

APR 15 1992

Resolution No. 1992-4-134

RESOLUTION AMENDING RESOLUTION NO. 1992-2-70 TO
INITIATE ANNEXATION OF A PART OF AN AREA DESIGNATED
FOR ORDERLY ANNEXATION PURSUANT TO MINNESOTA STATUTES 414.0325
AND AS PROVIDED FOR IN RESOLUTION 1988-9-251 FOR PROPERTY
OWNED BY THE CITY OF ST. CLOUD AND THE ST. CLOUD COUNTRY
CLUB AND FOR PROPERTY IN ISLAND VIEW ADDITION AND
KOENIG ADDITION

WHEREAS, the St. Cloud Country Club has petitioned the City of St. Cloud, said petition is attached as Exhibit A, in accordance with Minnesota Statutes 414.0325 to annex 101.6 acres, more or less, of its property, said property is located within an area designated for orderly annexation in accordance with Resolution 1988-9-251, said Resolution is attached as Exhibit B, and is depicted on the attached Exhibit C as Parcel 1, and;

WHEREAS, the City of St. Cloud owns property, 12.99 acres, more or less, also located with the area designated for orderly annexation by Resolution 1988-9-251, said property abuts the property petitioned for annexation by St. Cloud Country Club and is depicted on the attached Exhibit C as Parcel 2, which the City of St. Cloud desires to also have annexed to the City of St. Cloud, and;

WHEREAS, the City of St. Cloud and Town of St. Cloud have approved a property owner petitioned annexation of property, by adoption of Resolution 1992-1-22, said Resolution is attached as Exhibit D, which amends the joint resolution for orderly annexation between the Town of St. Cloud and the City of St. Cloud, said property abuts the property petitioned for annexation by St. Cloud Country Club and is depicted on the attached Exhibit C as Parcel 3, which was ordered annexed to the City of St. Cloud by the Minnesota Municipal Board effective April 2, 1992, and;

WHEREAS, owners of twenty-three (23) parcels of property located within an area proposed for annexation have also petitioned the City of St. Cloud for annexation, said petition is attached as Exhibit F, in accordance with Minnesota Statutes 414.0325. Said property area, 41.3 acres, more or less, is located within an area designated for orderly annexation in accordance with Resolution 1988-9-251, said Resolution is attached as Exhibit B, said area proposed for annexation is described and depicted as Parcels 4 and 5 on the attached Exhibits C and E; and,

WHEREAS, as a property owner of a portion of the property described and depicted as Parcel 4 on the attached Exhibits C and E, said property formerly known as the Burlington Northern Railroad Tileston Mill Spur, it is the desire of the City of St. Cloud to have said property annexed to the City of St. Cloud; and,

WHEREAS, the City is able and willing to extend municipal services to the properties, including sanitary sewer and water service, as requested by the St. Cloud Country Club and Island View Addition petitioners for annexation to the City of St. Cloud, and;

WHEREAS, in accordance with Resolution 1988-9-251, the City of St. Cloud desires to initiate annexation, pursuant to Minnesota Statutes 414.0325, of Parcels 1, 2, 4, and 5 on the attached Exhibit C and as described in the attached Exhibit E, in accordance with the desires of a majority of the property owners within said area.

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

1. As property owner of Parcel 2 and a portion of Parcel 4, as depicted on Exhibit C and described in Exhibit E, it is the desire of the City of St. Cloud to have said property annexed to the City of St. Cloud.

2. As a signatory to the joint resolution for orderly annexation between the Town of St. Cloud and the City of St. Cloud (Resolution 1988-9-251), the City of St. Cloud is initiating by this resolution the annexation of that part of an area designated for orderly annexation by Resolution 1988-9-251, which is described on the attached Exhibit E and depicted as Parcels 1, 2, 4, and 5, on the attached Exhibit C.

3. The Executive Director for the Minnesota Municipal Board is requested to set a time and place for a hearing to consider annexation of Parcels 1, 2, 4, and 5, on Exhibit C, a total of 155.89 acres, more or less, pursuant to Minnesota Statutes 414.0325, as soon as reasonably practical so as to enable the property owner of Parcel 1, St. Cloud Country Club, to proceed in a timely manner with resolving a reported deficiency in the private septic system serving said property.

