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City Resolution No. 1993-1-4

JOINT RESOLUTION AS TO ORDERLY ANNEXATION BETWEEN THE CITY OF
ST. CLOUD AND THE TOWN OF ST. AUGUSTA, ALSO SETTING FORTH THE
SECOND AMENDMENT TO THE JOINT RESOLUTION DATED AUGUST 19, 1974 AS
TO ORDERLY ANNEXATION BETWEEN THE CITY OF ST. CLOUD
AND THE TOWN OF ST. AUGUSTA

WHEREAS, the Town of St. Augusta ("Town") and City of St. Cloud ("City") have adopted a Joint Resolution as to orderly annexation dated August 19, 1974 ("1974 Orderly Annexation Resolution") and a Joint Resolution dated June 21, 1988 ("First Amendment") which amends the 1974 Orderly Annexation Resolution. The 1974 Orderly Annexation Resolution calls for the orderly annexation of certain areas of the Town by the City, which area includes the following described property ("Parcel Three"):

Parcel Three

Blocks Zero (0) and One (1) and that part of Block Ten (10), in City of St. Augusta, according to the plat and survey thereof on file and of record in the Office of the County Recorder, in and for Stearns County, Minnesota, lying and being within Government Lot Two (2) of Section Seven (7), in Township One Hundred Twenty-three (123) North, of Range Twenty-seven (27) West, in Stearns County, Minnesota, together with the vacated or abandoned portions of Front Street, Hanover Street, Cliff Street and High Street in said Addition.

ALSO: That part of Government Lot Two (2), of Section Seven (7), in Township One Hundred Twenty-three (123) North, of Range Twenty-seven (27) West, in Stearns County, Minnesota, lying Southeasterly of the City of St. Augusta a duly recorded plat in said County and State, except therefrom that part of said Govt. Lot 2 lying Southeasterly of the following described line: Beginning at the Southeast corner of the SW 1/4 of the SE 1/4 of said Sec. 7, from which the South line of said SW 1/4 SE 1/4 is assumed to bear South 90° 00' West; thence North 1° 02' 45" West 1,881.00 feet to the Westerly right of way line of the Old St. Cloud-Clearwater Road; thence North 46° 50' West along said Westerly line for 1,101.40 feet; thence North 43° 10' East for 66 feet to an iron monument; thence continue North 43° 10' East for 1,043.9 feet to an iron monument; thence North 1° 02' 45" West 70 feet to an iron monument; thence continue North 1° 02' 45" West for 30 feet, more or less, to the right bank of the Mississippi River and there terminating.

ALSO: That part of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Seven (7), in Township One Hundred Twenty-three (123) North, of Range Twenty-seven (27) West, lying Southeasterly of the City of St. Augusta, a duly recorded plat in said County and State.

AND ALSO: That part of the Mississippi River and its backwaters that lie in Stearns County, Minnesota, adjacent and adjoining the above described property.

The above described property contains 34.2 acres of land area.

WHEREAS, the 1974 Orderly Annexation Resolution provides for the annexation of areas within the specified area of the Town

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through adoption of a Joint Resolution amending the 1974 Orderly Annexation Resolution to allow annexation of portions of the area designated in the 1974 Orderly Annexation Resolution to the City;

WHEREAS, other areas in the Town which are not subject to the 1974 Orderly Annexation Resolution are in need of annexation to the City at this time. Those areas include the following described property (Parcels One and Two):

Parcel One

That part of the Southeast Quarter of the Northeast Quarter and the North Half of the Southeast Quarter, Section 18, Township 123, Range 27 described as follows: Beginning at the East Quarter corner of said Section 18; thence South on an assumed bearing along the East line of said Section 18 a distance of 530.79 feet; then South 89 degrees 54 minutes 31 seconds West a distance of 654.22 feet; thence South 57 degrees 10 minutes 27 seconds West a distance of 397.43 feet to the Northeasterly right of way line of the Burlington Northern Railroad; thence Northwesterly along said right of way line 1103 feet, more or less to its intersection with the North line of said North Half of the Southeast Quarter; thence North 89 degrees 59 minutes 32 seconds East along said North line 576.23 feet to a point distant 109.40 feet East of the Southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 00 minutes 51 seconds East parallel with the West line of said Southeast Quarter of the Northeast Quarter for a distance of 1327.30 feet to the North line of said Southeast Quarter of the Northeast Quarter; thence South 89 degrees 55 minutes 08 seconds East along the North line of said Southeast Quarter of the Northeast Quarter a distance of 1223.82 feet to the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 01 minutes 42 seconds West along the East Line of said Section 18 a distance of 1325.40 feet to the point of beginning. Containing 57.03 acres, more or less.

