

Resolution No. 1992-11-388

**RESOLUTION ANNEXING PROPERTY IN ST. CLOUD  
TOWNSHIP TO THE CITY OF ST. CLOUD WHICH PROPERTY  
IS KNOWN AS THE "CATER" 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 100 percent of the property owners of record and by the owners of record of 100 percent of the total land area; and,

WHEREAS, the City has received written notice from the Town that the Town received a copy of said petition and waives all objection to the requested annexation in accordance with the Orderly Annexation Resolution by and between the City and the Town dated May 11, 1992; and,

WHEREAS, said property is vacant, unimproved land; and,

WHEREAS, the May 11, 1992, amendment provides in paragraph 5 (b) (ii), that the City shall rebate to the Town the equivalent "tax break" of a six-year staged graduated increase in tax capacity rates of the City and the Town for non-residentially zoned and/or undeveloped property that is annexed to the City in 1992 or 1993; 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:

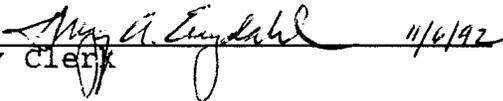
1. That the City expresses its desire to annex the privately owned property legally described in the attached Exhibit A and as depicted on the maps shown as attached Exhibit B all in accordance with the Joint Resolution adopted by the City of St. Cloud and the Town of St. Cloud on or about August 19, 1974, as amended, including the resolution of amendment adopted on May 11, 1992.

2. That the City will rebate to the Town the equivalent "tax break" of a six-year staged graduated increase in tax capacity rates of the City and the Town for the subject property.

Adopted this 2nd day of November, 1992.

  
Council President

Attest:

  
City Clerk 11/6/92

RECEIVED BY NOV 29 1992

EXHIBIT

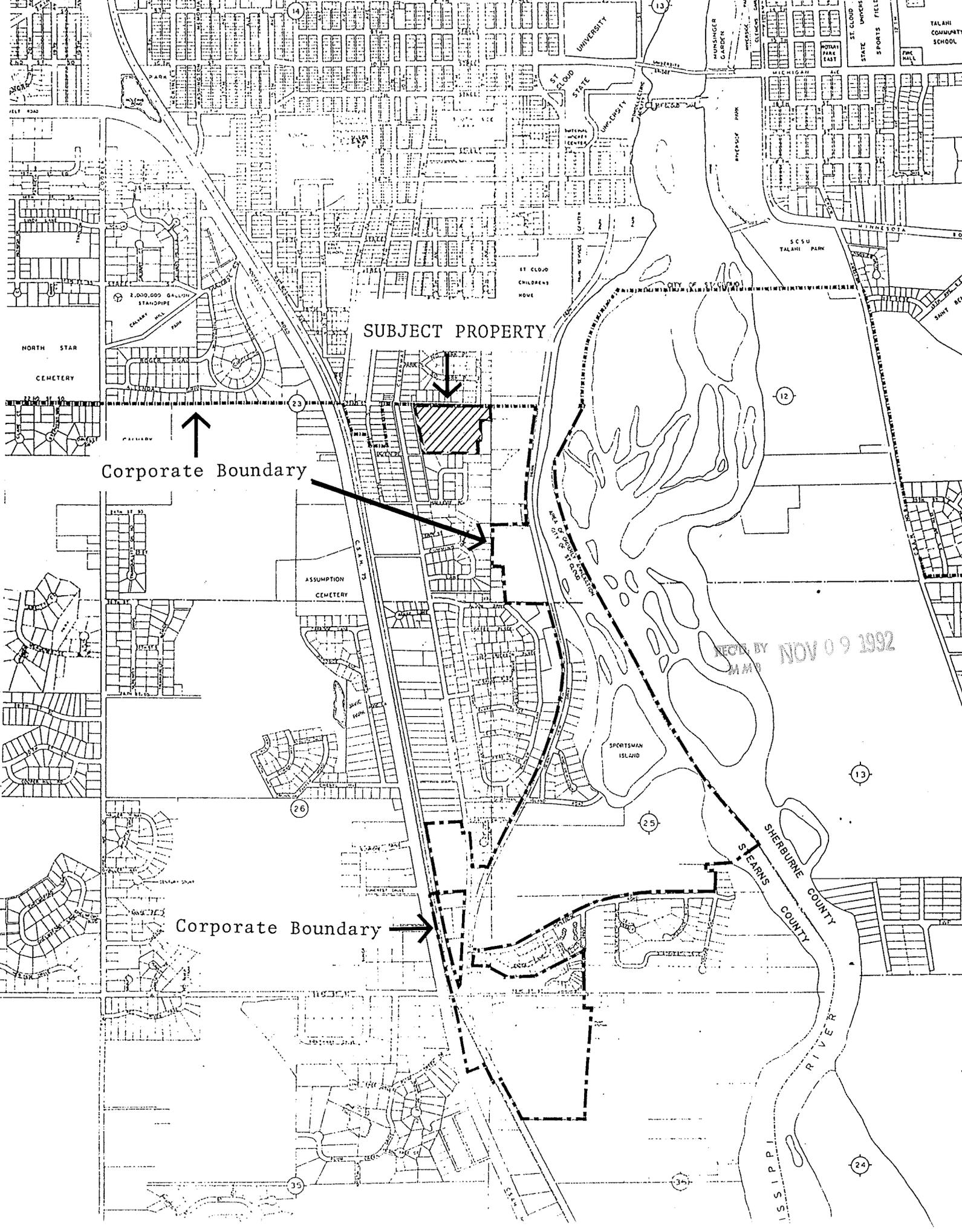
A

Property in Stearns County, Minnesota, described as follows:

That part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section Twenty-three (23), Township One Hundred Twenty-four (124), Range Twenty-eight (28), described as follows, to-wit: Beginning at the Northeast corner of the said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of said Section Twenty-three (23), Township One Hundred Twenty-four (124), Range Twenty-eight (28); thence due South along the East line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) for a distance of 778 feet; thence due West and parallel with the North line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) for a distance of 143 feet; thence due North and parallel with the said East line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) for a distance of 115 feet; thence due West and parallel with said North line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) for a distance of 1044.50 feet to a point of intersection with the centerline of the St. Cloud-Clearwater Road; thence in a Northwesterly direction along said centerline of said St. Cloud-Clearwater Road for a distance of 671.77 feet to a point of intersection with the said North line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4); thence due East along the said North line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) for a distance of 1321.60 feet to the Northeast corner of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4), the place of beginning and there terminating. LESS AND EXCEPT part platted as Halliday Hills a duly recorded plat of record in the Stearns County Recorder's Office, Stearns County, Minnesota, ALSO LESS AND EXCEPT the following described tract, to-wit: Commencing at the Northeast corner of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section Twenty-three (23), Township One Hundred Twenty-four (124), Range Twenty-eight (28); thence South 01 degrees 20 minutes 26 seconds West on an assumed bearing along the East line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) 203.10 feet to the point of beginning of the tract to be described; thence continuing South 01 degrees 20 minutes 26 seconds West along the East line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) 574.90 feet to a point distant 541.73 feet Northerly of the Southeast corner of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4); thence North 89 degrees, 23 minutes, 34 seconds West parallel with the North line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) 143.00 feet; thence North 01 degrees, 20 minutes, 26 seconds East parallel with the East line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) 115.00 feet; thence North 89 degrees 23 minutes, 34 seconds West parallel with said North line 19.79 feet; thence North 00 degrees, 53 minutes, 26 seconds East 136.95 feet; thence South 89 degrees, 23 minutes, 34 seconds East parallel with said North line 33.00 feet; thence North 00 degrees, 53 minutes, 26 seconds East along the East line of the 66.00 foot road easement described at Book 478 of Deeds, Page 569, a distance of 323.00 feet, more or less, to a point on the East line of said road easement bearing North 89 degrees, 23 minutes, 34 seconds West from the point of beginning; thence South 89 degrees, 23 minutes, 34 seconds East to the point of beginning and there terminating,

together with all hereditaments and appurtenances belonging





SUBJECT PROPERTY

Corporate Boundary

Corporate Boundary

REC'D BY NOV 09 1992  
MMP

UNIVERSITY

ST. CLOUD STATE UNIVERSITY

ST. CLOUD CHILDREN'S HOME

ASSUMPTION CEMETERY

NORTH STAR CEMETERY

SPORTSMAN ISLAND

SHERBURNE COUNTY  
S. EARN'S

MISSISSIPPI RIVER

TALAH COMMUNITY SCHOOL

S. C. S. U. TALAH PARK

STATE UNKERS' SPORTS FIELD

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