

Resolution No. 1992-9-332

RESOLUTION ANNEXING PROPERTY IN ST. CLOUD
TOWNSHIP TO THE CITY OF ST. CLOUD WHICH
PROPERTY IS KNOWN AS THE "LITTLE CREEK TOWNHOME
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) (i) of the May 11, 1992, amendment to the Joint Resolution provides that any property located in that portion of the orderly annexation area described in Exhibit B of the Joint Resolution for Orderly Annexation dated September 19, 1988, shall be subject to annexation to the City upon presentation of a petition signed by a substantial majority of the property owners of record. "Substantial majority" was defined to mean at least 75 percent of the property owners of record in the area requesting annexation and additionally signed by the owners of record of at least 51 percent of the land area; and

WHEREAS, the City received a petition 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 May 11, 1992; and

WHEREAS, the petition for annexation was supported by a petition signed by owners of 77.27 percent of the property owners of record and by the owners of record of land area in excess of 51 percent of the total land area; and

WHEREAS, more than 30 days has passed since the City mailed the Town notice of receipt of the petition; and

WHEREAS, the May 11, 1992, amendment provides in paragraph 5 (a) (iii) 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:

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 May 11, 1992.

Adopted this 21st day of September, 1992.



Council President

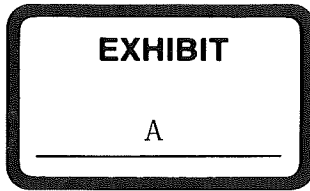
Attest:



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



LEGAL DESCRIPTION OF AREA
SUBJECT TO ANNEXATION

Parcel 1 (18.13 acres, more or less):

That part of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW1/4) of Section 25 and of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 26, all in Township 125 North, Range 28 West, St. Cloud Township, Stearns County, Minnesota, described as follows:

LITTLE CREEK TOWNHOMES, LITTLE CREEK TOWNHOMES PLAT 2, and LITTLE CREEK TOWNHOMES PLAT 3, all duly recorded plats, LESS AND EXCEPT Lancewood Drive. Containing 6.79 acres, more or less.

AND

A tract of land described as follows: Beginning at the southeast corner of said SW1/4 SW 1/4 of Section 25; thence North along the East line of said SW1/4 SW1/4 a distance of 126.25 feet to a point on the east line of Lancewood Drive, said point being a southeastern corner of LITTLE CREEK TOWNHOMES, a duly recorded plat; thence Southwesterly along the southeasterly line of said plat a distance of 228.29 feet to the South line of said SW1/4 SW1/4 of Section 25; thence East along the South line of said SW1/4 SW1/4 of Section 25 a distance of 190.03 feet to the point of beginning, and there terminating. Containing 0.28 acres, more or less.

AND

That part of said SE1/4 SE1/4 of Section 26 described as follows: Beginning at the southeast corner of said Section 26; thence North along the East line of said Section 26 a distance of 342.20 feet; thence West and parallel with the South line of said Section 26 a distance of 239.77 feet to the easterly right of way line of the Burlington Northern Railroad Company's Tileston Mill Spur Track; thence Southerly along said easterly right of way line a distance of 342.18 feet to the South line of said Section 26; thence East along the South line of said Section 26 a distance of 255.70 feet to the point of beginning, and there terminating. Containing 2.19 acres, more or less.

AND

That part of the SW1/4 SW1/4 of Section 25 described as follows: Beginning at the southwest corner of said Section 25; thence North along the West line of said Section 25 a distance of 342.20 feet; thence East and parallel with the South line of said Section 25 a distance of 138.38 feet to a point on the southwest line of Outlot "B", COUNTRY CLUB TOWNHOUSE ADDITION, a duly recorded plat; thence Southeasterly along said southwest line of said Outlot "B" a distance of 151.69 feet, more or less, to a corner of said Outlot "B"; thence East along the south line of said Outlot "B" a distance of 110.00 feet to the southwest corner of Outlot "A" of said COUNTRY CLUB TOWNHOUSE ADDITION; thence East along the south line of

said Outlot"A" a distance of 222.80 feet to its intersection with the northwesterly line of LITTLE CREEK TOWNHOMES, a duly recorded plat, thence Southwesterly along the northwesterly line of said LITTLE CREEK TOWNHOMES a distance of 6.09 feet to the northwest corner thereof; thence Southeasterly along the westerly line of said LITTLE CREEK TOWNHOMES a distance of 254.90 feet to the South line of said Section 25; thence Westerly along the South line of said Section 25 to the point of beginning, and there terminating. Containing 3.94 acres, more or less.

