

REC'D BY
MMB FEB 25 1993

City Resolution No. 1993-1-23

Town Resolution No. 93-2

**SIXTH AMENDMENT TO THE JOINT RESOLUTION FOR
ORDERLY ANNEXATION BETWEEN THE TOWN OF ST. CLOUD
AND THE CITY OF ST. CLOUD (33RD STREET WEST OF CSAH 75)**

WHEREAS, The Town of St. Cloud ("Town") and the 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 Minnesota State Highway No. 152 (now known as Stearns County Highway No. 75), hereinafter 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, May 11, 1992, and December 21, 1992; and

WHEREAS, a request has been made by owners of a majority of the parcels (10 of 16) located in a specified area to be annexed to the City of St. Cloud; and

WHEREAS, the Town and the City are in agreement as to the orderly annexation of said land, described on Exhibit A and depicted on the map labeled Exhibit B which consists of 160.65+ acres, for the purpose of orderly and planned services to the St. Cloud area community.

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of St. Cloud and the City of St. Cloud that:

1. The property described in Exhibit A ("subject property") is subject to orderly annexation pursuant to Minnesota Statutes 414.0325 and the parties hereto designate the area for orderly annexation.

2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board to approve the annexation pursuant to Minnesota Statutes 414.0325.

3. The subject property is appropriate for orderly annexation. No alteration of its stated boundaries is appropriate, nor is consideration by the Municipal Board necessary. Therefore, the Municipal Board may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution.

4. The City agrees to pay the Town \$26,136 for acquisition of the utility sleeve located under CSAH 75 near in the vicinity of 33rd Street South which the Town installed in 1983 at a cost of \$21,369.

5. The City and Town agree that prior to approval of a preliminary plat for the parcels described as No. 1 and No. 2 in the attached Exhibit A, the preliminary plat will be reviewed by a four (4) member advisory committee comprised of two (2) Town Planning Commission members and two (2) City Planning Commission members. Said committee shall conduct a public hearing on said preliminary plat within two (2) weeks of receiving the proposed plat from the developer. The Town shall provide mailed notice to all property owners in the Town that are located within 350 feet of parcels No. 1 and No. 2 as described in Exhibit A. A recommendation to the City Planning Commission shall be rendered by the committee within two (2) weeks after said hearing date.


6. The City agrees to pay the Town \$3,000.00 per year for five (5) years beginning in the year 1994.

7. C & C Development Partnership ("Developer") agrees to contribute \$4,000.00 per year for six (6) years to an escrow fund created by the Town beginning in the year 1994. Funds contributed to said escrow fund are to be used for street repair and improvement costs incurred by the Town for 33rd Street South and/or Cooper Avenue. The Town agrees to expend at least 50% of the proceeds from the \$24,000.00 contribution prior to the year 2000 and to refund to the Developer all said funds not expended prior to the year 2005. The Developer agrees to furnish a Letter of Credit to the Town related to said contribution.

8. The City and Town agree that those parcels described in Exhibit A as numbers 6, 8, 9, 10, 11, 12, and 13, shall have the tax rate of the City increased in substantially equal proportions over a period of three (3) years to equality with the tax rate of the property already within the City. step up

9. All the other terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 19, 1974, and all subsequent amendments thereto, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council the 25th day of January, 1993 and as amended by the St. Cloud City Council the 8th day of February, 1993.


Council President

Attest:


City Clerk


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This resolution adopted by the Town of St. Cloud Board of Supervisors the 8th day of February, 1993.



Chair, Town Board of Supervisors

Attest:



Town Clerk

APPROVAL

C & D Development Partnership, a Minnesota partnership, does hereby agree to and accept the terms contained in this Joint Resolution and consent to said terms as if it were a party hereto.

C & C Development Partnership

By

Kenneth L. West

By

Robert C. Colborn, Jr. Trustee
for Robert C. Colborn, Jr. Trust, a
partner of C & C Development
Partnership.

