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Resolution No. 1994-6-205

RESOLUTION ANNEXING PROPERTY IN ST. CLOUD TOWNSHIP
TO THE CITY OF ST. CLOUD, IN THE VICINITY OF
10TH AVENUE SOUTH AND CLEARWATER ROAD, IN ACCORDANCE
WITH THE ORDERLY ANNEXATION AGREEMENT DATED MAY 11, 1992

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) (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 a 29.92+ acre area 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 petition for annexation is supported by 86 percent of the property owners (37 of 43 owners), is supported by owners of 89.3% of the parcels (25 of 28 parcels), and is supported by owners of 96+ percent of the land area; and,

WHEREAS, more than 30 days has passed since the City delivered the Town notice of receipt of the petition; and,

WHEREAS, the May 11, 1992, amendment provides in paragraph 5 (a) (iii) 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.

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NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. CLOUD, MINNESOTA:

That the City expresses its intent to annex the property legally described on the attached Exhibit A, located in the vicinity of Clearwater Road and 10th Avenue South, and as depicted on the maps shown as Exhibit B all in accordance with the Joint Resolution adopted by the City of St. Cloud and the Town of St. Cloud on or about August 19, 1974, as amended including the resolution adopted on May 11, 1992.

BE IT FURTHER RESOLVED:

That all taxable parcels, which includes those properties legally described in the attached Exhibit A as Tract A and Tract C, shall receive a five (5) year tax step-up from the Town tax capacity rate to the City tax capacity rate as provided for in paragraph 5(b)(i) of the May 11, 1992, amendment to the original Joint Resolution.

STATE OF MINNESOTA
COUNTY OF STEARNS
CITY OF ST. CLOUD

I Gregg A. Engdahl, City Clerk of the City of St. Cloud, Minnesota, do hereby certify that the above and foregoing is a true and correct copy of Res. # 1994-6-205 (passed-adopted) by the City Council of the City of St. Cloud, Minnesota.

WITNESS MY HAND AND THE SEAL OF THE CITY OF ST. CLOUD MINNESOTA. This the 13th day of JUNE, 1994

Gregg A. Engdahl
City Clerk
City of St. Cloud, MN

Adopted this 6th day of June, 1994.

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EXHIBIT

A

Descriptions for Holy Spirit Area Annexation:

All that part of the Southeast Quarter (SE1/4) of Section 23, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows:

Tract A:

SE1/4 Sec. 23

Parcel Nos. 30.19793, 30.19807 through 30.19814, and 30.19822 through 30.19831
10.75 acres, more or less

Lot Nine (9) in Block One (1), Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16) in Block Two (2), and Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16) and Seventeen (17) in Block Three (3), including adjoining street right-of-way, and also including that part of the street right-of-way lying South of Lot Eight (8), Block Two (2), all in HOLY SPIRIT ADDITION, a duly recorded plat.

Tract B:

S1/2 SE1/4 Sec. 23

Parcel No. 30.92904.04
6.65 acres, more or less

That part of the South Half of the Southeast Quarter (S1/2 SE1/4) lying North of a line 452.95 feet South of, measured at right angle to and parallel with, the North line of said South Half of the Southeast Quarter (S1/2 SE1/4) and Easterly of the Easterly right-of-way line of the Burlington Northern Railroad and Westerly of the center line of Clearwater Road, less that part thereof lying Easterly of the Westerly right-of-way line of Clearwater Road.

Tract C:

S1/2 SE1/4 Sec. 23

Parcel Nos. 30.19536-00 through 30.19536-02, 30.19536-26 through 30.19536-27, 30.19536-50 through 30.19536-52, 30.19536-76, 30.19536-96, 30.19536-97, and 30.19537-00 through 30.19537-03
6.17 acres, more or less

That part of the South Half of the Southeast Quarter (S1/2 SE1/4) which lies Southerly of a line 452.95 feet South of, measured at right angle to and parallel with, the North line of said South Half of the Southeast Quarter (S1/2 SE1/4) and which lies Northerly of a line 876.12 feet South of, measured at a right angle to and parallel with, the North line of said South Half of the Southeast Quarter (S1/2 SE1/4) and which lies Easterly of the Burlington Northern

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Railroad right-of-way and Westerly of the center line of Clearwater Road, less that part thereof lying Easterly of the Westerly right-of-way line of Clearwater Road.