AND

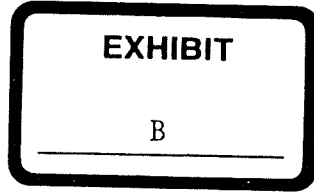
All that portion of Burlington Northern Railroad Company's, formerly Great Northern Railway Company's, Tileston Mill Spur Track right of way, now discontinued, situated in said SE1/4 SE1/4 of Section 26, lying Easterly of the East right of way line of Clearwater Road (a.k.a. old St. Cloud to St. Augusta Road), and bounded between a westerly extension of the Northerly right of way line of Montrose Road and the South line of said SE1/4 SE1/4 of Section 26. Containing 0.53 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 SE 1/4 SE 1/4 of Section 26, bounded between the North line of said SE1/4 SE1/4 of Section 26 and the South line of said SE1/4 SE1/4 of Section 26. Containing 3.1 acres, more or less.

AND

That part of Clearwater Road (a.k.a. old St. Cloud to St. Augusta Road), lying easterly of County State Aid Highway 75 (formerly Minnesota Trunk Highway 152) and bounded between the westerly extension of the northerly line of Montrose Road and the South line of said SE1/4 SE1/4 of Section 26. Containing 1.30 acres, more or less.



MAPS OF AREA
SUBJECT TO ANNEXATION
(18.13acres±)

Corporate Boundary

Orderly Annexation Area Boundary

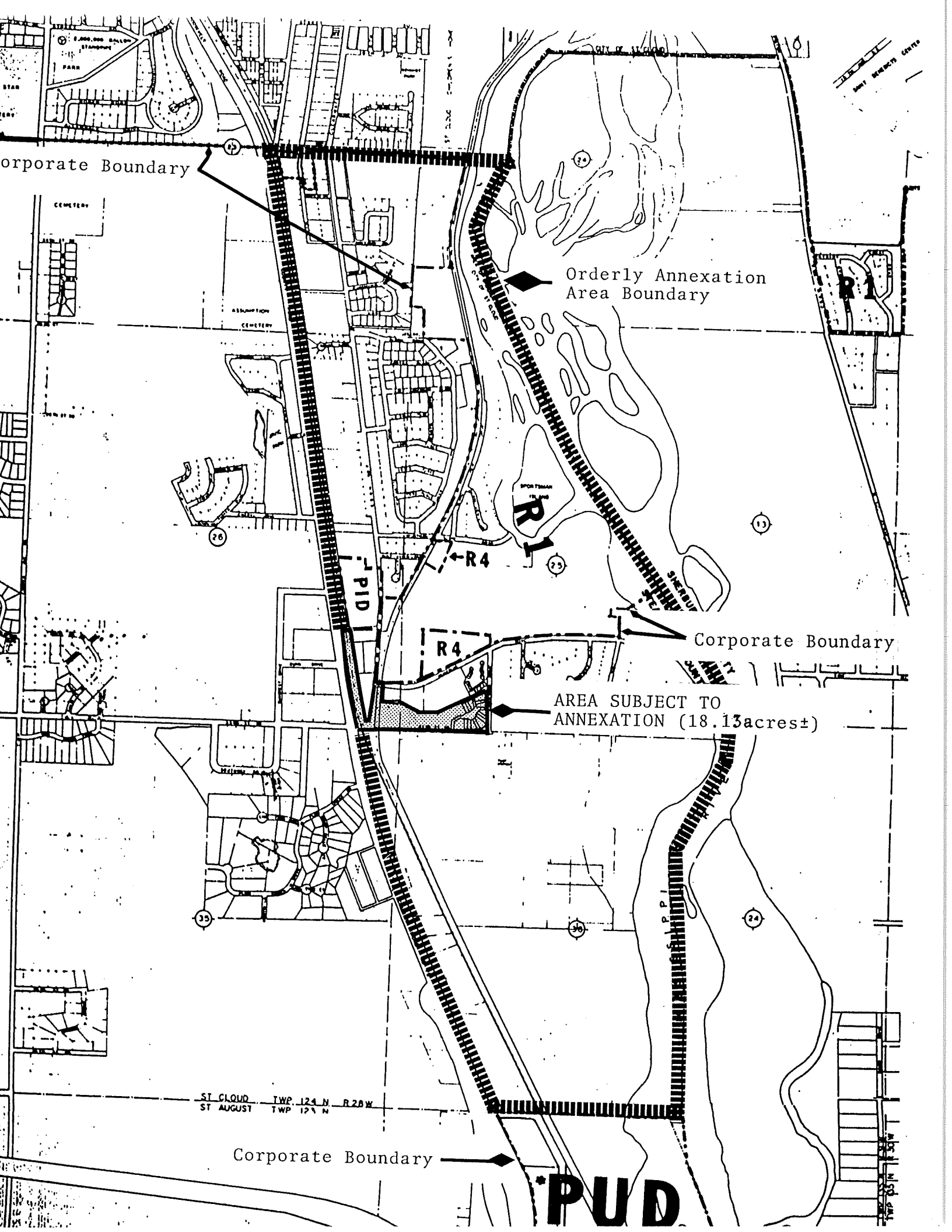
Corporate Boundary

AREA SUBJECT TO ANNEXATION (18.13acres±)

