

RESOLUTION NO. 1993-6-221

**RESOLUTION ANNEXING PROPERTY IN ST. CLOUD TOWNSHIP TO
THE CITY OF ST. CLOUD, WHICH PROPERTY IS KNOWN AS
THE COUNTRY CLUB VILLAS AREA, IN ACCORDANCE WITH
THE ORDERLY ANNEXATION AGREEMENT DATED MAY 11, 1992**

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 Highway No. 152 (now 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; May 11, 1992; December 21, 1992; February 1, 1993; February 8, 1993; and March 1, 1993; and,

WHEREAS, paragraph 5 (a) (i) of the May 11, 1992, amendment to the original Joint Resolution provides that any property located in that portion of the orderly annexation area described in Exhibit C of the September 19, 1988, amendment shall be subject to annexation to the City upon presentation of a petition signed by a "substantial majority" of property owners which 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 request for annexation was supported by a petition signed by 9 of the 11 individual or corporate owners (81.8%) representing in excess of 51 percent of the land area which totals 12.35 acres ±; and,

WHEREAS, the May 11, 1992, amendment provides in paragraph 5 (a) (iii) that if the City then desires to annex the property then the 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 and approval to cause annexation of the property legally described in the attached Exhibit A and as depicted on the maps shown as the attached Exhibit B all in accordance with the Joint Resolution adopted by the City and Town on or about August 19, 1974, as amended, including the resolution adopted on May 11, 1992.

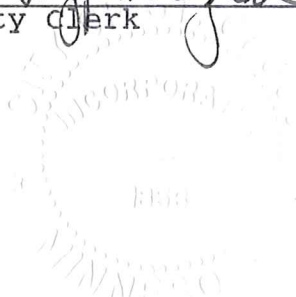
2. That, in accordance with the May 11, 1992, amendment to the Joint Resolution, the following properties shall receive a staged graduated increase in tax capacity rates from the Town rate to the City rate over a six (6) year period of time following annexation of the property: Lots 1 - 6, Block 1, Country Club Villas, a duly recorded plat; Lots 1 - 9, Block 1, Country Club Villas Plat 2, a duly recorded plat; and the 1.15 acre parcel labeled as "Parcel 3" in Exhibit A attached hereto.

Adopted this 21st day of June, 1993.

Larry Meyer
Council President

Attest:

Shirley A. English 6/22/93
City Clerk Date



Descriptions for Country Club Villas area annexation:Parcel 1 (7.65 acres, more or less):

All that part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 25, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows:

Lots 1, 2, 3, 4, 5 and 6, Block 1, and Outlot A, COUNTRY CLUB VILLAS, a duly recorded plat.

AND

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 1, and Outlot A, COUNTRY CLUB VILLAS PLAT 2, a duly recorded plat.

AND

Outlot A, COUNTRY CLUB TOWNHOUSE ADDITION, a duly recorded plat, less part platted as COUNTRY CLUB VILLAS and COUNTRY CLUB VILLAS PLAT 2, both duly recorded plats.

AND

Outlot B, COUNTRY CLUB TOWNHOUSE ADDITION, a duly recorded plat, less part platted as COUNTRY CLUB VILLAS, a duly recorded plat.

Parcel 2 (0.25 acres, more or less):

All that part of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 26, Township 124 North, Range 28 West, Stearns County, Minnesota, lying South of Montrose Road, East of the Burlington Northern spur line (now abandoned) and North of the South 523.20 feet thereof.

Parcel 3 (1.15 acres, more or less):

All that part of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 26 and the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 25, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows: Commencing at the southeast corner of said Section 26; thence N 00° 46' 14" E on an assumed bearing along the east line of said Section 26 a distance of 342.20 feet to the point of beginning of the tract to be described; thence West parallel with the south line of said Section 26 a distance of 239.77 feet to the easterly right-of-way of the Burlington Northern spur track (now abandoned); thence N 01° 40' 00" W along said easterly right-of-way 75.02 feet; thence East parallel with the south line of said Section 26 a distance of 269.51 feet; thence S 55° 55' 00" E

133.81 feet; thence West parallel with the south line of said Section 26 a distance of 138.38 feet to the point of beginning. Containing 0.56 acres, more or less.

AND

That part of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 26, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows: Commencing at the southeast corner of said Section 26, thence North along the east line of said Section 26 a distance of 417.20 feet to the point of beginning of the tract to be described; thence Westerly and parallel with the south line of said Section 26 a distance of 243.50 feet to the easterly right-of-way of the Burlington Northern Tileston Mill Spur (now abandoned); thence Northerly along the easterly right-of-way line of said Tileston Mill Spur a distance of 106 feet; thence Easterly and parallel with the south line of said Section 26 a distance of 243.40 feet to the east line of said Section 26; thence Southerly along the east line of said Section 26 a distance of 106 feet to the point of beginning. Containing 0.59 acres, more or less.

Right-of-way (3.3 acres, more or less):

All that part of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 26 and of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 25, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows:

That part of Montrose Road lying easterly of the easterly right-of-way line of the Burlington Northern Tileston Mill Spur (now abandoned) and westerly of the northerly extension of the easterly right-of-way line of Lancewood Drive.

AND

All of Jenisa Drive in COUNTRY CLUB VILLAS PLAT 2, a duly recorded plat.

EXHIBIT

B

REC'D, B
MAY 24 1981

