

Resolution No. 1992-9-333

RESOLUTION ANNEXING PROPERTY IN ST. CLOUD
TOWNSHIP TO THE CITY OF ST. CLOUD WHICH PROPERTY
IS KNOWN AS THE "LANDWEHR/CAMPBELL AREA"
AND CITY-OWNED TILESTON MILL SPUR PROPERTY

WHEREAS, the Town of St. Cloud ("Town") and City of St. Cloud ("City") are parties to a Joint Resolution as to Orderly Annexation dated on or about August 19, 1974, which affects an area of the Town described in said resolution as all property lying east of former Highway No. 152 (known as Stearns County Highway No. 75) and hereafter referred to as the "orderly annexation area"; and

WHEREAS, the original Joint Resolution was amended by Joint Resolutions of the City and the Town adopted November 16, 1987; September 19, 1988; January 27, 1992; and May 11, 1992; and

WHEREAS, paragraph 5 (a) of the September 19, 1988, amendment to the original Joint Resolution provides that any property located in that portion of the orderly annexation area described in Exhibit C of the September 19, 1988, amendment shall be subject to annexation to the City upon presentation of petitions signed by a majority of the property owners; and

WHEREAS, the City received petitions for annexation of property located in that part of the Town of St. Cloud that is subject to the resolution and agreement adopted by the City and the Town on September 19, 1988; and

WHEREAS, the petitions for annexation was supported by petitions signed by 100 percent of the owners of property, which petitions are attached hereto as Exhibit C; and

WHEREAS, the September 19, 1988, amendment provides in paragraph 5 (a) that if the City desires to annex the property then annexation shall be accomplished by the adoption of a resolution by the City. Further, that upon receipt of said resolution the Minnesota Municipal Board may review and comment but shall, within 30 days, order the annexation of the property described in the City's resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. CLOUD, MINNESOTA:

1. That the City expresses its desire to annex the privately owned and City-owned property legally described in the attached Exhibit A as depicted on the maps shown as attached Exhibit B all

in accordance with the Joint Resolution adopted by the City of St. Cloud and the Town of St. Cloud on or about August 19, 1974, as amended, including the resolution of amendment adopted on September 19, 1988.

2. Property owners who petitioned for annexation under this resolution shall receive, upon request, a staged graduated increase in tax capacity rates from the Town rate to the City rate over a three (3) year period of time following annexation of the property.

Adopted this 21st day of September, 1992.


Council President

Attest:


City Clerk

THIS INSTRUMENT DRAFTED BY:

Jan F. Petersen
St. Cloud City Attorney
400 2nd Street South
St. Cloud, MN 56301
(612) 255-7204
Reg. No. 85480

EXHIBIT

A

LEGAL DESCRIPTION OF AREA
SUBJECT TO ANNEXATION

Parcel 2 (63.09 acres, more or less):

That part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 35 and of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 36 and of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 36 and of the East Half of the Northwest Quarter (E1/2 NW1/4) of Section 36, all in Township 125 North, Range 28 West, St. Cloud Township, Stearns County, Minnesota, described as follows:

All that part of said NE1/4 NE1/4 of Section 35 described as follows: Commencing at the NE corner of said Section 35; thence in a westerly direction along the north line of said section a distance of 424.28 feet to the westerly right of way line of the Burlington Northern Railroad (formerly Great Northern Railroad), now discontinued; thence Southeasterly along said railroad right of way line a distance of 196.90 feet to the point of beginning; thence continuing Southeasterly along said railroad right of way line a distance of 879.75 feet; thence deflect right 95°34' (bearing S 73°00" W) a distance of 306.28 feet to the east right of way line of County State Aid Highway 75 (formerly Minnesota Trunk Highway 152); thence northwesterly in a curve along said highway right of way line a distance of 364.45 feet to a point in a line that bears S°04 51' W from the point of beginning; thence N 04° 51'E a distance of 550.36' to the point of beginning and there terminating. Containing 3.49 acres, more or less.

