

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Robert Gambrino	Ex-Officio Member
Keith Maurer	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF ST. CLOUD AND THE)
TOWN OF ST. AUGUSTA FOR THE ORDERLY)
ANNEXATION OF CERTAIN LAND TO THE CITY)
OF ST. CLOUD)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Commission pursuant to Minnesota Statutes 414, as amended, on November 20, 1974 at St. Cloud, Minnesota. The hearing was conducted by Howard L. Kaibel, Jr., Executive Secretary of the Minnesota Municipal Commission pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Robert Gambrino and Keith Maurer, Ex-Officio Members of the Commission. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, and being fully advised in the premises, the Minnesota Municipal Commission hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely and adequate legal notice of the hearing was published, served and filed.
2. That the area proposed to be annexed is characterized by institutional development and will experience further development in the

near future.

3. That the City of St. Cloud is capable of and it is practical for it to provide to the area proposed for annexation the following municipal services within the next three (3) years:

- a. sanitary sewer service
- b. refuse collection
- c. water service
- d. police protection
- e. fire protection
- f. road construction and maintenance
- g. park and recreation services

4. The property proposed for annexation is municipally owned and therefore tax exempt.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceeding, pursuant to the joint resolution of the governing bodies for orderly annexation provided for in Minnesota Statutes Section 414.032.

2. The area proposed for annexation is now or is about to become urban or suburban in nature.

3. The City of St. Cloud is capable of providing the services required by the area described herein within a reasonable time.

O R D E R

IT IS HEREBY ORDERED: that the following described property lying in the Township of St. Augusta, County of Stearns, State of Minnesota, be and the same hereby is annexed to the City of St. Cloud the same as if it had originally been made a part thereof:

All that part of Government Lots 1 and 2 and of the SE $\frac{1}{4}$ of Section 7, Township 123 North, Range 27 West, Stearns County, Minnesota, described as follows: Beginning at the Southeast corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 7; thence N 90°00' W, along the South line of said Section 7, a distance of 701.58 feet; thence N 01°02'45" W, on a line parallel to the East line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; a distance of 1319.40 feet to a point in the North line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence S 90°00' E, along said North line, 701.58

feet to the Northeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence N 01°02'45" W, along the West line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, to a point that is N 01°02'45" W 1381.00 feet from the point of beginning; thence N 46°50' W, along the Westerly right-of-way line of the old St. Cloud-Clearwater State Road, 1101.40 feet; thence N 43°10' E 1109.90 feet; thence N 01°02'45" W 100 feet, more or less, to the right bank of the Mississippi River; thence Southeasterly, along said right bank, to a point in the East line of said Section 7; thence S 00°29'20" E, along said East line to the Southeast corner of said Section 7; thence N 90°00' W, along the South line of said Section 7, a distance of 1333.25 feet to the point of beginning. All containing 127.44 acres.

Also, all of Government Lot 2 of Section 8, Township 123 North, Range 27 West, except that part described as follows: Commencing at an iron monument at the Southwest corner of said Section 8; thence N 00°29'20" W, along the west line of said Section 8, a distance of 1320.00 feet to the Southwest corner of said Government Lot 2 and the point of beginning of the exception herein described; thence N 88°24'46" E 759.96 feet; thence N 46°22'28" E 780 feet, more or less, to a point in the East line of said Government Lot 2; thence South, along the East line of said Government Lot 2 to the Southeast corner thereof; thence S 90°00' W 1320.00 feet to the point of beginning. Containing 33.35 acres.

Also, all of the W $\frac{1}{4}$ of the NE $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; and all that part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ described as follows: Beginning at the Northwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence South, along the West line thereof, to the Southwest corner thereof; thence East, along the South line thereof, 109.40 feet; thence North on a line parallel to said West line to a point in the North line thereof that is 109.40 feet East of the point of beginning, thence West 109.40 feet to the point of beginning. Subject to existing railroad and highway rights-of-way and except a triangular parcel lying Southwesterly of said highway right-of-way. All in Section 18, Township 123 North, Range 27 West and containing 121.50 acres, more or less.

IT IS FURTHER ORDERED: that if the property herein ordered annexed which is now entirely tax exempt should become subject to taxation during the next three years, the mill levy of the City of St. Cloud on that property shall not exceed the following graduated increase. In the year following annexation the increase in the mill rate for

city purposes on the property annexed shall not exceed 1/3 of the difference between the current mill levy for city and township purposes. In the second year following annexation the increase in the mill rate on the property annexed shall not exceed 1/2 of the then existing difference between the mill levy on the property annexed and the full mill levy for city purposes. In the third year following annexation the property annexed shall be taxed at the full city rate.

Dated this 12th day of December, 1974

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55101

A handwritten signature in dark ink, appearing to read "Howard L. Kaibel, Jr.", written in a cursive style.

Howard L. Kaibel, Jr.
Executive Secretary