Adopted this 13th day of April, 1992

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. # 1992-4-134 (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 14th day of April, 1992

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

IN THE MATTER OF THE PETITION OF THE
ST. CLOUD COUNTRY CLUB FOR ANNEXATION
BY THE CITY OF ST. CLOUD, PURSUANT
TO MINN. STAT. 414.0325

WHEREAS, the St. Cloud Country Club petitions the City of St. Cloud to annex that portion of its 81.5 acres, more or less, as described herein and attached to this Petition.

WHEREAS, the area described herein has become suburban and urban in character.

WHEREAS, the St. Cloud Country Club wishes to avail itself of the protection and necessity of the city services provided by the City of St. Cloud, such as public sewer and water systems.

That pursuant to Resolution No. 1988-9-251(2), the St. Cloud Country Club now petitions the City of St. Cloud to annex its property as described herein and petitions the City of St. Cloud to immediately initiate the annexation proceedings, notifying the Minnesota Municipal Board.

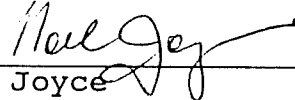
Alternatively, the St. Cloud Country Club petitions the City of St. Cloud to annex the area described herein, pursuant to Resolution No. 1988-9-251(5).

That pursuant to this resolution, the St. Cloud Country Club petitions the City of St. Cloud for annexation and petitions it to adopt a resolution, making annexation effective immediately; and that it is the intent of the parties that the Minnesota Municipal Board will review and comment on this proposal and within 30 days order the annexation of all the

property described in the resolution and as described herein and attached to this Petition.

Attached to this Petition, is the legal description of the involved property which the St. Cloud Country Club petitions the City of St. Cloud for annexation. Also attached is an area map of the St. Cloud area and an area map of the proposed annexation site.

ST. CLOUD COUNTRY CLUB

By 
Noel Joyce
Its Manager

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WILLIAMSON - KOTSMITH, INC.

ENGINEERS • SURVEYORS

3339 W. St. Germain

St. Cloud, MN 56301

(612) 251-4553

FAX (612) 251-6252

LEGAL DESCRIPTION FOR ANNEXATION
SAINT CLOUD COUNTRY CLUB
STEARNS COUNTY, MINNESOTA
(81.5 acres, more or less.)

Section 26

That part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 124 North, Range 28 West Stearns County, Minnesota described as follows: Beginning at the southeast corner of the said Northeast Quarter of the Southeast Quarter and thence running North on the Section line between Sections Numbered 25 and 26, Township and Range aforesaid, 187 feet; thence West 273.80 feet to a point on the east line of the Clearwater and St. Cloud road as now located; thence south along said east line of said road and parallel with the Section line between Sections Numbered 25 and 26 a distance of 187 feet; thence east 273.80 feet to the place of beginning. Subject to easements of record. Containing 1.18 acres, more or less, and is subject to easements of record.

The south half of the following described parcel of land: Beginning 14.42 chains South of the Northeast corner of the Southeast Quarter of Section 26 in Township 124 North, Range 28 West Stearns County, Minnesota; thence West 4.30 chains to the east side of the Clearwater and St. Cloud Road; thence South 45 minutes East along east side of said road a distance of 2.745 chains; thence east 4.27 chains to the Section line; thence North 2.745 chains to the place of beginning. Containing 1 acre, more or less, and is subject to easements of record.

The land in Section 26 contains 2.2 acres, more or less, and is subject to easement of record.



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-2-

Section 25, The Northwest Quarter of the Southwest Quarter

The Northwest Quarter of the Southwest Quarter of Section 25, Township 124 North, Range 25 West, Stearns County, Minnesota.

Except the railroad right of way containing 0.62 of an acre, more or less.

Except that part platted as KOENIG'S ADDITION, a duly recorded plat, on file and of record in the Office of the County Recorder, Stearns County, Minnesota. Containing 11.6 acres, more or less.

Except the most northerly 100 feet and except that portion of Sportsman's Island Road, as shown on the plat of ISLAND VIEW, a duly recorded plat on file and of record in the Office of the County Recorder, Stearns County, Minnesota, lying southerly of said 100 feet. Containing 3 acres, more or less.

The land in the Northwest Quarter of the Southwest Quarter contains 25 acres, more or less, and is subject to easements of record.