AND

That part of said NE1/4 NE1/4 of Section 35 and that part of said NW1/4 NW1/4 of Section 36 described as follows: Commencing at the northeast corner of said NW1/4 NW1/4 of Section 36; thence due North 126.25 feet; thence South 56°07' West 226.18 feet to the North line of said NW1/4 NW1/4 of Section 36; thence due West along said North line 525.10 feet to the point of beginning; thence South 3°30' East 200.37 feet; thence due East 190 feet, more or less, to the center line of the stream known as Three Mile Creek; thence Southwesterly following the thread of said stream to the Northeasterly right of way line of the Burlington Northern Railroad (now discontinued); thence Northwesterly along said Northeasterly right of way line 1110 feet, more or less, to the North line of said NE1/4 NE1/4 of Section 35; thence East along said North line 315.25 feet to the northeast corner of said Section 35, being also the northwest corner of said Section 36; thence East along the North line of said Section 36 a distance of 610.38 feet to the point of beginning and there terminating, LESS AND EXCEPT the right of way of the railroad spur track known as the Tileston Mill Spur, being 33 feet in width. Containing 14 acres, more or less.

AND

All that part of said NW1/4 NW1/4 of Section 36 described as follows: Beginning at the northeast corner of said NW1/4 NW1/4 of Section 36; thence South 29°50'42" West a distance of 230.71 feet; thence South 89°57'30" West a distance of 578.76 feet to the easterly line of the parcel described in Deed Document 262496 on file and of record in the office of the Stearns County Recorder; thence North 03°24'18" West along said parcel described in Document 262496 a distance of 200.37 feet to the north line of said Section 36; thence East along said north section line a distance of 705.48 feet to the point of beginning and there terminating. Containing 2.95 acres, more or less.

AND

All that part of said NW1/4 NW1/4 of Section 36 described as follows: Beginning at a point that is 200 feet due South of the Northeast corner of said NW1/4 NW1/4 of Section 36; thence due North 200 feet to said Northeast corner of NW1/4 NW1/4 of Section 36; thence South 29°50'42" West a distance of 230.71 feet; thence due East and parallel with the North line of said NW1/4 NW1/4 to the point of beginning and there terminating. Containing 0.23 acres, more or less.

AND

That part of said NW1/4 NW1/4 and said SW1/4 NW1/4 of Section 36 described as follows: Beginning at a point 200 feet due South of the Northeast corner of said NW1/4 NW1/4 of Section 36; thence due West and parallel with the North line of said NW1/4 NW1/4 of Section 36, 698.80 feet to the centerline of the stream known as Three Mile Creek; thence Southwesterly along the thread of said stream to the Easterly right of way line of the Burlington Northern Railroad (formerly Great Northern Railroad); thence in a southeasterly direction along said right of way line to the South line of the North three-eighths (N3/8) of said SW1/4 NW1/4 of Section 36; thence due East to a point due South of the point of beginning; thence due North 1618 feet to the point of beginning and there terminating. Containing 35.53 acres, more or less.

AND

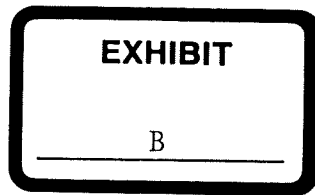
That part of said E1/2 NW1/4 of Section 36 described as follows: Beginning at a point 200 feet due South of the Northwest corner of said E1/2 NW1/4; thence due East and parallel with the North line of said E1/2 NW1/4 183.60 feet; thence South 9°20' West 1184.80 feet to an intersection with the West line of said E1/2 NW1/4; thence due North on said West line of said E1/2 NW1/4 1170 feet to the point of beginning and there terminating. Containing 2.44 acres, more or less.