Tract D:

S1/2 SE1/4 Sec. 23

Parcel #30.92907.010

6.35 acres, more or less

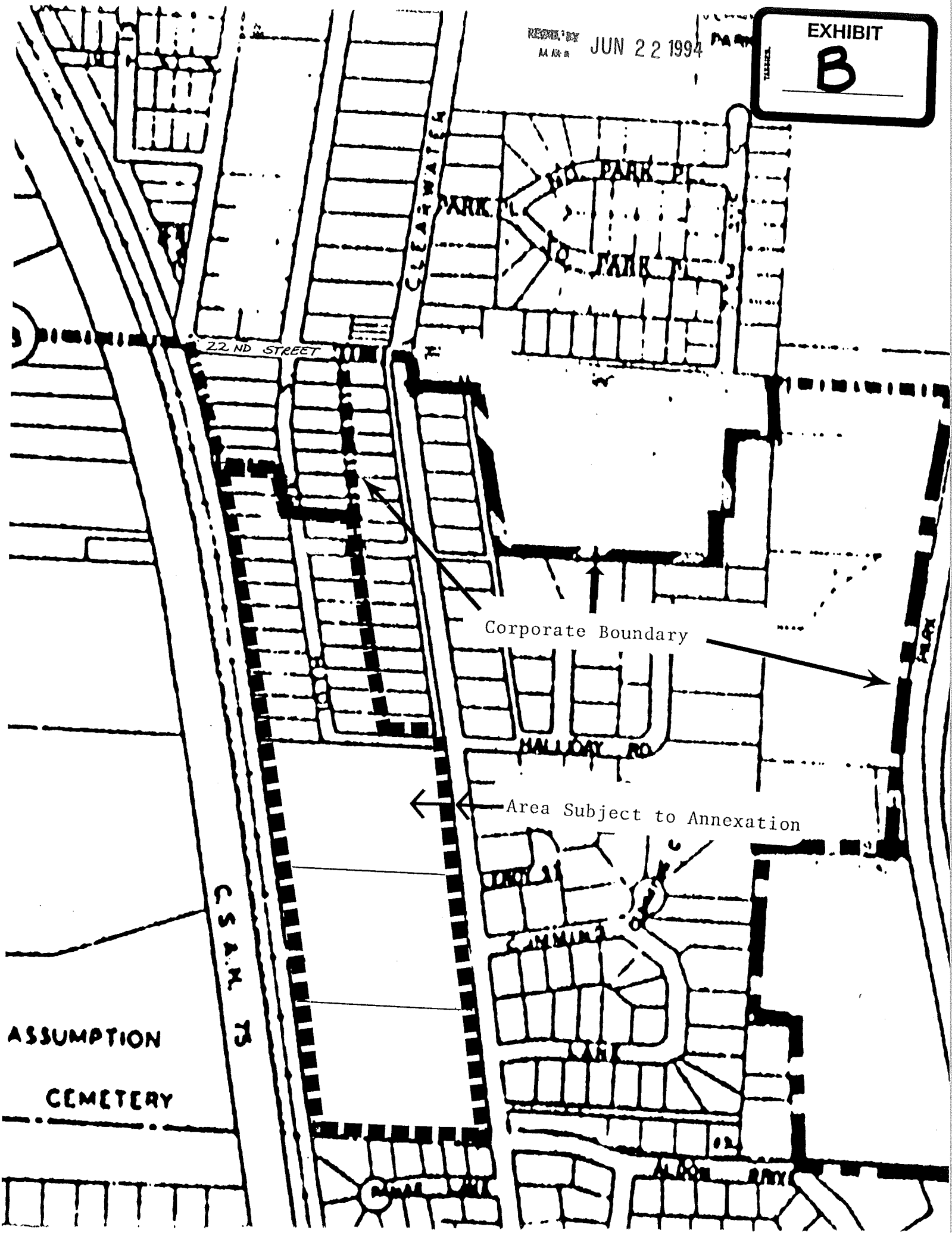
That part of the South Half of the Southeast Quarter (S1/2 SE1/4) which lies Southerly of a line 876.12 feet South of, measured at right angle to and parallel with, the North line of said South Half of the Southeast Quarter (S1/2 SE1/4), and which lies Easterly of the Burlington Northern Railroad right-of-way and Westerly of the centerline of Clearwater Road, less that part thereof lying Easterly of the Westerly right-of-way line of Clearwater Road.

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EXHIBIT

B



ANNEXATION MAP 29.92± Ac.

