUTION AND AGREEMENT AS TO ORDERLY ANNEXATION
TOWN OF CLEAR LAKE - CITY OF CLEAR LAKE

WHEREAS, the Town of Clear Lake ("Town") and the City of Clear Lake ("City"), both of Sherburne County, Minnesota, are in agreement as to the orderly annexation of certain land described herein for the purpose of orderly and planned services to the Clear Lake area community; and

WHEREAS, the Developer of such land desires public water and sanitary sewer services for said development; and

WHEREAS, such facilities and services are of benefit to Clear Lake community; and

WHEREAS, the parties herein desire to set forth the circumstances and terms of the orderly annexation by means of this resolution;

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of Clear Lake and the City of Clear Lake as follows:

1. Designation of Orderly Annexation Area: The following-described property in the Town ("Subject Property") is subject to orderly annexation pursuant to Minnesota Statutes §414.0325 and the parties hereto designate the area for orderly annexation as follows:

PARCEL 1 - Phase One (1): [Legal Description attached hereto and incorporated herein as "Exhibit A"]

PARCEL 2 - Phase Two (2): [Legal Description attached hereto and incorporated herein as "Exhibit B"]

The above-described Parcel 1 contains 4.03 acres, and the population of said Parcel is zero (0).

The above-described Parcel 2 contains 90.41 acres, and the population of said Parcel is zero (0).

2. Jurisdiction of Minnesota Planning: The Town does, upon passage of this resolution and its adoption by the City, confer jurisdiction upon the State of Minnesota Planning, Boundary Adjustments, so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution and pursuant to Minnesota Statutes §414.0325.

3. No Alterations of Boundaries: The Subject Property described above is appropriate for orderly annexation. No alteration of its stated boundaries by State of Minnesota Planning, Municipal Boundary Adjustments is appropriate. Furthermore, no consideration by State of Minnesota Planning, Municipal Boundary Adjustments is necessary. State of Minnesota Planning, Municipal Boundary Adjustments may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this Joint Resolution.

4. Conditions for Annexation of Parcel 1: The Town and the City agree that the above-described Parcel 1 will be annexed to the City immediately upon the issuance of the final Order of Minnesota Planning, Municipal Boundary Adjustments, approving this Joint Resolution.

5. Conditions for Annexation of Parcel 2: The Town and the City further agree that the above-described Parcel 2 will remain in the Town and will only be subject to annexation upon final approval of the City of the plat for Phase Two (2) of Hunter Lake Bluff Subdivision, if Parcel 2 is located within said plat. In such event, the City shall approve such annexation upon the petition of the owner(s) of Parcel 2 and shall forward the approved petition to State of Minnesota Planning, Municipal Boundary Adjustments for review and comment, and final approval in accordance with the terms of this Joint Resolution.

6. Purpose of Annexation; Residential Zoning Classification: The purpose for said annexations is to provide for development of the Hunter Lake Bluff Subdivision, Phases One (1) and Two (2). It is the present understanding and intent of the Town and City that the Subject Property will only be used for residential development purposes. Upon the final approval and Order for the annexation of each separate parcel described above in accordance with the terms of this Joint Resolution by Minnesota Planning, Municipal Boundary Adjustments, the specific parcel thus annexed shall automatically become zoned for R-1 residential use, under the land use controls and ordinances of the City then in effect.

10. Effective Date: The parties hereto agree that the terms of this Joint Resolution shall have full force and effect from the date of the Order of Minnesota Planning, Municipal Boundary Adjustments, approving this Joint Resolution.

11. Amendments: This Joint Resolution may be amended by subsequent joint resolution of the City and the Town.

12. Severability Clause: If any provision of this Joint Resolution is held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the balance of this Joint Resolution shall remain in effect; further, if any provision is inapplicable to any person or circumstances, it shall nevertheless remain applicable to all other persons and circumstances.