AND

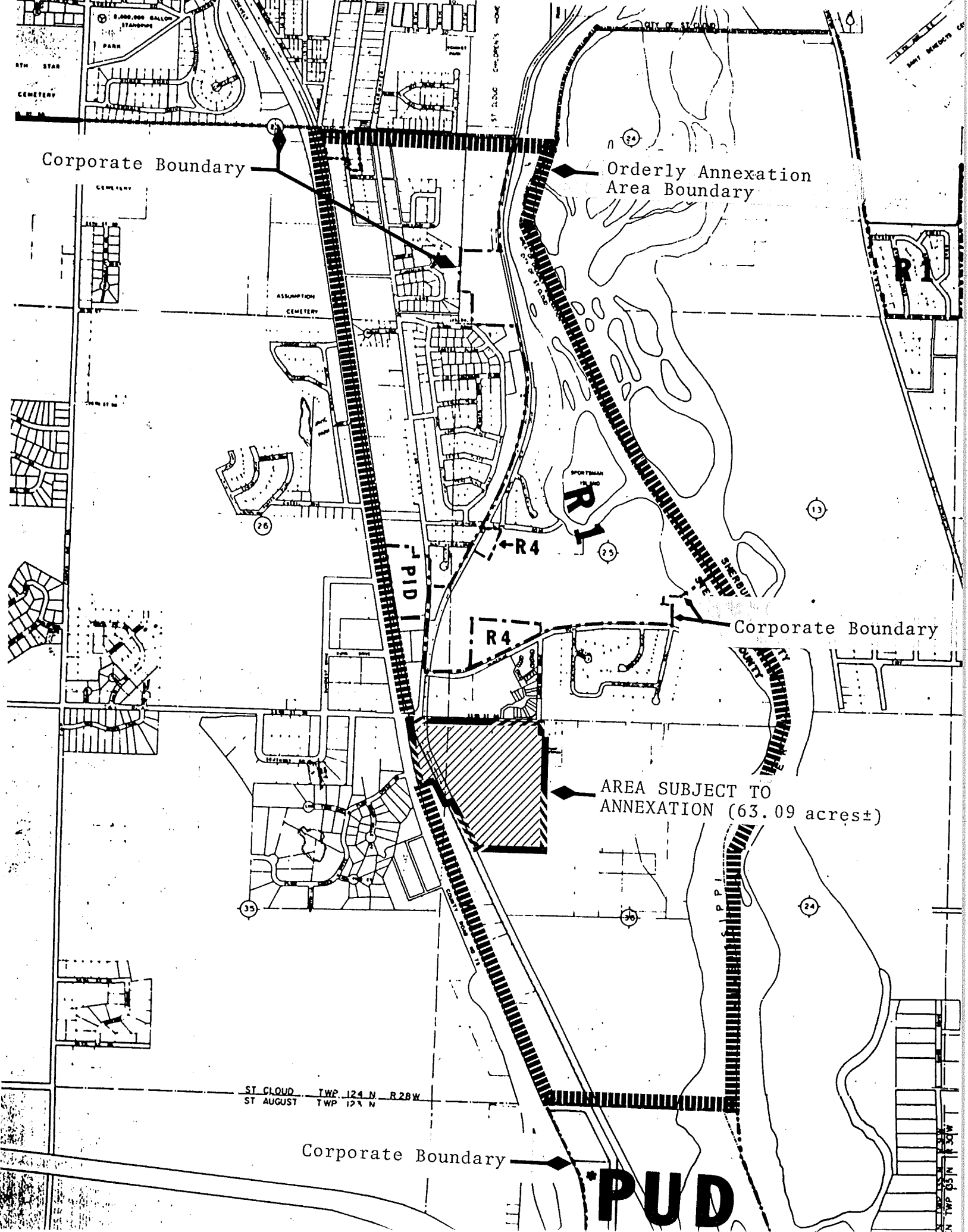
All that portion of Burlington Northern Railroad Company's, formerly Great Northern Railway Company's, 100 foot wide Clearwater Junction to St. Cloud, Minnesota Branch Line right of way, now discontinued, situated in said NE1/4 NE1/4 of Section 35 and in the SW1/4 of said NW1/4 NW1/4 of Section 36, bounded between the North line of said NE1/4 NE1/4 of Section 35 and a line drawn at right angles to the Main Track centerline distant 300.00 feet Southeasterly of the West line of said SW1/4 NW1/4 NW1/4 of Section 36 as measured along said Main Track centerline. Containing 4.35 acres, more or less.