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-3-

Section 25, Government Lot 3

Government Lot 3 of Section 25, Township 124 North, Range 28 West, Stearns County, Minnesota. Except the most northerly 100 feet of said Government Lot 3 that lies adjacent to the northerly line of a parcel of land described in Document Number 325839 and except that portion of Sportsman's Island Road, as shown on the plat of ISLAND VIEW a duly recorded plat on file and of record in the Office of the County Recorder, Stearns County, Minnesota lying southerly of said 100 feet. Containing 30 acres, more or less, and is subject to easements of record.



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-4-

Section 25, Government Lot 4

Outlot 1, COUNTRY CLUB ESTATES according to the plat thereof on file and of record in the Office of the County Recorder, Stearns County, Minnesota and that part of Government Lot 4 in Section 25, Township 124 North, Range 28 West Stearns County, Minnesota, lying northerly of the north line of said Outlot 1 and it's easterly extension. Containing 5.6 acres, more or less, and is subject to easements of record.



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-5-

Section 25, The Southeast Quarter of the Southwest Quarter

Outlot 11, COUNTRY CLUB ESTATES according to the plat thereof on file and of record in the Office of the County Recorder, Stearns County, Minnesota. Containing 2.4 acres, more or less, and is subject to easements of record.



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Section 25, The Southwest Quarter of the Southwest Quarter

That part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 124 North, Range 28 West, Stearns County, Minnesota that lies northerly of the northerly right of way line of Montrose Road except the west 401.00 feet thereof. Containing 9.3 acres, more or less, and is subject to easements of record.



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Government Lot 6, Section 25, Township 124 North, Range 28 West, Stearns County, Minnesota. Containing 6.0 acres, more or less and is subject to easements of record.



WILLIAMS & KOTSMITH, INC.