This Joint Resolution was adopted by the Town of Clear Lake Board of Supervisors the

18 day of July, 2000.

ATTEST:

Debra L Sealey
Town Clerk

TOWN OF CLEAR LAKE

Jack R Gallagher
Chair, Board of Supervisors

This Joint Resolution was adopted by the City Council of the City of Clear Lake the

5th day of June, 2000.

ATTEST:

Marilyn Bijalski
City Clerk-Treasurer

CITY OF CLEAR LAKE

William K. Kanner
Mayor

Civil Engineering
Land Surveying
Land Planning

John Oliver & Associates, Inc.

580 Dodge Avenue, Elk River, MN 55330
(763) 441-2072 • Fax (763) 441-5665
eriver@joliverassoc.com

LANDS TO BE ANNEXED INTO THE CITY OF CLEAR LAKE (PHASE 1)

That part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 34, Range 29, Sherburne County, Minnesota, described as follows: Commencing at the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence North 89 degrees 48 minutes 58 seconds East along the South line of said Northwest Quarter of the Northeast Quarter, a distance of 214.00 feet to the point of beginning; thence North 00 degrees 12 minutes 12 seconds West, a distance of 165.00 feet; thence North 89 degrees 47 minutes 48 minutes East, a distance of 180.12 feet; thence South 17 degrees 26 minutes 37 seconds East, a distance of 26.15 feet; thence southerly along a tangential curve concave to the West, having a radius of 270.00 feet and a central angle of 17 degrees 14 minutes 25 seconds, a distance of 81.24 feet; thence South 00 degrees 12 minutes 12 seconds East tangent to said curve, a distance of 30.00 feet; thence North 89 degrees 47 minutes 48 seconds East, a distance of 60.00 feet; thence North 00 degrees 12 minutes 12 seconds West, a distance of 30.00 feet; thence northerly along a tangential curve concave to the west, having a radius of 330.00 feet and a central angle of 17 degrees 14 minutes 25 seconds, a distance of 99.30 feet; thence North 65 degrees 30 minutes 38 seconds East not tangent to said curve, a distance of 136.47 feet; thence North 14 degrees 36 minutes 20 seconds East, a distance of 40.70 feet; thence North 80 degrees 36 minutes 26 seconds East, a distance of 53.55 feet; thence North 43 degrees 46 minutes 23 seconds East, a distance of 125.00 feet; thence South 46 degrees 13 minutes 37 seconds East, a distance of 94.72 feet; thence North 43 degrees 46 minutes 23 seconds East, a distance of 60.00 feet; thence South 46 degrees 13 minutes 37 seconds East, a distance of 67.19 feet; thence southeasterly along a tangential curve concave to the southwest, having a radius of 230.00 feet and a central angle of 28 degrees 52 minutes 39 seconds, a distance of 115.92 feet; thence southeasterly along a tangential reverse curve concave to the northeast, having a radius of 186.20 feet and a central angle of 36 degrees 06 minutes 57 seconds, a distance of 117.37 feet; thence South 53 degrees 27 minutes 55 seconds East tangent to said reverse curve, a distance of 118.44 feet; thence South 39 degrees 29 minutes 08 seconds West, a distance of 25.94 feet to the South line of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 48 minutes 58 seconds West along said South line, a distance of 882.76 feet to the point of beginning.

Ld5\hlabannexphase1
file:7663.10-03

Offices in Elk River & Burnsville
www.joliverassoc.com

REC'D. BY
MMB AUG 04 2000Civil Engineering
Land Surveying
Land Planning***John Oliver & Associates, Inc.***580 Dodge Avenue, Elk River, MN 55330
(763) 441-2072 • Fax (763) 441-5665
eriver@joliverassoc.comLANDS TO BE ANNEXED INTO THE CITY OF CLEAR LAKE
HUNTER LAKE BLUFF (PHASE 2)

The Northeast Quarter of the Northeast Quarter of Section 7, Township 34, Range 29, Sherburne County, Minnesota.