AND

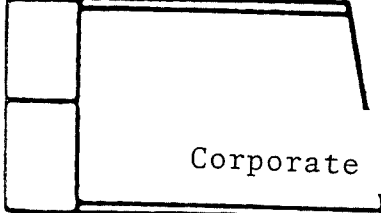
All that portion of Burlington Northern Railroad Company's, formerly Great Northern Railway Company's, Tileston Mill Spur track right of way, now discontinued, situated in said NE1/4 NE1/4 of Section 35, lying Easterly of Clearwater Road (a.k.a. old St. Cloud to St. Augusta Road), and bounded between the North line of said NE1/4 NE1/4 of Section 35 and a line drawn parallel with and distant 50.0 feet Easterly of, as measured radially to, the Clearwater Junction to St. Cloud Branch Line Main Track centerline. Containing 0.10 acres, more or less.



MAP OF AREA
SUBJECT TO ANNEXATION
(63.09 acres±)



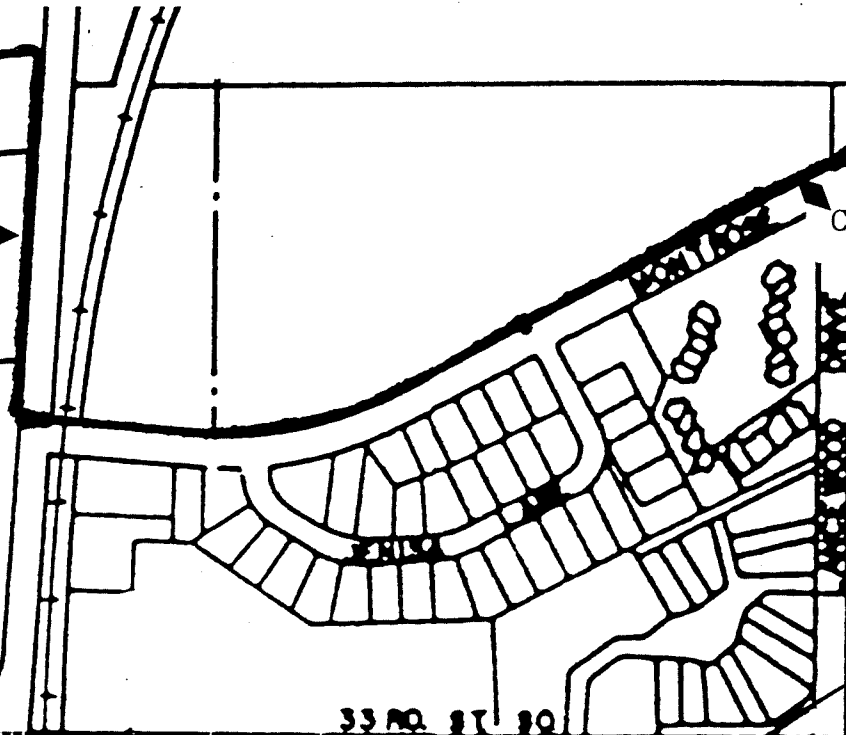
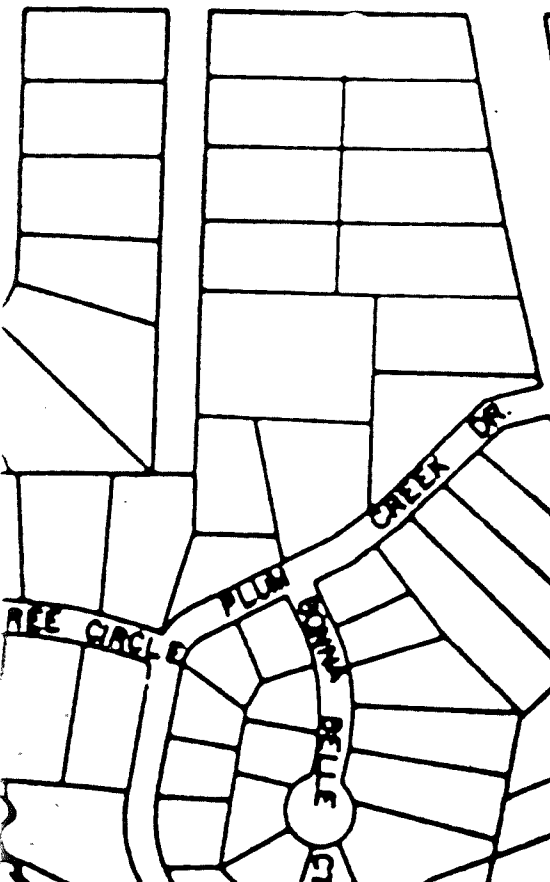
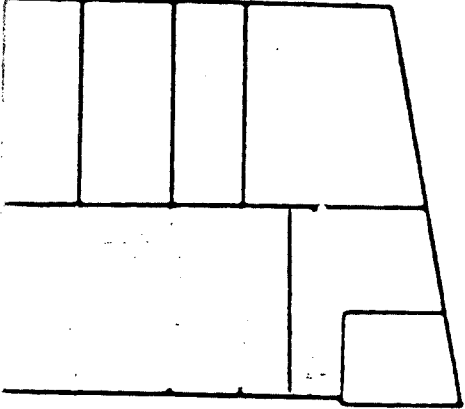
SUNCREST DRIVE