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EXHIBIT A

Parcel 1:

That part of the East Half of the Northwest Quarter (E 1/2, NW 1/4) of Section 35, Township 124, Range 28, Stearns County, Minnesota, LESS parts platted as Southway Industrial Park and LESS

Tract A. That part of the Northeast Quarter of the Northwest Quarter of Section 35, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows: Beginning at the point of intersection of the north and south quarter line of said Section 35 with a line run parallel with and distant 75 feet southerly of the north line of said Section 35; thence run westerly parallel with said north section line to a point distant 75 feet south (measured at right angles) of a point on said north section line, distant 248.2 feet west of the north quarter corner thereof; thence run southwesterly to a point distant 100 feet southerly (measured at right angles) of a point on the north line of said Section 35, distant 348.2 feet west of the north quarter corner thereof; thence run westerly parallel with the north line of said Section 35 for 100 feet; thence run southwesterly to a point distant 130 feet southerly (measured at right angles) of a point on the north line of said Section 35, distant 548.2 feet west of the north quarter corner thereof; thence run westerly on said 130 foot parallel line to a point thereon distant 100 feet easterly of its intersection with a line run parallel with and distant 100 feet northeasterly of Line 1 described below;

thence run southwesterly to a point on said 100 foot parallel line, distant 100 feet southeasterly of said intersection; thence run northerly to a point on the north line of said Section 35, distant 790 feet west of the north quarter corner thereof; thence run east 790 feet on the north line of said Section 35 to the north quarter corner thereof; thence run south on the north and south quarter line of said Section 35 to the point of beginning, containing 1.85 acres, more or less, of which the northerly 50 feet, containing .91 acres, is subject to an easement for a township road.

Line 1. Beginning at a point on the north line of said Section 35, distant 1556 feet east of the northwest corner thereof; thence run southeasterly at an angle of 49 degrees 43 minutes 00 seconds from said north section line (measured from east to south) for 500 feet and there terminating;

Parcel 2:

The South Half of the Northwest Quarter of the Northwest Quarter (SW1/2 NW1/4 NW1/4) and the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section Thirty-five (35), Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West. ALSO: The east half of the northwest quarter (E1/2 NW 1/4) and the north three-fourths of the northwest quarter of the northeast quarter (N3/4 of NW1/4 NE1/4) of Section 35, Township 124, Range 28. LESS AND EXCEPT: Land platted as Southway Industrial Park, according to the recorded plat thereof.

ALSO LESS AND EXCEPT:

That part of the southwest quarter of the northwest quarter (SW1/4 NW1/4) of Section 35, Township 124 North of Range 28 West, described as follows: Commencing at the southwest corner of said SW1/4 NW1/4; thence north on an assumed bearing along the west line of said SW1/4 NW1/4 83.00 feet for the point of beginning of the tract to be described; thence continue north along said west line 81.00 feet; thence south 89 34'40" east parallel with the south line of said SW1/4 NW1/4 743.90 feet; thence north parallel with said west line 635.85 feet; thence south 88 57' east 370 feet; thence south parallel with said west line 300 feet; thence north 88 57' west 270 feet; thence south parallel with said west line 465.76 feet; thence north 89 34'40" west parallel with said south line 843.88 feet to the point of beginning, subject to Town Road right-of-way over the westerly 33 feet thereof and any easements of record, said tract containing 5.0 acres, more or less.

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MAR FEB 25 1993

ALSO LESS AND EXCEPT:

That part of the southwest quarter of the northwest quarter (SW1/4 NW1/4) of Section Thirty-five (35), Township One Hundred Twenty-four (124) North of Range Twenty-eight (28) West, described as follows: Beginning at the southwest corner of said SW1/4 NW1/4; thence north on an assumed bearing along the west line of said SW1/4 NW1/4 83.00 feet; thence south 89 34'40" east parallel with the south line of said SW1/4 NW1/4 843.88 feet; thence north parallel with said west line 465.76 feet; thence south 88 57' east 270.00 feet; thence south parallel with said west line 545.80 feet to the south line of said SW1/4 NW1/4; thence North 89 34'40" west along said south line 1,113.84 feet to the point of beginning, subject to Town Road right-of-way over the westerly 33 feet thereof and any easements of record, said tract containing 5.0 acres, more or less.

ALSO LESS AND EXCEPT: That part of SW1/4 NW1/4 Section 35, Township 124, Range 28 described as follows: Commencing at the west quarter corner of said Section 35, Township and Range aforesaid; thence east 744 feet; thence north 1058 feet to the point of beginning of the tract to be hereby described; thence east 200 feet; thence south 200 feet; thence west 200 feet; thence north 200 feet to the point of beginning. Together with an easement for access which shall not be exclusive and for public utility services over and across a strip of land 33 feet in width described as follows: Commencing at the west quarter corner of Section 35, Township 124, Range 28; thence north on the west line of said Section 35, 1058 feet to the point of beginning of said easement; thence east 777 feet; thence north 33 feet; thence west 777 feet to the west line of said Section 35; thence south on said west line of Section 35, 33 feet to the point of beginning, together with the right to maintain and improvement such easement so that it will be suitable for use.