AND

The Southeast Quarter of the Northeast Quarter of Section 7, Township 34, Range 29, Sherburne County, Minnesota.

AND

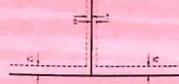
That part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 34, Range 29, Sherburne County, Minnesota, lying easterly of the following described line: Commencing at the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence North 89 degrees 48 minutes 58 seconds East along the South line of said Northwest Quarter of the Northeast Quarter, a distance of 1096.76 feet to the point of beginning; thence North 39 degrees 29 minutes 08 seconds East, a distance of 25.94 feet; thence North 53 degrees 27 minutes 55 minutes West, a distance of 118.44 feet; thence northwesterly along a tangential curve concave to the northeast, having a radius of 186.20 feet and a central angle of 36 degrees 06 minutes 57 seconds, a distance of 117.37 feet; thence northwesterly along a tangential reverse curve concave to the southwest, having a radius of 230.00 feet and a central angle of 28 degrees 52 minutes 39 seconds, a distance of 115.92 feet; thence North 46 degrees 13 minutes 37 seconds West tangent to said curve, a distance of 67.19 feet; thence northeasterly along a non-tangential curve concave to the southeast, having a radius of 690.00 feet and a central angle of 26 degrees 16 minutes 32 seconds, a distance of 316.43 feet, the chord of said curve bears North 59 degrees 24 minutes 10 seconds East distant 313.66 feet; thence North 19 degrees 57 minutes 05 seconds West not tangent to said curve, a distance of 47.11 feet; thence northwesterly along a tangential curve concave to the southwest, having a radius of 230.00 feet and a central angle of 13 degrees 24 minutes 22 seconds, a distance of 53.82 feet; thence North 56 degrees 38 minutes 33 seconds East not tangent to said curve, a distance of 133.61 feet; thence North 37 degrees 05 minutes 36 seconds West, a distance of 113.96 feet; thence North 30 degrees 47 minutes 53 seconds West, a distance of 143.10 feet; thence North 00 degrees 28 minutes 56 seconds West, a distance of 452.77 feet to the North line of said Northwest Quarter of the Northeast Quarter and there terminating.

Ld5\hlbanxp2
file:7663.10-03

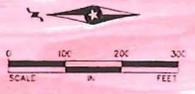
Offices in Elk River & Burnsville
www.joliverassoc.com

TYPICAL LOT EASEMENT

Drainage and Utility Easements are shown thus:



Being 10 feet in width, unless otherwise indicated, adjoining right-of-way lines and being 5 feet in width, unless otherwise indicated, adjoining lot lines, as shown on the plot.



