

**JOINT RESOLUTION AS TO ORDERLY ANNEXATION:
CITY OF ST. CLOUD AND ST. AUGUSTA TOWNSHIP**

REC'D. BY MMB APR 06 2000

This Joint Resolution is submitted by the City of St. Cloud (City) and St. Augusta Township (Township).

RECITALS

WHEREAS, the City and Township entered into a Joint Resolution as to Orderly Annexation in August, 1974 (1974 Orderly Annexation Agreement). A copy of the Joint Resolution is attached hereto as Exhibit A; and

WHEREAS, the 1974 Orderly Annexation Agreement described lands within St. Augusta Township that are subject to orderly annexation under Minnesota law. That land shall hereinafter be referred to as the Orderly Annexation Area; and

WHEREAS, the 1974 Orderly Annexation Agreement has been subsequently amended by written agreement of the parties. However, those amendments are not material to this resolution; and

WHEREAS, the parties have been involved in adversarial proceedings involving the Township's petition to incorporate and the City's petition to annex a portion of the Township which is presently the subject of a Decision and Order of an Administrative Law Judge dated March 10, 2000, and is presently pending on appeal before the Stearns County District Court under case file No. C5001072; and

WHEREAS, the City and Township wish to resolve their differences with respect to the litigation pending in Stearns County District Court, and with respect to the Orderly Annexation Area.

NOW, THEREFORE, BE IT RESOLVED, by the City of St. Cloud and St. Augusta Township as follows:

1. That the Orderly Annexation Area which is legally described in Exhibit A except areas previously annexed into St. Cloud is or is about to become urban or suburban in character and is in need of orderly annexation into the City of St. Cloud.
2. The City and Township jointly confer jurisdiction on the Office of Strategic and Long-Range Planning over the annexation of the area described in Exhibit A into the City of St. Cloud in accordance with the provisions of Minn. Stat. § 414.0325.
3. No alteration of the Orderly Annexation Agreement is appropriate, nor is consideration by the Office of Strategic and Long-Range Planning necessary. Therefore, the Office of Strategic and Long-Range Planning may review and comment, but shall order the annexation as soon as possible in accordance with the wishes of the parties.
4. The City and Township request that the Office of Strategic and Long-Range Planning expedite the processing and approval of this Joint Resolution on or before May 1, 2000.

CITY OF ST. CLOUD

Passed and adopted by the City Council of the City of St. Cloud this 4th day of April, 2000.

ATTEST:

[Signature]
City Clerk

By [Signature]
Council President

ST. AUGUSTA TOWNSHIP

Passed and adopted by the Town Board of the Township of St. Augusta this 4th day of April, 2000.

ATTEST:

[Signature]
Town Clerk

By [Signature]
Its Chair

0568369.01

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JOINT RESOLUTION AS TO ORDERLY ANNEXATION:
ST. CLOUD CITY AND ST. AUGUSTA TOWNSHIP

WHEREAS, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of St. Augusta Township to the City of St. Cloud; and

WHEREAS, there is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the governmental parties hereto desire to set forth such terms of settlement by means of this resolution,

NOW, THEREFORE, BE IT RESOLVED, by St. Cloud City and St. Augusta Township as follows:

1. That the following described area is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statute:

The following described land in St. Augusta Township, Stearns County, Minnesota:

Beginning at the point where the east right-of-way of Highway 152 intersects with the north boundary of St. Augusta Township; thence south along said east right-of-way to the point of intersection with the east boundary of the east right-of-way of Interstate Highway 94; thence south along said east right-of-way of Interstate 94 to the point of intersection with the south line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, T 123N, R 27W; thence east along said south line to a point 109.4 feet east of the southwest corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence north 109.4 feet distant and parallel with the west line of said SE $\frac{1}{4}$, NE $\frac{1}{4}$ to its north line; thence easterly along said north line to the east line of Section 18; thence north to the northeast corner Section 18; thence continuing north, along the east line of Section 8, on an assumed bearing of N 0° 29' 20" west to the southwest corner of Government Lot 2; thence N 88° 24' 46" East 759.96 feet; thence N 46° 22' 28" East, 780 feet, more or less, to a point in the east line of said Government Lot 2; thence north along said east line to the point of intersection to the thread of the Mississippi River; thence north along said thread to the point of intersection with the north boundary of St. Augusta Township; thence west along said north boundary to the point of beginning.

STATE OF MINNESOTA
COUNTY OF STEARNS
CITY OF ST. CLOUD
I, John L. Stutz, City Clerk of the City of St. Cloud, Minnesota, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the City Council of the City of St. Cloud, Minnesota, August 19, 1974.
WITNESS MY HAND AND THE SEAL OF THE CITY OF ST. CLOUD, MINNESOTA, this 20th day of August, 1974.
City Clerk
City of St. Cloud, Minn.