Parcel Two

That part of the North Half of the Southeast Quarter of Section 18, Township 123, Range 27, Stearns County Minnesota, formerly known as railroad right of way and once owned by Burlington Northern, Inc., being that part of said former right of way lying northwesterly of the following described line: Commencing at the east quarter corner of said Section 18, thence South on an assumed bearing along the east line of said Section 18 for 530.79 feet; thence South 89°54'31" West for 654.22 feet; thence South 57°10'27" West for 397.43 feet to the northeasterly line of said former right of way and the point of beginning of the line to be described; thence continue South 57°10'27" West for 100 feet more or less to the southwesterly line of said former right of way and there terminating. Containing 2.67 acres, more or less.

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WHEREAS, Parcels One, Two and Three are depicted on the maps made a part of this resolution and attached as exhibits A, B and C.

WHEREAS, the City is the owner of Parcels One, Two and Three. Parcels One, Two and Three were purchased for use in conjunction with its municipal operations at the City's Waste Treatment Facility;

WHEREAS, the City wishes to have the property annexed so as to have Parcels One, Two and Three under its direct control and regulation;

WHEREAS, the Town and the City find that it is in the public interest to allow annexation of the Subject Property to the City.

NOW, THEREFORE, be it resolved jointly by the Town Board of Supervisors for the Town of St. Augusta, Minnesota, and the City Council for the City of St. Cloud, Minnesota, as follows:

1. The 1974 Orderly Annexation Resolution is hereby amended to provide for annexation of Parcel Three to the City. Additionally Parcels One and Two are hereby annexed to the City. No consideration by the Minnesota Municipal Board as to annexation of Parcels One, Two or Three is necessary, and upon receipt of this Resolution the Minnesota Municipal Board is hereby authorized to review and comment but shall within thirty (30) days, order the annexation of the Parcels One, Two and Three.

2. The 1974 Orderly Annexation Resolution, as amended by the First Amendment thereto and by this, the Second Amendment, shall remain in full force and effect except to the extent it is inconsistent with the terms of this Resolution.

3. The Town Clerk and City Clerk are hereby authorized and directed to file a fully executed copy of this Resolution, each with the other, and, upon execution by the City and Town, are directed to file a copy of this Resolution with the Minnesota Municipal Board.

This Resolution is adopted by the Town Board of Supervisors this 5th day of January 1993.

TOWN OF ST. AUGUSTA, MINNESOTA

By Albert J. Keppers
Chairman, Board of Supervisors

By Harla Jopp
Town Clerk

This Resolution is adopted by the City Council this 4th day of January, 1993.

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CITY OF ST. CLOUD, MINNESOTA

By Larry Meyer
Council President

By Theresa A. Engdahl
City Clerk

ORDERLY ANNEXATION AREA MAP

EXHIBIT

A

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**CORPORATE
BOUNDARY**

North

PARCEL 1 & 2

95548
CITY OF ST. CLOUD

PAC 31 2.48

PAC 30 2.67 AC
CO. ROAD 75

17622
ALBERT BEUMER

PAC 29 1.66 AC

17622
ALBERT BEUMER

PAC 28 2.11 AC

17624 05
RANDY SCHMAN

PAC 27 1.5

17612
JOSEF HANG

LEO KENNING

INTERSTATE 94

EXHIBIT

B

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T 35N R31W.
HAVEN TWP
HAVEN TWP
T 35N R30W

PARCEL 3

METRO

WASTE

WATER

TREATMENT

PLANT

CORPORATE BOUNDARY

T.H. 194

TWP. ROAD

TWP. ROAD

WASTE OF 15 ACRES

ORDERLY ANNEXATION AREA MAP

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