LEGEND

- PHASE LINE
- EDGE OF WETLAND

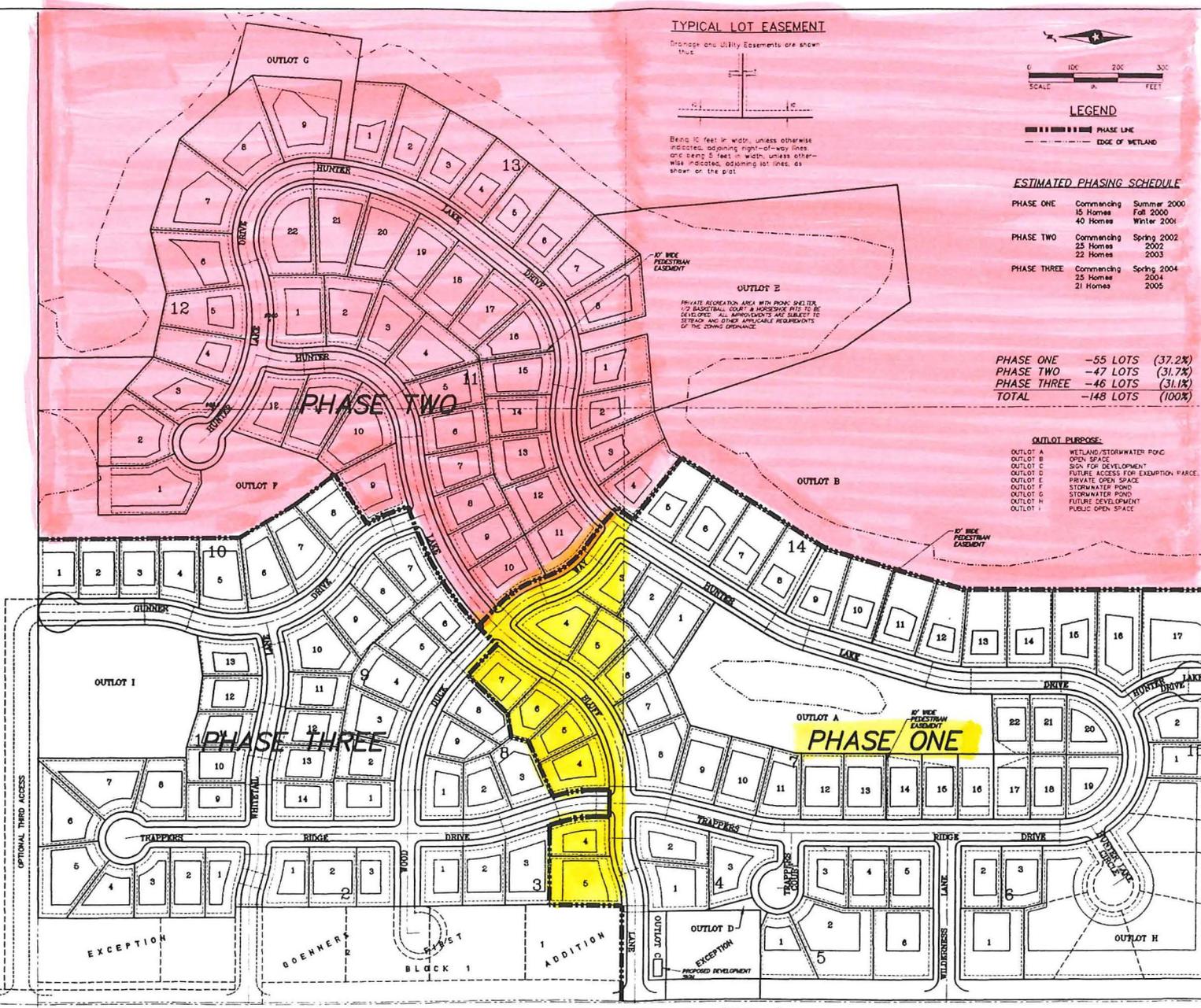
ESTIMATED PHASING SCHEDULE

PHASE	Commencing	Summer
PHASE ONE	15 Homes	Fall 2000
	40 Homes	Winter 2001
PHASE TWO	25 Homes	Spring 2002
	22 Homes	2002
PHASE THREE	25 Homes	Spring 2004
	21 Homes	2004

PHASE ONE	-55 LOTS	(37.2%)
PHASE TWO	-47 LOTS	(31.7%)
PHASE THREE	-46 LOTS	(31.1%)
TOTAL	-148 LOTS	(100%)

OUTLOT PURPOSE:

- OUTLOT A: WETLAND/STORMWATER POND
- OUTLOT B: OPEN SPACE
- OUTLOT C: SIGN TOP DEVELOPMENT
- OUTLOT D: FUTURE ACCESS FOR EXEMPTION PARCELS
- OUTLOT E: PRIVATE OPEN SPACE
- OUTLOT F: STORMWATER POND
- OUTLOT G: STORMWATER POND
- OUTLOT H: FUTURE DEVELOPMENT
- OUTLOT I: PUBLIC OPEN SPACE



80TH AVENUE SE (C.S.A.H. 6)

