

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)

A M E N D E D
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 and ordered said annexation; and

WHEREAS, on June 8, 1988, the Minnesota Municipal Board received a request from the City of St. Cloud and the Town of St. Augusta to amend its order dated April 11, 1988 to more particularly describe the annexation area;

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 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;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

That part of the Northeast Quarter of the Northwest Quarter and of the Southeast Quarter of the Northwest Quarter and of Government Lot 1 and of Government Lot 2, Section 1, Township 123 North, Range 28 West, Stearns County, Minnesota and that part of the Mississippi River and that part of Heatherwood Drive, described as follows:

Commencing at the North Quarter corner of said Section 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 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 South 12 degrees, 33 minutes, 47 seconds West, along said Easterly right-of-way line 196.75 feet to monument B11 of said plat; thence South 13 degrees, 40 minutes, 12 seconds West, along said right-of-way line 664.68 feet to monument B12 of said plat; thence South 29 degrees, 17 minutes, 19 seconds East, along said right-of-way line 87.98 feet, more or less to its intersection with the South line of said Southeast Quarter of the Northwest Quarter; thence South 89 degrees, 05 minutes, 19 seconds East, along said South line 579.97 feet, more or less to the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence South 89 degrees, 05 minutes, 19 seconds East, along the South line of said Government Lot 2, a distance of 50.84 feet; thence North 02 degrees, 44 minutes, 53 seconds East to the 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 2; thence East, along said parallel line to its intersection with the East line of said Government Lot 2; thence North, along the East line of said Government Lot 2 to the shoreline of the Mississippi River; thence Northeasterly along a line drawn at a right angle to the thread of stream of said Mississippi River; thence Northwesterly, Northerly, Northeasterly, Northerly and Northwesterly, along said thread of stream 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 to the point of beginning. Subject to easements of record.

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

IT IS FURTHER ORDERED: That the effective date of this amended order is June 22, 1988.

Dated this 11th day of April, 1988.

Amended Order Dated this 22nd day of June, 1988.

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

Patricia D. Lundy
Assistant Director

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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 dark ink, appearing to be 'JAC', is located below the text of the memorandum.