

City of St. Cloud Resolution No. 1992-1-22

Town of St. Cloud Resolution No. 92-1

THIRD AMENDMENT TO THE JOINT
RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWN OF ST. CLOUD AND
THE CITY OF ST. CLOUD

WHEREAS, the Town of St. Cloud ("Town") and the City of St. Cloud ("City") are parties to a Joint Resolution as to Orderly Annexation dated on or about August 19, 1974 which effects an area of the Town described in said resolution as all property lying east of former Minnesota State Highway No. 152 (known as Stearns County Highway No. 75) and hereinafter referred to as the "orderly annexation area"; and

WHEREAS, the original Joint Resolution was amended by resolution of the City and the Town adopted November 16, 1987 and September 19, 1988; and

WHEREAS, a request has been received from the owners of property within that portion of the orderly annexation area described in Exhibit B attached to the First Amendment to the Joint Resolution and hereinafter referred to as the "Webway Parcel"; and

WHEREAS, the Town and the City wish to further amend the 1974 Orderly Annexation Resolution and Agreement to reflect changed circumstances occurring since the time of the original Resolution and the First and Second Amendments thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF ST. CLOUD AND THE CITY OF ST. CLOUD:

That the Joint Resolution for Orderly Annexation dated on or about August 19, 1974 amended by Joint Resolutions dated November 16, 1987 and September 19, 1988 is further amended as follows:

1. Description of Area to be Annexed: That the following described area is property subject to orderly annexation under and pursuant to Minnesota Statutes 414.0325 and the parties do hereby designate this area for orderly annexation as provided by statute.

a. That area set forth on the attached map as Exhibit 1.
Legal description attached as Exhibit 2.

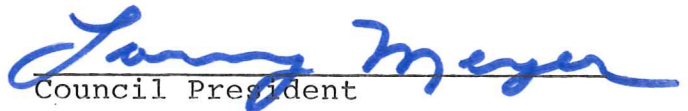
2. Municipal Board Jurisdiction: That upon approval by the parties, this agreement shall confer jurisdiction upon the Minnesota Municipal Board (the "Board") so as to accomplish said orderly annexation in accordance with the terms of this agreement.

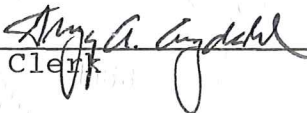
3. No Alterations of Boundaries: The Town and the City mutually state that no alterations by the Board of the boundaries of the area designated herein for orderly annexation is appropriate.

4. Conditions for Annexation: The City and the Town mutually state that this resolution sets forth all of the conditions for annexation of the area designated herein for orderly annexation and that no consideration by the Board is necessary, the Board may review and comment, but shall, within thirty (30) days order annexation.

All the other terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 19, 1974, as amended by Joint Resolution dated November 16, 1987 and September 19, 1988, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council this 6th day of January, 1992.


Council President


City Clerk

This resolution adopted by the Town of St. Cloud Board of Supervisors this 27th day of January, 1992.


Chairman of Board of Supervisors


Town Clerk

THIS DOCUMENT DRAFTED BY:

Jan F. Petersen
St. Cloud City Attorney's Office
400 2nd Street South
St. Cloud, MN 56301
612-255-7204
Atty Reg #85480

REC'D. BY
MAR 02 1992
H.M.B.

RECORDED BY
MAR 02 1992

EXHIBIT 2

That part of the Northeast Quarter of the Southeast Quarter, in Section 26, Township 124, Range 28, Stearns County, Minnesota, described as follows: Commencing at a point on the East-West Quarter Section line of said Section 26, said point being South 89 degrees, 05 minutes, 29 seconds West a distance of 407.19 feet from a cast iron monument at the East Quarter corner of said Section 26; thence South 08 degrees, 56 minutes, 53 seconds East a distance of 4.68 feet to J.L.M. "A"; thence South 88 degrees, 24 minutes, 40 seconds West a distance of 542.82 feet to J.L.M. "B" in place on the Easterly right-of-way line of the Burlington Northern Railway right-of-way; thence Southeasterly along said railway right-of-way line a distance of 188.94 feet to the center of an iron pipe in place, said iron pipe being the point of beginning of the tract herein described; thence continue Southeasterly along said railway right-of-way line a distance of 1,067.87 feet to the center of an iron pipe in place; thence North 84 degrees, 19 minutes east a distance of 383.66 feet, more or less, to the center of an iron pipe in place on the Westerly right-of-way line of C.S.A.H. No. 7; thence Northwesterly along said Westerly right-of-way line to the center of an iron pipe in place, which iron pipe is on a line bearing North 88 degrees, 24 minutes, 40 seconds East from the point of beginning; thence South 88 degrees, 24 minutes, 40 seconds West a distance of 502.34 feet, more or less, to the point of beginning and there terminating. References to J.L.M. "A" and J.L.M. "B" are shown on the Certificate of Survey labeled Map "C" on file and of record as Document No. 461382 in the office of the County Recorder in and for Stearns County, Minnesota and recorded in Book 128 of Miscellaneous, page 139. LESS AND EXCEPT Lot 1, Block 1, Business Square and Lot 1, Block 1, Babler, according to the plats thereof, on file and of record in the office of the Stearns County Recorder.
