

Resolution No. 1993-7-252

RESOLUTION ANNEXING PROPERTY IN ST. CLOUD TOWNSHIP
TO THE CITY OF ST. CLOUD WHICH PROPERTY IS KNOWN
AS THE "LAUDENBACH FARM"

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 (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) of the September 19, 1988, 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 petitions signed by a majority of the property owners; and,

WHEREAS, the City has 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 September 19, 1988; and,

WHEREAS, the petition for annexation, attached as Exhibit C, is signed by 100 percent of the owners of property in the area proposed for annexation, which is legally described in the attached Exhibit A and is depicted on the maps attached as Exhibit B; and,

WHEREAS, the September 19, 1988, amendment provides in paragraph 5 (a) 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.

REC'D. BY JUL 15 1993
MMA

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 property legally described in the attached Exhibit A and as depicted on the maps attached as Exhibit B in accordance with the Joint Resolution adopted by the City and Town on or about August 19, 1974, as amended, including the resolution of amendment adopted on September 19, 1988.

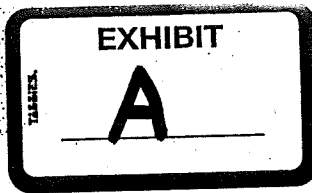
2. Upon annexation, the property described in the attached Exhibit A shall be increased to the City tax rate with no provision for a staged graduated increase from the Town tax rate.

Adopted this 12th day of July, 1993.

Larry Meyer
Council President

Attest:

Theresa A. Engdahl 7/13/93
City Clerk Date



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REC'D. BY JUL 15 1993
MARR

LEGAL DESCRIPTION

That part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 124 North, Range 28 West, Stearns County, Minnesota, lying southerly of the following described line: Commencing at the southwest corner of the said Northwest Quarter of the Southwest Quarter; thence South 89 degrees 13 minutes 32 seconds East, assumed bearing, along the south line of the said Northwest Quarter of the Southwest Quarter, a distance of 876.85 feet to the easterly line of STATE HIGHWAY RIGHT OF WAY PLAT NO. 73-1, according to the plat thereof, on file and of record in the Office of the County Recorder, Stearns County Minnesota, and the actual point of beginning of the line to be described; thence North 72 degrees 16 minutes 28 seconds East, along the northerly line of a tract of land described in Book 305 of Deeds on Page 38 as Document Number 329083, a distance of 464.48 feet to the east line of the said Northwest Quarter of the Southwest Quarter and terminating thereat.

(Book 305 of Deeds, Page 39, Document No. 329084)

All that part of the Southwest Quarter of the Southwest Quarter of Section 36 in Township 124 North of Range 28 West, Stearns County, Minnesota described as follows: Commencing at the northeast corner of said Southwest Quarter of the Southwest Quarter of said section; running South on the Quarter-Quarter section line 18 chains or to the easterly line of the St. Cloud and Clearwater Road; as now constructed and running across said land; thence running in a northwesterly direction along said easterly line of said St. Cloud and Clearwater Road, 19 chains and 54 links or to the northerly line of said Southwest Quarter of the Southwest Quarter of said section; thence running East on said Quarter-Quarter line to the place of beginning.

Also the East Half of the Southwest Quarter and Government Lots 3 and 4, all in Section 36, Township 124 North, Range 28 West, excepting therefrom the right of way of the Great Northern Railway Company, as now located and constructed across said land.

(Book 305 of Deeds, Page 38, Document No. 329083)

All that part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 124 North, Range 28 West, Stearns County, Minnesota described as follows: Beginning at a point of intersection of the easterly right of way line of Minnesota Trunk Highway Number 152 with the south line of said Northwest Quarter of the Southwest Quarter, said point being 875.65 feet due East of the southwest corner of said Northwest Quarter of the Southwest Quarter of said Section 36, Township 124, Range 28; thence North 71 degrees 30 minutes East 494.25 feet; thence South 30 degrees and 55 minutes West, 182.20 feet to an intersection with the said south line of said Northwest Quarter of the Southwest Quarter; thence due West along said south line 374.80 feet to the point of beginning and there terminating.

(over)

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(Document Number 685409)

That part of the Southwest Quarter of the Northwest Quarter and that part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 124 North, Range 28 West, Stearns County, Minnesota described as follows: Beginning at the southeast corner of said Southwest Quarter of the Northwest Quarter; thence north along the east line thereof for 8.00 feet; thence west at right angles to said east line for 15.00 feet; thence southerly to a point that is 20.00 feet west of a point on the east line of the said Northwest Quarter of the Southwest Quarter, distant 642.17 feet south of the point of beginning; thence southerly along the last described course extended to a line drawn parallel with and 50.00 feet northeasterly of, as measured at right angles to Line A described below; thence southeasterly along said parallel line to the east line of the said Northwest Quarter of the Southwest Quarter; thence northerly along said east line to the point of beginning.

