

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Shirley J. Mihelich	Chair
John W. Carey	Vice Chair
Kenneth F. Sette	Commissioner

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ST. CLOUD)
AND THE TOWN OF ST. AUGUSTA PURSUANT TO)
MINNESOTA STATUTES 414)

O R D E R

WHEREAS, a joint resolution for orderly annexation was adopted by the City of St. Cloud and the the Town of St. Augusta and duly accepted by the Minnesota Municipal Board; and

WHEREAS, a resolution was received from the City of St. Cloud and the Town of St. Augusta indicating their desire that certain property be annexed to the City of St. Cloud pursuant to M.S. 414.0325, Subdivision 1; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Minnesota Municipal Board may review and comment, but shall within 30 days order the annexation of land pursuant to said subdivision; and

WHEREAS, on April 11, 1988, the Minnesota Municipal Board has reviewed and approved the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed to the City of St. Cloud, Minnesota, the same as if it had originally been made a part thereof:

(i) Parcel 1: That part of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), Section One (1), Township One Hundred Twenty-three (123) North, Range Twenty-eight (28) West, Stearns County, Minnesota, described as follows:

Commencing at the southeast corner of said Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$); thence North 89 de-

degrees 05 minutes 19 seconds West on an assumed bearing along the south line of said Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) 49.18 feet to its intersection with the right-of-way line drawn from monument B8 to monument B9 of State Highway Right of Way Plat No. 73-31, according to the recorded plat thereof for the point of beginning of the land to be described; thence continuing North 89 degrees 05 minutes 19 seconds West, along said south line 530.79 feet, more or less to its intersection with the right-of-way line drawn from monument B12 to monument B13 of said plat; thence North 29 degrees 17 minutes 19 seconds West, along said right-of-way line 87.98 feet, more or less to said monument B12; thence North 13 degrees 40 minutes 12 seconds East, along said right-of-way line 573.02 feet to its intersection with the southeasterly line of Parcel 49 of said plat; thence North 63 degrees 18 minutes 41 seconds East, along said southeasterly line 109.03 feet to the most easterly corner of said Parcel 49; thence North 26 degrees 41 minutes 19 seconds West, along the northeasterly line of said Parcel 49, a distance of 65.01 feet, more or less to its intersection with the right-of-way line drawn from monument B11 to monument B10 of said plat; thence North 68 degrees 52 minutes 20 seconds East, along said right-of-way line 59.93 feet, more or less to said monument B10; thence southeasterly and southerly 765.58 feet, along said right-of-way line and along a non-tangential curve concave to the southwest, having a radius of 768.51 feet and a central angle of 57 degrees 04 minutes 38 seconds, the chord of said curve bears South 25 degrees 47 minutes 26 seconds East, to monument B9 of said plat; thence South 02 degrees 44 minutes 53 seconds West 109.58 feet to the point of beginning. Subject to easements of record. Containing 7.30 acres (317,943 square feet); and

(ii) Parcel 2: That part of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) and of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) and of Government Lot One (1) and of Government Lot Two (2), Section One (1), Township One Hundred Twenty-three (123) North, Range Twenty-eight (28) West, Stearns County, Minnesota, described as follows:

Commencing at the north quarter corner of said Section One (1); thence North 88 degrees 59 minutes 12 seconds West on an assumed bearing along the north line of said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) 1131.72 feet to the northeast corner of Parcel 257 of State Highway Right of Way Plat No. 73-31, according to the recorded plat thereof; thence South 25 degrees 41 minutes 03 seconds East, along the easterly right-of-way line of said State Highway Right of Way Plat No. 73-31, a distance of 1015.13 feet to the point of beginning of the land to be described; thence continue South

25 degrees 41 minutes 03 seconds East, along said easterly right-of-way line 42.00 feet to monument B1 of said plat; thence South 12 degrees 30 minutes 22 seconds East, along said easterly right-of-way line 381.25 feet to monument B2 of said plat; thence South 03 degrees 12 minutes 14 seconds East, along said easterly right-of-way line 523.07 feet to monument B3 of said plat; thence southeasterly and southerly 1003.14 feet, along said easterly right-of-way line and along a non-tangential curve concave to the southwest, having a radius of 868.51 feet and a central angle of 66 degrees 10 minutes 38 seconds, the chord of said curve bears South 30 degrees 20 minutes 26 seconds East, to monument B5 of said plat; thence South 02 degrees 44 minutes 53 seconds West, along said easterly right-of-way line 91.37 feet to its intersection with a line 15.00 feet North of as measured at a right angle to and parallel with the south line of said Government Lot Two (2); thence east, along said parallel line to its intersection with the east line of said Government Lot Two (2); thence North, along the east line of said Government Lot Two (2) to the shoreline of the Mississippi River; thence northwesterly, northerly, northeasterly, northerly, and northwesterly, along said shoreline to its intersection with a line bearing South 89 degrees 05 minutes 19 seconds East from the point of beginning; thence North 89 degrees 05 minutes 19 seconds West 1743 feet, more or less to the point of beginning. Subject to easements of record. Containing 60.0 acres, more or less;

IT IS FURTHER ORDERED: That the effective date of this order is April 11, 1988.

Dated this 11th day of April, 1988.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101


Patricia D. Lundy
Assistant Director

M E M O R A N D U M

The Minnesota Municipal Board, in approving this annexation, has serious concerns about the lack of contiguity between the City of St. Cloud and the area proposed for annexation.

The area proposed for annexation is located within an area which has been designated for orderly annexation but does not abut the municipal boundaries. The property owners, the City of St. Cloud, and the Town of St. Augusta have worked cooperatively to reach agreement on this annexation request and have addressed service delivery and other related issues through a Joint Powers Agreement. While the Board applauds community joint efforts, it cannot approve this annexation without commenting that annexing property not adjoining municipal limits goes against the policy of this Board. If the proposed annexation had gone to hearing, one of the factors considered by the Board would have been the degree of contiguity of the boundaries between the annexing municipality and the property proposed for annexation.

However, given the fact that this annexation is filed under the portion of M.S. 414.0325, Subd. 1, which states "...the board may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution.", the Board is given little recourse but to approve the annexation.

A handwritten signature in cursive script, appearing to read "J. R. [unclear]", is written in dark ink.