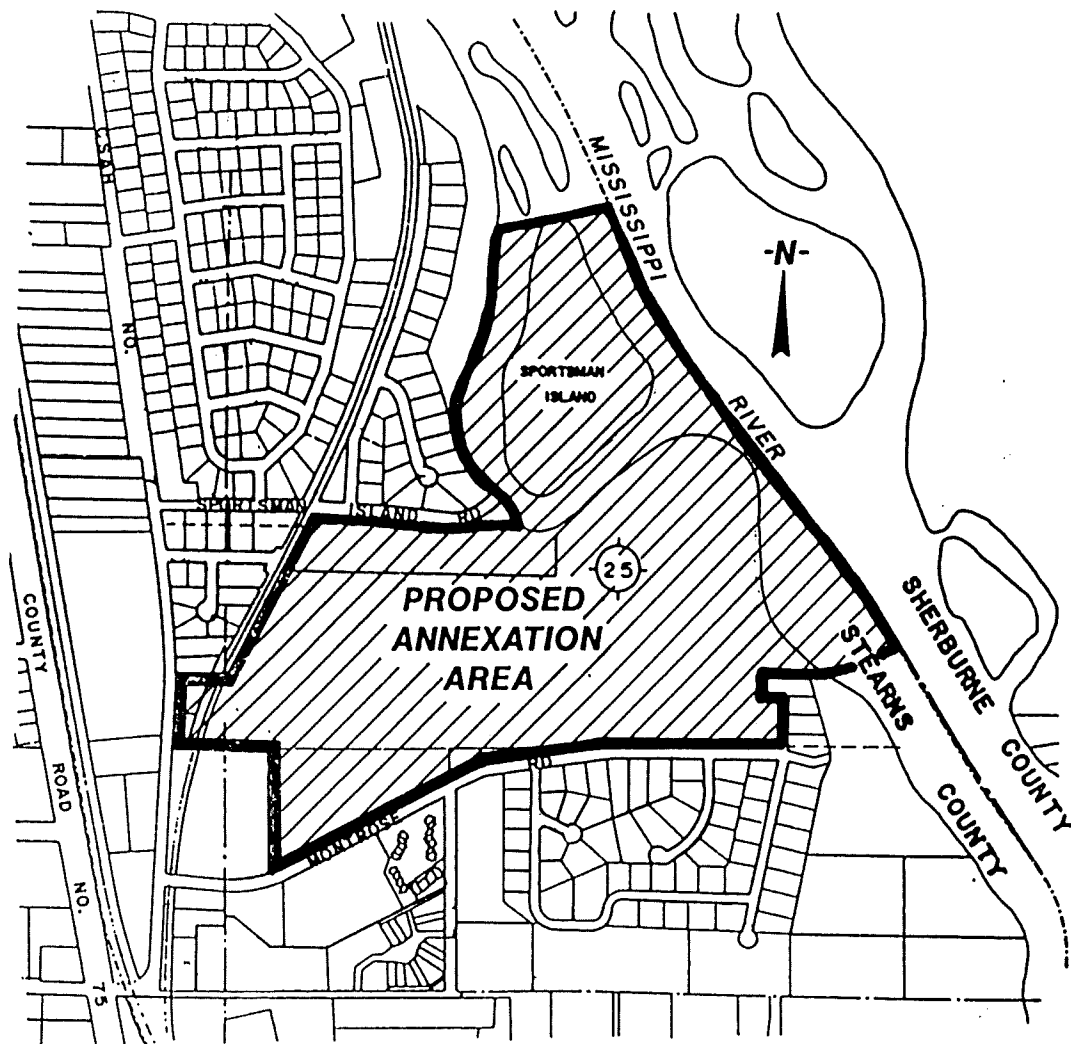
ENGINEERS • SURVEYORS

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3339 W. St. Germain
St. Cloud, MN 56301
(612) 251-4553
FAX (612) 251-6252

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That portion of the Mississippi River and its backwaters that lie in Stearns County, Minnesota adjacent to and adjoining the above described parcels.



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

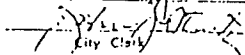
All property in St. Cloud Township lying East of Minnesota State Highway No. 152 as now constructed.

That the Township of St. Cloud 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 has available and is capable of providing municipal services such as water, sanitary sewers and storm sewers.

STATE OF MINNESOTA
COUNTY OF STEARNS
CITY OF ST. CLOUD

I, John J. Streitz, City Clerk of the City of St. Cloud, Minnesota, do hereby certify that the above and foregoing is a true and correct copy of Resolution (passed/adopted) by the City Council of the City of St. Cloud, Minnesota, April 26 1924.
WITNESS MY HAND AND THE SEAL OF THE CITY OF ST. CLOUD,
MINNESOTA, This the 26th day of April, 1924.


City Clerk
City of St. Cloud, Minn.

Res.
File
304.
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to please

3. Any persons 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.
4. Subject to Number 5 below, 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 a majority of the property owners involved.
5. If sanitary sewer collection systems must be constructed within the above-described orderly annexation area because of orders from the Pollution Control Agency or requests from landowners, both parties agree to leave the extension of City boundaries to include the sewered areas to the discretion of the Minnesota Municipal Commission. This exception is granted only in order that the cities would be enabled to lay any necessary water pipes or storm sewers at the same time that the sanitary sewer collection system is constructed.
6. If the Minnesota Legislature includes any part of St. Cloud 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 Sewer District. The City and 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.

7. Zoning regulations throughout the orderly annexation area shall be governed by a three-member committee appointed pursuant to Minnesota Statutes 414.068, Subdivision 2. The parties agree that planning and zoning proposals shall be filed with the Chairman of the Township Planning and Zoning Committee, who shall forthwith notify the City Planning Director. The Township Planning and Zoning Committee shall make its recommendation to the three-member Zoning Committee within 30 days of receipt of the proposal. This recommendation shall not be binding on the three-member committee and shall not preclude a recommendation from the City Planning Commission.
8. The parties hereby agree to the dismissal of the following pending annexation proceeding: A-2315 St. Cloud

CITY OF ST. CLOUD

Passed and adopted by the City Council of the City of St. Cloud this
17th day of August, 1974.

ATTEST:

Laurence B. Lamy
City Clerk

By Alfred J. Janssen
Council President

TOWN OF ST. CLOUD

Passed and adopted by the Town Board of the Town of St. Cloud this
13 day of August, 1974.

ATTEST:

James P. Storgatz
Town Clerk

By Howard A. Janssen
Its Chairman

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 affects an area of the Town described in said resolution as all property lying east of former Minnesota State Highway No. 152 (now known as Stearns County Highway No. 75), hereinafter referred to as the "Orderly Annexation Area"; and

WHEREAS, the owners of property located in the Town described in Exhibit A attached hereto and hereinafter referred to as the "Fingerhut Parcel", have petitioned the City for annexation of the property; and

WHEREAS, an ordinance has been proposed before the City Council to annex the property in accordance with the wishes of the property owners as authorized by M.S. 414.033; and

WHEREAS, the Town and the City wish to amend the 1974 Orderly Annexation Resolution and Agreement to reflect changed circumstances occurring since the time of the original resolution.