Corporate Boundary

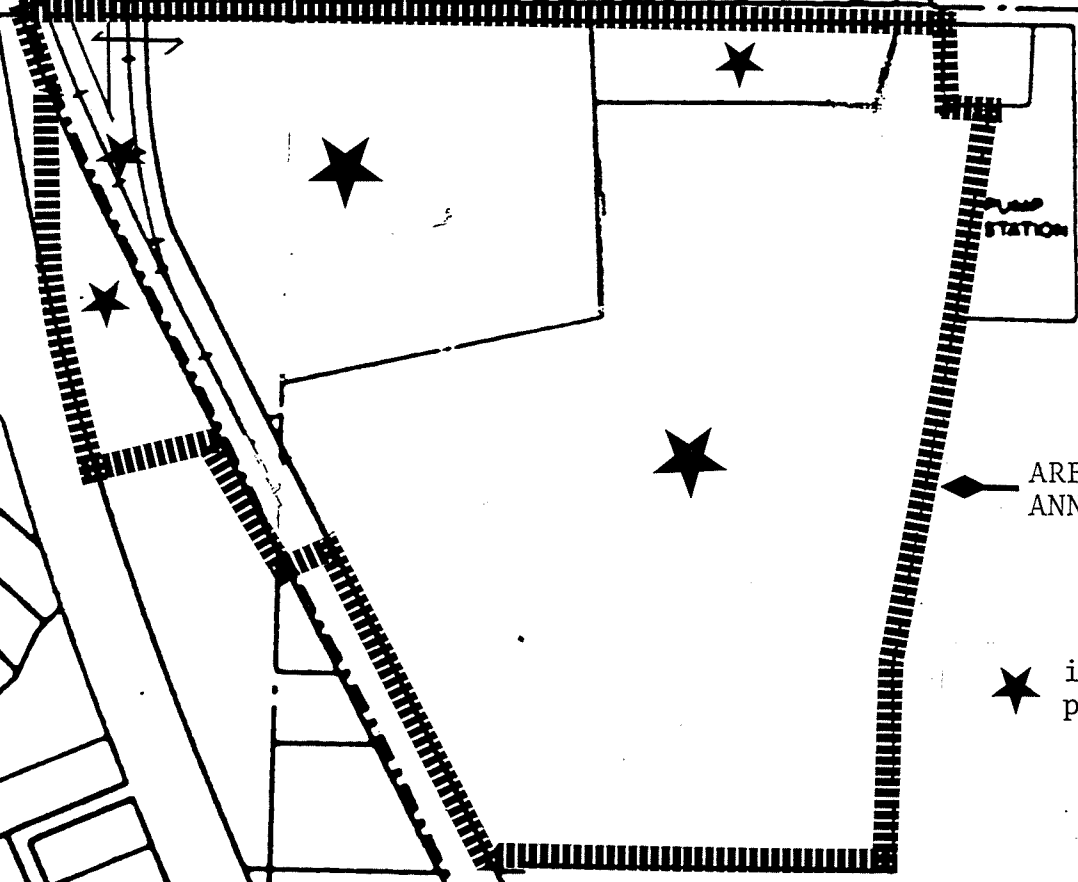
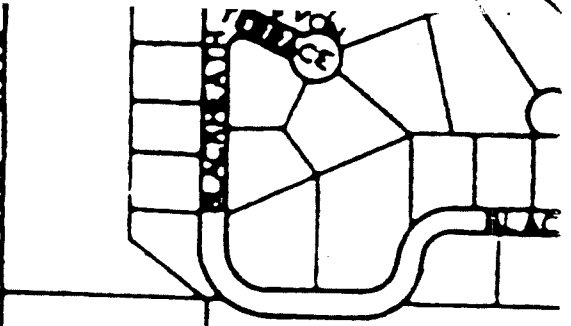
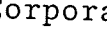