LINE A: Beginning at a point on the north line of Section 35 in said Township and Range distant 369.55 feet west of the northeast corner of said Section 35; thence southeasterly at an angle of 67 degrees 01 minute with said north line for 1653.00 feet; thence deflect left along a tangential curve, having a radius of 5729.65 feet and a central angle of 4 degrees 11 minutes 33 seconds for 419.26 feet; thence southeasterly tangent to said curve for 1929.00 feet, more or less, to the east line of said Northwest Quarter of the Southwest Quarter and there terminating.

(Document Number 613909)

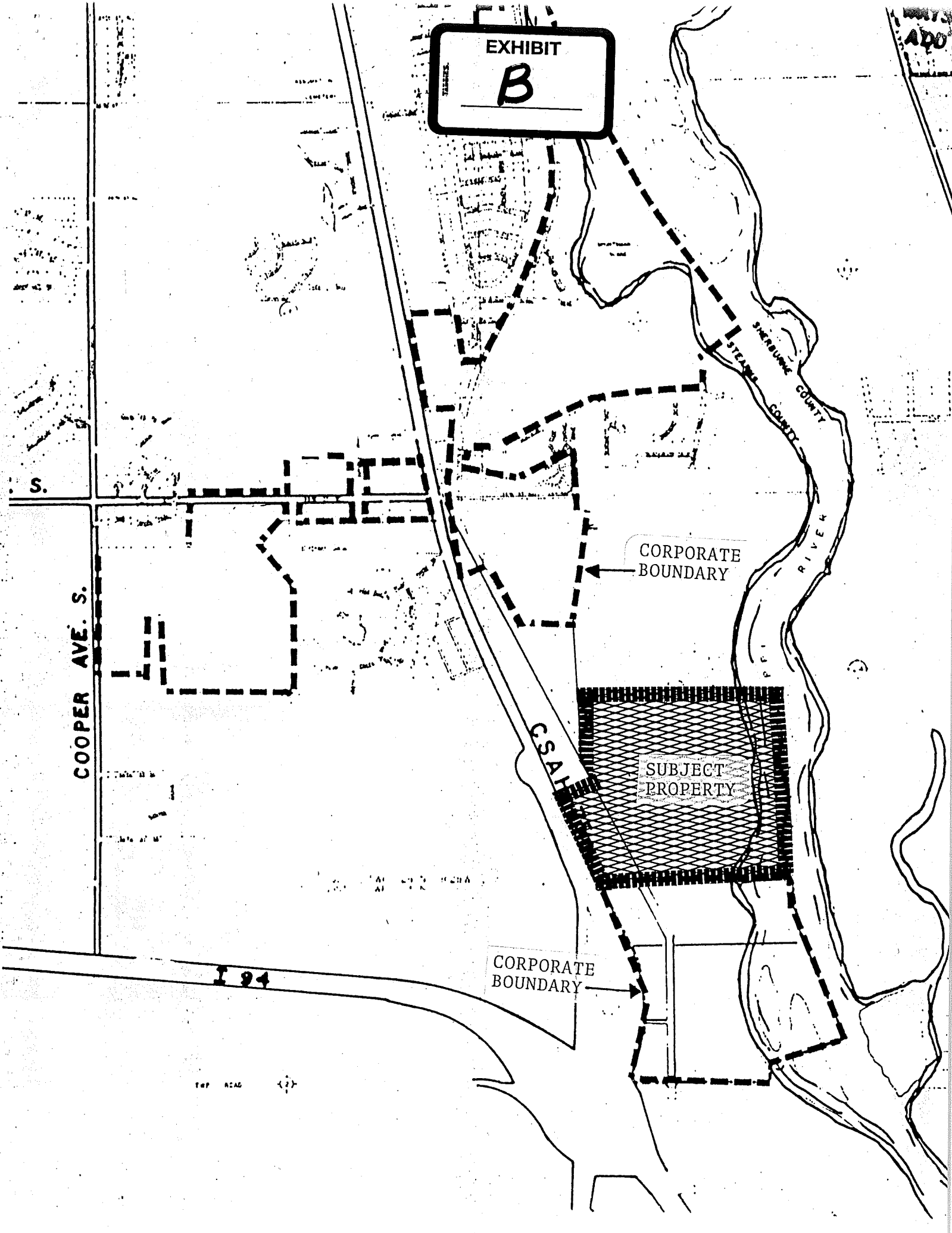
That part of the East Half of the Southwest Quarter of Section 36, Township 124 North, Range 28 West Stearns County, Minnesota formerly known as railroad right of way and once owned by Burlington Northern, Inc.

The above described property contains 142.84 acres, more or less, and is subject to easements of record.

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

EXHIBIT

B



S.

COOPER AVE. S.