Corporate Boundary

PUD

ST. CLOUD TWP. 124 N R. 20 W
ST. AUGUST TWP. 123 N



SUNCREST DRIVE

KUMH DRIVE

Corporate Boundary

Corporate Boundary

AREA SUBJECT TO ANNEXATION (18.13acres±)

33RD ST. RD

PUMP STATION

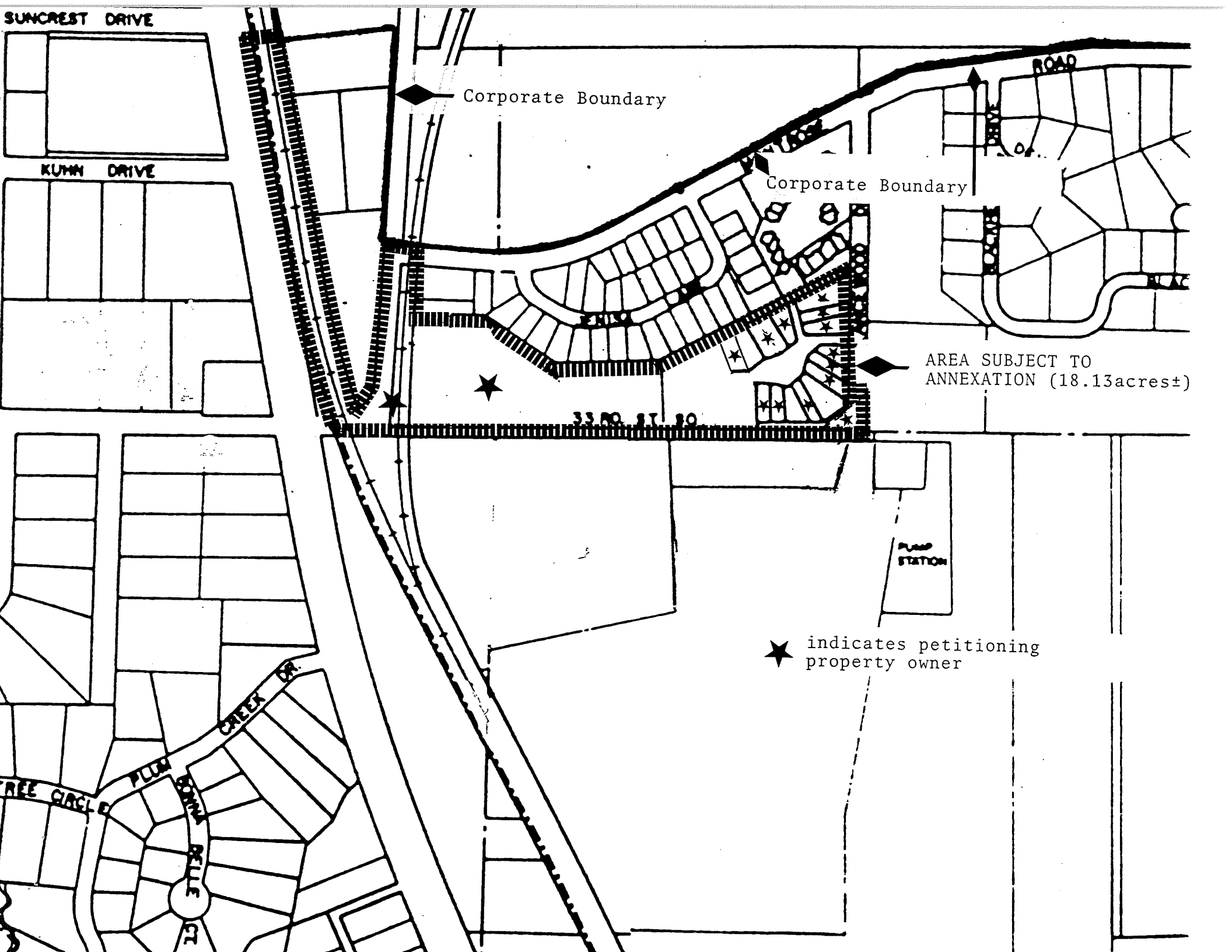
★ indicates petitioning property owner

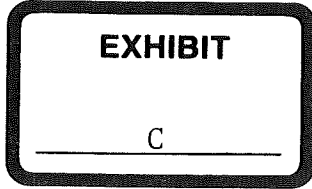
FREE CIRCLE

PLUM

ROSA BELLE CT

CREEK DR





PROPERTY OWNER
PETITIONS FOR ANNEXATION

July 9, 1992

TO: City of St. Cloud and Town of St. Cloud
FROM: Property Owners of Little Creek Townhomes Subdivision
SUBJECT: Petition for Annexation

We, the undersigned property owners of Little Creek Townhomes Subdivision, own property located within an area proposed for annexation and do hereby petition for annexation to the City of St. Cloud and the extension of municipal water service.

Property Information	Property Owner(s) Name and Signature(s)
Parcel #20035-10, Plat Plat <u>1</u> Lot <u>1</u> , Block <u>1</u>	Durand & Mary Potter (509 Brook Lane) <u>Durand & Mary Potter</u>
Parcel #20035-11 Plat <u>1</u> Lot <u>2</u> , Block <u>1</u>	Durand & Mary Potter <u>Durand & Mary Potter</u>
Parcel #20035-12 Plat <u>1</u> Lot <u>3</u> , Block <u>1</u>	Mary K. Sommers (507 Brook Lane) <u>Mary K. Sommers</u>
Parcel #20035-14 Plat <u>30084</u> / Lot <u>001</u> , Block <u>002</u>	Lewis & Emily Gohman (505 Brook Lane) <u>Lewis & Emily Gohman</u>
Parcel #20035-15 Plat <u>1</u> Lot <u>2</u> , Block <u>2</u>	Benton & Eileen Willer (503 Brook Lane) <u>Eileen Willer Benton & Willer</u>
Parcel #20035-16 Plat <u>1</u> Lot <u>3</u> , Block <u>2</u>	Kathlyn Hall (501 Brook Lane) <u>Kathlyn Hall</u>
Parcel #20035-18 Plat <u>1</u> Lot <u>1</u> , Block <u>3</u>	John & Carole Pike (502 Brook Lane) <u>John & Carole Pike</u>