KUHN DRIVE



33 RD ST 20

Corporate Boundary



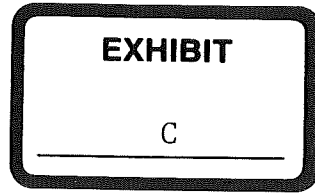
PUMP STATION

AREA SUBJECT TO ANNEXATION (63.09 acres±)



★ indicates petitioning property owner (100%)





PROPERTY OWNER PETITIONS
FOR ANNEXATION

PETITION FOR ANNEXATION

We, the undersigned property owner(s), hereby petition to the City of St. Cloud and Town of St. Cloud for annexation from the Town to the City for the property described as follows:

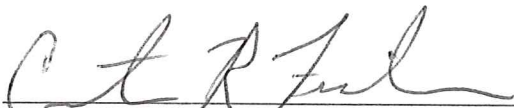
Legal Description:

All that part of the NE1/4 of the NE1/4 of Section 35, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows: Commencing at the NE corner of said Section 35; thence in a westerly direction along the north line of said Section (bearing N 89 degrees 35 minutes W) for a distance of 424.28 feet to the westerly right-of-way line of the Great Northern Railroad; thence deflect left 112 degrees 59 minutes (bearing S 22 degrees 34 minutes E) along said railroad right-of-way line for a distance of 196.90 feet to the point of beginning; thence continuing along the aforescribed line (bearing S 22 degrees 34 minutes E) for a distance of 879.75 feet; thence deflect right 95 degrees 34 minutes (bearing S 73 degrees 00 minutes W) a distance of 306.28 feet to the east right-of-way line of Minnesota Trunk Highway 152; thence deflect right, in a northwesterly direction along said right-of-way line on curve to the right for a distance of 364.45 feet to a point in a line that bears S 04 degrees 51 minutes W from the point of beginning; thence N 04 degrees 51 minutes E for a distance of 550.36' to the point of beginning and there terminating. Containing 3.49 acres more or less and being subject to any and all easements of record.



Norwest Bank Central MN, NA Trustee
Property Owner

9-18-92
Date



Curtis R. Fisher
Buyer via Purchase Agreement dated 8/20/92

9/15/92
Date

Petition for Annexation

William McConnell

We would like to become part of the St. Cloud community. We the undersigned, hereby petition to the City of St. Cloud, Minnesota for annexation ~~and certain public improvements including water, and sanitary sewer~~ according to the following conditions: *WBM 8-3-92*

1. The city must provide reasonable access conditions to our property during construction services.
2. Any existing services interrupt must be scheduled with notification at a minimum of seventy two hours.
3. Real estate tax adjustments from the St. Cloud Township tax level shall be increased over a three year period of time to equal the St. Cloud tax base on equal market values.
4. A fifteen (15) year assessment payback period shall be honored.
5. I will not be assessed for any wetland that will not increase the value of the property.