CORPORATE
BOUNDARY

SUBJECT
PROPERTY

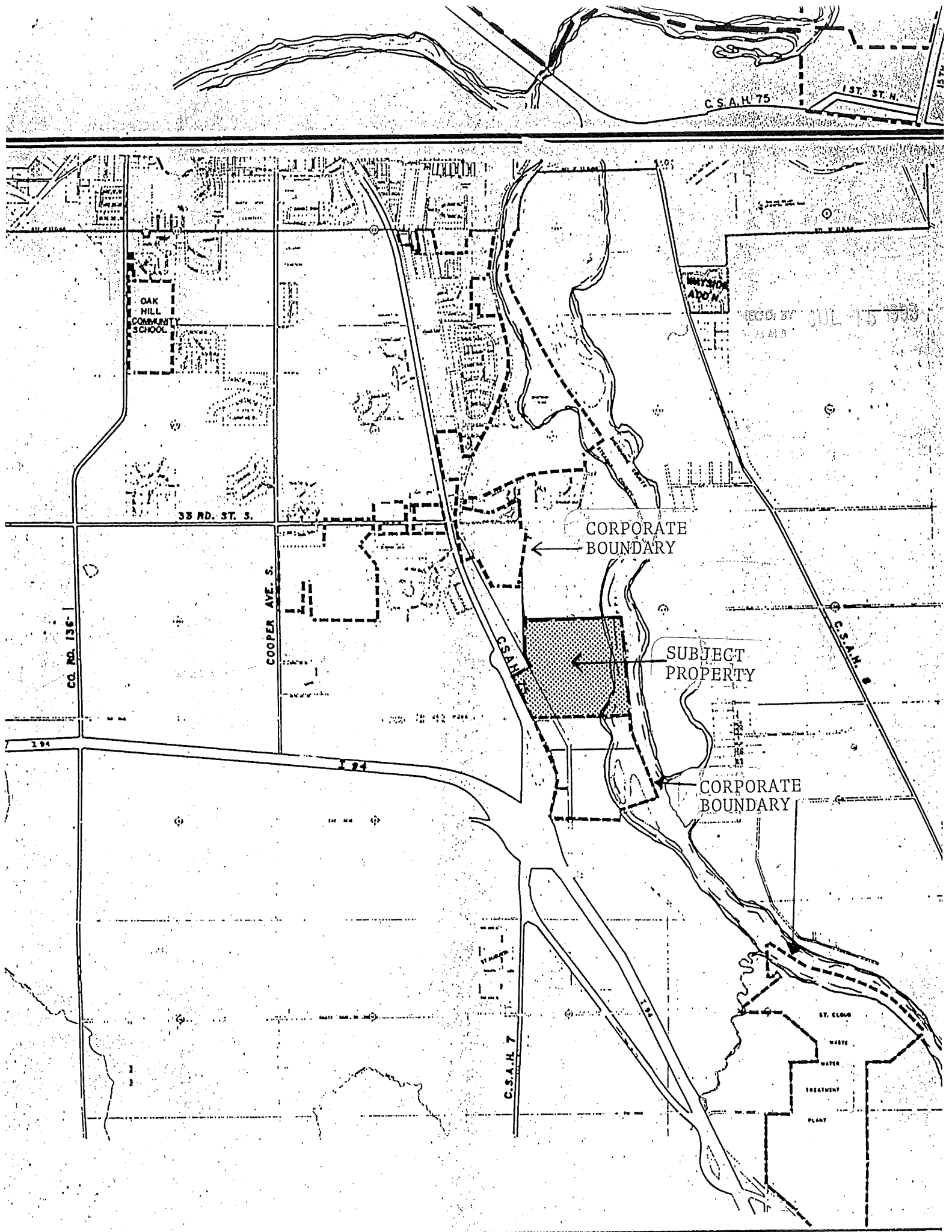
CORPORATE
BOUNDARY

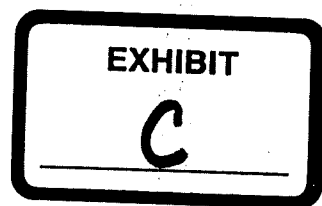
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TOP

ACAG

(2)





REC'D. BY JUL 15 1993
MARR

July 1, 1993

Ms. Patti Gartland
Planning Director
City of St. Cloud
City Hall
St. Cloud, MN 56301

Re: Annexation Petition

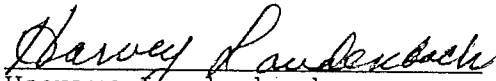
Dear Ms. Gartland:


This is to petition the City Council to annex our property located in St. Cloud Township into the City of St. Cloud. The legal description, maps and site locations of the property are attached to this letter.

Our understanding is that the City does not require any further documentation to accompany this Annexation Petition. It is also our understanding that our property is located in an orderly annexation area and that pursuant to the Orderly Annexation Agreement, the property can be annexed, without objection, provided 100 percent of the property owner's Petition. We are the sole owners of the property.

Mr. James Degiovanni is our attorney representing us on this matter. We have been informed that the City Council can consider this matter at its meeting on Monday evening, July 12, 1993. Pursuant to your telephone conversation with Mr. Degiovanni, we are requesting that the zoning of the property be scheduled as soon as possible within the first 60 days after the annexation. For the record, however, we are submitting this Petition based upon the expectation that the property will be able to be zoned partially for industrial uses, partly for multi-family residential, and partly for single family residential. Our preference would be to agree upon the zoning prior to the time that the annexation is finalized. Please contact Mr. Degiovanni if there are any questions, concerns, or additional information that will be required.

Sincerely,


Harvey Laudenbach


Adeline Laudenbach

Enclosures