ALSO LESS AND EXCEPT: That part of the NE1/4 NW1/4 of Section 35, Township 124, Range 28 described as follows: Beginning at the point of intersection of the north and south quarter line of said Section 35 with a line run parallel with and distant 75 feet southerly of the north line of said Section 35; thence run westerly parallel with said north section line to a point distant 75 feet south (measured at right angles) of a point on said north section line distant 248.2 feet west of the north quarter corner thereof; thence run southwesterly to a point distant 100 feet southerly measured at right angles of a point on the north line of said Section 35, distant 348.2 feet west of the north quarter corner thereof; thence run westerly parallel with the north line of said Section 35 for 100 feet; thence run southwesterly to a point distant 130 feet southerly (measured at right angles) of a point on the north line of said Section 35, distant 548.2 feet west of the north quarter corner thereof; thence run westerly on said 130 foot parallel line to a point thereon distant 100 feet easterly of its intersection with a line run parallel with and distant 100 feet northeasterly of Line 1 described below; thence run

southwesterly to a point on said 100 foot parallel line, distant 100 feet southeasterly of said intersection; thence run northerly to a point on the north line of said Section 35 distant 790 feet west of the north quarter corner thereof; thence run east 790 feet on the north line of said Section 35 to the north quarter corner thereof; thence run south on the north and south quarter line of said Section 35 to the point of beginning.

Line 1: Beginning at a point on the North line of said Section 35 distant 1556 feet east of the northwest corner thereof; thence run southeasterly at an angle of 49 43'00" from said north section line (measured from east to south) for 500 feet and there terminating. Containing 1.85 acres, more or less, of which the northerly 50 feet, containing 0.91 acres, is subject to an easement for a township road.

Parcel 3:

The following described property in Stearns County, Minnesota: The east two hundred feet (200') of west nine hundred forty-four feet (944'), of north two hundred feet (200') of south one thousand fifty-eight feet (1058') of southwest one-fourth (SW1/4), northwest one-fourth (NW1/4), of Section thirty-five (35), Township one-hundred twenty-four (124), Range twenty-eight (28), containing .92 acre.

Parcel 4:

Tract A. That part of the Northeast Quarter of the Northwest Quarter of Section 35, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows: Beginning at the point of intersection of the north and south quarter line of said Section 35 with a line run parallel with and distant 75 feet southerly of the north line of said Section 35; thence run westerly parallel with said north section line to a point distant 75 feet south (measured at right angles) of a point on said north section line, distant 248.2 feet west of the north quarter corner thereof; thence run southwest to a point distant 100 feet southerly (measured at right angles) of a point on the north line of said Section 35, distant 348.2 feet west of the north quarter corner thereof; thence run westerly parallel with the north line of said Section 35 for 100 feet; thence run southwest to a point distant 130 feet southerly (measured at right angles) of a point on the line of said Section 35, distant 548.2 feet west of the north quarter corner thereof; thence run westerly on said 130 foot parallel line to a point thereon distant 100 feet easterly of its intersection with a line run parallel with and distant 100 feet northeasterly of Line 1 described below; thence run southwest to a point on said 100 foot parallel line, distant 100 feet southeasterly of said intersection; thence run northerly to a point on the north line of said Section 35, distant 790 feet west of the north quarter corner thereof; thence run east 790 feet on the north line of said Section 35 to the north quarter corner thereof; thence run south on the north and south quarter line of said Section 35 to the point of beginning;

Line 1. Beginning at a point on the north line of said Section 35, distant 1556 feet east of the northwest corner thereof; thence run southeasterly at an angle of 49 degrees 43 minutes 00 seconds from said north section line (measured from east to south) for 500 feet and there terminating;

containing 1.85 acres, more or less, of which the northerly 50 feet, containing .91 acre, is subject to an easement for a township road.

Parcel 5:

Lot Thirteen (13) in Block Two (2) of Southway Industrial Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for Stearns County, Minnesota.

Parcel 6:

Lots Three (3), Four (4), Five (5), and Six (6) in Block One (1) of Southway Industrial Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for Stearns County, Minnesota.