William B McConnell Marie McConnell Barbara J McConnell
(Signature, Individual or Joint Ownership)

WILLIAM B McCONNELL MARIE McCONNELL BARBARA J McCONNELL
(Print Names(s) as Above)

510 33RD STREET So
(Address or Legal Description of Lot)

7/30/92 *8/3/92*
(Date of Petition) (Date Signed)

Petition for Annexation

Fred Campbell

We would like to become part of the St. Cloud community. We the undersigned, hereby petition to the City of St. Cloud, Minnesota for annexation and certain public improvements including water, and sanitary sewer according to the following conditions:

1. The city must provide reasonable access conditions to our property during construction services.
2. Any existing services interrupt must be scheduled with notification at a minimum of seventy two hours.
3. Real estate tax adjustments from the St. Cloud Township tax level shall be increased over a three year period of time to equal the St. Cloud tax base on equal market values.
4. A fifteen (15) year assessment payback period shall be honored.

Fred Campbell

(Signature, Individual or Joint Ownership)

FRED CAMPBELL

(Print Names(s) as Above)

± 870' East of CSAH 75 and North of 33rd Street as well as a small portion on the South

(Address or Legal Description of Lot)

7/30/92

(Date of Petition)

7/30/92

(Date Signed)

*rec'd
7-31-92
CJ*

Resolution No. 1992-8-297

**RESOLUTION TO PETITION FOR ANNEXATION OF CITY OWNED
PROPERTY THAT ABUTS 33RD STREET SOUTH ON THE EAST
SIDE OF COUNTY ROAD 75**

WHEREAS, the City of St. Cloud owns property abutting 33rd Street South in St. Cloud Township; and,

WHEREAS, the City of St. Cloud desires to annex property it owns to its own corporate jurisdiction.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF ST. CLOUD, MINNESOTA, THAT:

The City of St. Cloud hereby petitions for annexation to the corporate limits of the City of St. Cloud of property it owns which abuts the easterly extension of 33rd Street South in St. Cloud Township.

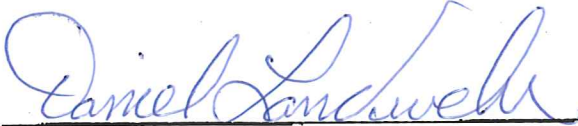
Adopted this 17th day of August, 1992.

PETITION FOR ANNEXATION

Landwehr Heavy Moving, Inc.

Landwehr Heavy Moving, Inc. would like to become part of the St. Cloud community. The undersigned, hereby petitions to the City of St. Cloud, Minnesota for annexation and certain public improvements including water, and sanitary sewer according to the following conditions:

1. The City must provide constant access conditions to our property during construction services.
2. Any existing services interrupt must be scheduled with notification at a minimum of seventy-two hours.
3. The City will zone or rezone the Landwehr property to its current usage.
4. Real estate tax adjustments from the St. Cloud Township tax level shall be increased over a three year period of time to equal the St. Cloud tax base on equal market values.
5. A fifteen (15) year assessment payback period shall be honored.
6. The City will bargain in good faith concerning the purchase of right-of-way for 33rd Street South and the intersection of Clearwater Rd. and 33rd.



Dan Landwehr, C.E.O.
Landwehr Heavy Moving, Inc.

Landwehr Heavy Moving, Inc.
(Print Names(s) as Above)

(Address or Legal Description of Lot)
See Attached Legal

(Date of Petition)

9-21-92
(Date Signed)

TRACT "A"

That part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35 and that part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, Township 124, Range 28, Stearns County, Minnesota described as follows:

Commencing at the northeast corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36; thence Due North for 126.25 feet; thence South 56°07' West for 226.18 feet to the north line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36; thence Due West along said north line for 525.10 feet to the point of beginning of the tract to be described; thence South 3°30' East for 200.37 feet; thence Due East for 190 feet, more or less, to the center line of the stream known as Three Mile Creek; thence southwesterly, following the thread of said stream, to the northeasterly right of way line of the Burlington Northern railroad, said right of way line being a line parallel with and 50.00 feet northeasterly of, as measured at right angles to, the center line of the main track of said railroad; thence North 22°51'37" West along said northeasterly right of way line for (1110) feet, more or less, to the north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35; thence South 89°52'22" East for 315.25 feet to the northeast corner of said Section 35, being also the northwest corner of said Section 36; thence Due East for 610.38 feet to the point of beginning.