That the Township of St. Augusta does upon the passage of this resolution and its adoption by the Council of the City of St. Cloud confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2. No annexations will take place anywhere within the area designated as in need of orderly annexation unless the area involved is or is about to become urban or suburban in character and unless the City is capable of providing municipal service.
3. Any property annexed to the City pursuant to this agreement shall receive a "tax break" consisting of a staged graduated increase in mill rates from the Town rate to the City rate over a three to five year period depending on the length of time necessary to provide full municipal services to the area annexed, to be determined by the Minnesota Municipal Commission pursuant to M.S. 414.032, Subd. 4.
4. In limitation of M.S. 414.032, Subd. 1, the City of St. Cloud agrees not to initiate any annexations of any property within the above-described orderly annexation area for a period of twenty (20) years from the date of this agreement unless petitioned for by the property owners.
5. If the Minnesota Legislature includes any part of St. Augusta Township in a Metropolitan Sewer District for the St. Cloud area, then the City of St. Cloud agrees to assume any taxes for administrative purposes assessed against such part of the Township by the Metropolitan Sewer District. The City and the Township insist that if such legislation is adopted, it should provide for the deferral of any special assessments for indirect benefits against property located within the District until such property is capable of connection to a collection system installed adjacent to such property, and that any assessments against agricultural property within the District be deferred for so long as such property is used for agricultural purposes.

6. In the event that the legislation creating a Sewer District does not prohibit the Sewer District from levying charges for indirect benefits, the City of St. Cloud will pay the charges levied by the Sewer District against St. Augusta Township attributable to property in St. Augusta Township located west of I-94 for construction of a pump station and/or tributary trunk sewer (which pump station and sewer would be located in Section 7, Township 123 North, Range 27 West, Stearns County, Minnesota), until property west of I-94 receives direct benefits through usage of the pump station and/or sewer by connection to a collection system west of I-94 utilizing such facilities. At that time, the political subdivision in which such property west of I-94 is located will reimburse the City for payments so made, said reimbursement to be made over a ten-year period.

In the event that the legislation creating a Sewer District does not give Green Acres-type protection to agricultural property and the Sewer District or the political subdivision in which the property is located does not defer assessments for direct or indirect benefits against agricultural property located in the area designated in need of orderly annexation in Section 1 herein, the City of St. Cloud will pay such assessments until the property is diverted from agricultural use to non-agricultural use, provided the property owner requests the City to do so and the property owner agrees in writing to reimburse the City in full for all such payments made, plus interest, at such time as the property is converted to a non-agricultural use.

7. The City of St. Cloud agrees to construct the \$32,000 sewer crossing for sewer service under Interstate Highway 94 approximately 600 feet north of St. Augusta Creek at no cost to St. Augusta Township or residents.
8. If all or any part of St. Augusta Township not covered under Section I of this agreement is incorporated at some time by order of the Minnesota Municipal Commission, it is hereby agreed that the new municipality shall rebate that municipality's pro rata portion of the sewer district administrative cost herein assumed by the City of St. Cloud pursuant to Section 5 without interest over a period not to exceed ten years. The City of St. Cloud will not oppose such incorporation.
9. Zoning regulations throughout the orderly annexation area shall be governed by a three-member committee appointed pursuant to M.S. 414.068, Subd. 2. The City agrees not to attempt to extend or enforce subdivision regulations in any part of St. Augusta Township outside of the orderly annexation area described in Section 1 of this agreement.
10. The parties hereby agree to the dismissal of the following pending annexation proceeding: A-2315 St. Cloud.
11. The City agrees not to attempt to force any annexation anywhere in St. Augusta Township by initiating proceedings under the so-called "completely surround" or "60% surround" provisions of Minnesota Statutes Section 414.033, Subds. 3 and 4.

CITY OF ST. CLOUD

Passed and adopted by the City Council of the City of St. Cloud this

19th day of August, 1974.

ATTEST

Laurence A. Rasmussen
City Clerk

By *J. H. Fischer*
Council President

REC'D. BY
MMB APR 06 2000

TOWN OF ST. AUGUSTA

Passed and adopted by the Town Board of the Town of St. Augusta this

13 day of Aug, 1974.

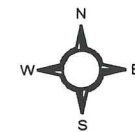
ATTEST:

L. R. Gamacher
Town Clerk

By Lester A. Lehn
Its Chairman

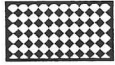



City of St. Cloud Orderly Annexation Area and Adjacent Portions of the City of St. Cloud

REC'D. BY
MAB APR 06 2000



650 acres of total land area in the Remaining Orderly Annexation Area, including the John Rice Orderly Annexation Area (but not including any Mississippi River surface area.)

*City of
Ventura*

-  Remaining Orderly Annexation Area from 1974 Agreement (pre-3/10/00)
-  John Rice Orderly Annexation Area
-  City of St. Cloud Corporate Limits (pre-3/10/00)
-  City of St. Cloud - 3/10/00 Annexation