Parcel 7:

Lots One (1) and Two (2) in Block One (1) of Southway Industrial Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for the County of Stearns, Minnesota.

Parcel 8:

Lots One (1) and Two (2) in Block Two (2) of Southway Industrial Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for the County of Stearns, Minnesota.

Parcel 9:

That part beginning at the northwest corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Thirty-five (35), Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West, thence running east thirty-three (33) feet, thence south thirty-three (33) feet, the point of beginning of the tract to be conveyed herein; thence running east parallel with the north line of said Quarter-Quarter section, a distance of 293.55 feet; thence at right angles south parallel with the west line of said Quarter-Quarter section, a distance of 148.39 feet, thence at right angles west parallel with the north line of said Quarter-Quarter section a distance of 293.55 feet; thence north parallel with the west line of said Quarter-Quarter section a distance of 148.39 feet to the point of beginning said tract being designated as Lot Eight (8) of Beutler's Acre Lots, a subdivision of a part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Thirty-five (35) in Township One Hundred Twenty-four (124) North of Range Twenty-eight (28) West, Stearns County, Minnesota, made by M.B. Lang, Civil Engineer, in November, 1936.

Parcel 10:

That part beginning at the Northwest corner of the NE 1/4 of the NE 1/4 of Section 35, in Township 124, Range 28; thence running South along the West line of said quarter-quarter section 33 feet; thence running East parallel to the North line of said quarter-quarter section 326.55 feet to the point of beginning; thence running South parallel to the West line of said quarter-quarter section 296.78 feet; thence running East parallel to the North line of said quarter-quarter section 355.70 feet to the West line of State Trunk Highway No. 152; thence Northerly along the westerly line of said Highway 300 feet; thence west parallel to the North line of said quarter-quarter section 297.85 feet to the point of beginning and there terminating; LESS AND EXCEPT 0.46 acres, more or less, deeded to County of Stearns by Deed dated June 1, 1982, recorded June 3, 1982, in Book 499 of Deeds on Page 12 as document number 541503.

Parcel 11:

Lot One (1) in Block One (1) of Suncrest Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for Stearns County, Minnesota.

Parcel 12:

Lot Two (2) and the easterly thirty-three (33) feet of Lot Three (3) in Block One (1) of Suncrest Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for Stearns County, Minnesota.

Parcel 13:

Tract I: Lot Three (3) less the easterly thirty-three (33) feet thereof and Lot Four (4), Block One (1), Suncrest Park, 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.

Tract II: Lots Five (5) and Six (6) in Block One (1), Suncrest Park, 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.

Parcel 14:

Lot Three (3), Block (1), Suncrest Park Plat 2; that part of Lot Two (2), Block One (1), Suncrest Park Plat 2, which lies southerly of a line 180.00 feet north of, measured at a right angle to and parallel with the south line of said Lot Two (2), according to the plat and survey thereof on file and of record in the Office of the County Recorder in and for said Stearns County, Minnesota.

Parcel 15:

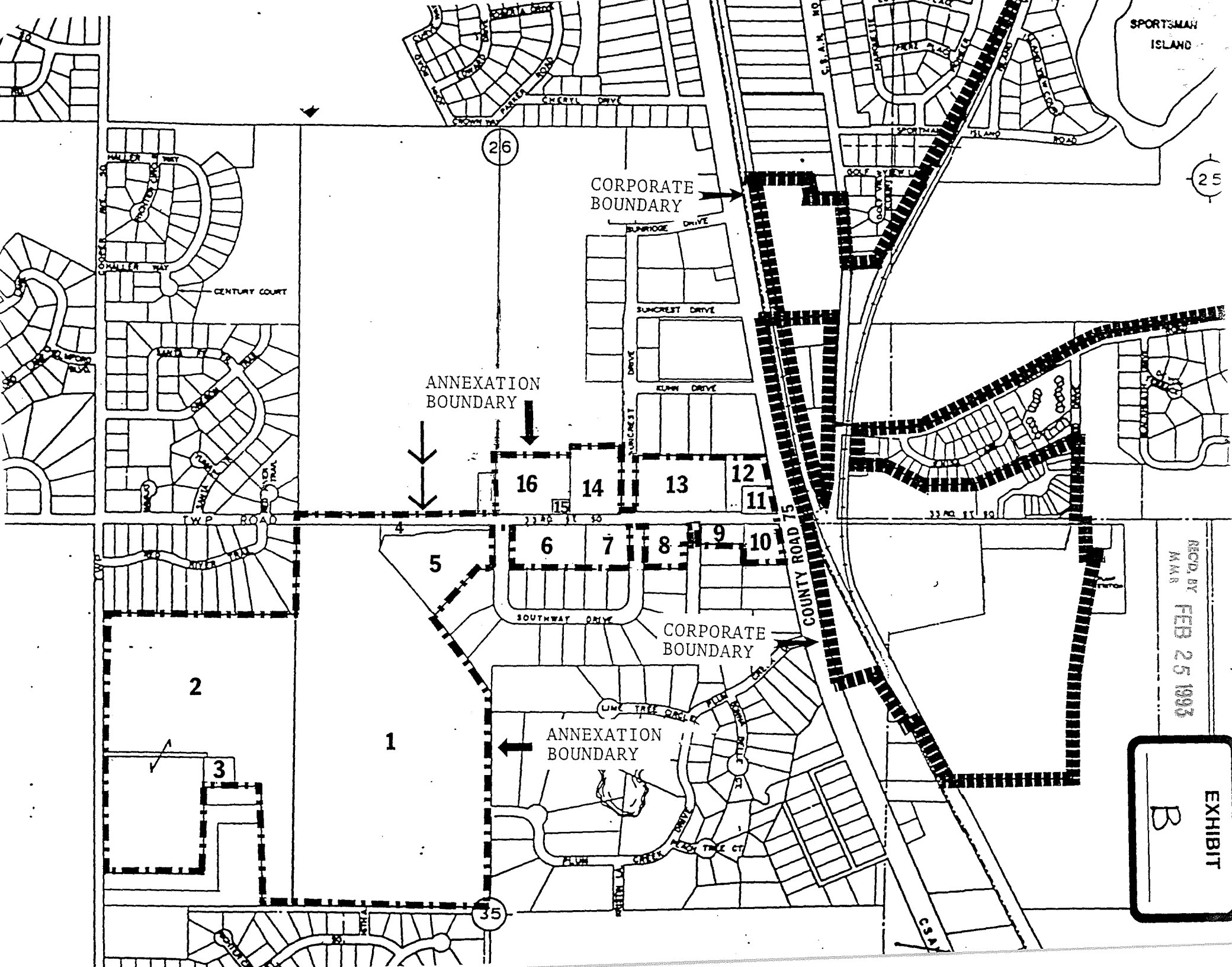
A part of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section Twenty-six (26), in Township One Hundred Twenty-four (124) North, of Range Twenty-eight (28) West, Stearns County, Minnesota, described as follows, to-wit: Beginning at the South Quarter of said Section 26, thence along the South line of said Section, due east 420 feet, thence due North 33 feet to the point of beginning of the tract herein to be described; said point of beginning being on the northerly right-of-way line of 33rd Street South, thence North 135 feet, thence due East 120 feet, thence due South 135 feet, to a point on said right-of-way line, thence along said right-of-way line due West 120 feet to the point of beginning.

Parcel 16:

That part of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 26, Township 124, Range 28 West of the 5th Principal Meridian, St. Cloud Township, Stearns County, Minnesota, described as follows: Beginning at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence east along the south line of said Southwest Quarter of the Southeast Quarter, a distance of 420.00 feet; thence north at a right angle, a distance of 168.00 feet thence east at a right angle, parallel with the south line of said Southwest Quarter of the Southeast Quarter, a distance of 120.00 feet to the west line of SUNCREST PARK PLAT 2, according to the recorded plat thereof; thence north along the west line of said SUNCREST PARK PLAT 2, a distance of 281.97 feet; thence west parallel with the south line of said Southwest Quarter of the Southeast Quarter, a distance of 534.73 feet, more or less to the west line of said Southwest Quarter of the Southeast Quarter; thence south along the west line of said Southwest Quarter of the Southeast Quarter, a distance of 450.00 feet to the point of beginning.

Right-of-Way:

That part of 33rd Street South lying westerly of the westerly right-of-way line of County State Aid Highway 75 (formerly Minnesota Trunk Highway 152) and easterly of SIGNAL HILL 2ND ADDITION and SIGNAL HILL 3RD ADDITION, both duly recorded plats. Containing 6.09 acres, more or less.



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EXHIBIT
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