Parcel #20035-19 Plat <u>1</u> Lot <u>2</u> , Block <u>3</u>	William & Marie Hughes (506 Brook Lane) <u>William & Marie Hughes</u>
Parcel #20035-20 Plat <u>1</u> Lot <u>3</u> , Block <u>3</u>	Vance & Donna Jola (510 Brook Lane) <u>Vance & Donna Jola Propy</u>

Property Information

Property Owner(s) Name and Signature(s)

Parcel #20035-21
Plat _____
Lot 4, Block 3

Todd & Jean Ferguson (514 Brook Lane)

Todd Ferguson

Parcel #20035-23
Plat 1
Lot 5, Block 3

Mark & Judith Larkin (518 Brook Lane)

Mark Larkin

Parcel #20035-25
Plat 1
Lot 7, Block 3

Elizabeth Hayden (526 Brook Lane)

Elizabeth Hayden

Parcel #20035-26
Plat 1
Lot 8, Block 3

James & Donna Tattle (530 Brook Lane)

James Tattle Donna L Tattle

Parcel #20035-24
Plat 1
Lot 6, Block 3

Lydell Taylor (522 Brook Lane)

Parcel #20035-053
Plat 3
Lot 7, Block 1

Kathleen Ellenbecker (525 Brook Lane)

Kathleen Ellenbecker

Parcel #20035-37
Plat 2
Lot 1, Block 1

Jerome & Diana Voit (540 Brook Lane)

Jerome Voit Diana Voit

Parcel #20035-038
Plat 2
Lot 2, Block 1

Ernest & Myrtle Overdahl (538 Brook Lane)

Ernest Overdahl Myrtle Overdahl

Parcel #20035-39
Plat 2
Lot 3, Block 1

James & Ruth Roy (534 Brook Lane)

Parcel #20035-54
Plat 3
Lot 8, Block 1

Allan & Marlene Schwinghammer (521 Brook Ln)

Parcel #20035-29,
Parcel #20035-31 and
Parcel #20035-40

Little Creek Development, Inc.

Little Creek Townhomes Association

Jerome Voit PRESIDENT

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 *DW 8/12*

(Address or Legal Description of Lot)

7/30/92

(Date of Petition)

7/30/92

(Date Signed)

*rec'd
7-31-92
CS*

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.