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 be amended as follows:

1. The Joint Resolution for Orderly Annexation adopted by the parties on or about August 19, 1974 and any amendments thereto shall continue in full force and effect until December 31, 2000.

2. Subject to paragraph number 5 of the 1974 resolution, the City agrees not to initiate any annexation of any property within that portion of the Orderly Annexation Area described in the attached Exhibit B during the amended term of this resolution, unless petitioned for by a majority of the property owners involved.

3. The City agrees not to initiate any annexation in any portion of the Town of St. Cloud outside the Orderly Annexation Area for a period of fifteen (15) years from the date of this resolution unless petitioned for by a majority of the property owners involved.

4. The Town hereby agrees to waive any objection to the ordinance proposing to annex the "Fingerhut" parcel described in Exhibit A.

5. a. The City and the Town agree that in that portion of the Orderly Annexation Area described in the attached Exhibit C that if a majority of the owners of any property in the described area petition the City for annexation and if the City desires to annex the property, then an annexation shall be accomplished by the City by means of adoption of a resolution. It is the intent of the parties to this resolution that following adoption of such a resolution that the Minnesota Municipal Board may review and comment but shall, within 30 days, order the annexation of any or all of the property described in the City's resolution.

b. The Town by this resolution waives any objection it may have to annexations accomplished under this paragraph 5.

c. It is further the intent of the parties that prior to the adoption of a resolution by the City pursuant to this paragraph 5, that no review or recommendation in respect to the action is necessary by the Town pursuant to Town Ordinance No. 87-2 or any amendments thereto.

6. The Town hereby agrees not to file any court actions against the City for the receipt of sewer or water services during the term of this resolution.

7. The City and the Town agree that mutual discussions of future development and needs of the residents in the Town and the City are in the best interests of both units of government and hereby resolve to work together toward that end.

CITY OF ST. CLOUD

TOWN OF ST. CLOUD

By

Charles B. Hinkelmann
Council President

By

Eugene A. Case
Town Board Chairman

By

Donna Grassie
City Clerk

By

DeWayne E. Tareck
Town Clerk

Dated:

9-20-88

Dated:

9-20-88

Adopted by the City Council of the City of St. Cloud
this 19th day of September, 1988.

Adopted by the Town of St. Cloud Board of Supervisors the
19th day of September, 1988.

EXHIBIT A

That part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter that lies southerly of the centerline of Stearns County Highway Number 134; and that part of the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter that lies southerly of the centerline of Stearns County Highway Number 134 and northerly of the northerly right-of-way of the Burlington Northern Railroad; and that part of the Northeast Quarter of the Southwest Quarter, that lies southeasterly of Stearns County Highway Right-of-Way Plat Number 4, according to the recorded plat thereof on file in the Office of the Recorder, Stearns County, Minnesota; and lies northerly of the northerly right-of-way line of the Burlington Northern Railroad except the West 734.00 feet thereof, all in Section 7, Township 124, Range 28, Stearns County, Minnesota. Containing 99.5554 acres and subject to the right-of-way of Stearns County Highway Number 134 on the north side thereof and Saukview Drive on the east side thereof, also subject to easements of record, if any.

EXHIBIT B

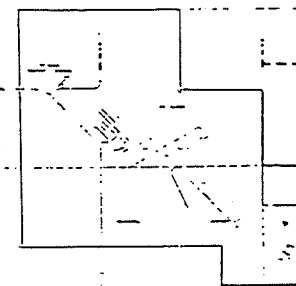
All property in the Town of St. Cloud lying East of Stearns County Road 75 (formerly Minnesota State Highway No. 152) as now constructed and that lies northerly of the north line of 33rd Street South extended easterly.

EXHIBIT C

All property in the Town of St. Cloud lying East of Stearns County Road 75 (formerly Minnesota State Highway No. 152) as now constructed and that lies southerly of the north line of 33rd Street South extended easterly.

JOHN L. DOLENTZ CITY ENGINEER

Area described in Exhibit C



APR 15 1992

Resolution No. 1988-9-251

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 affects an area of the Town described in said resolution as all property lying east of former Minnesota State Highway No. 152 (now known as Stearns County Highway No. 75), hereinafter referred to as the "Orderly Annexation Area"; and

WHEREAS, the owners of property located in the Town described in Exhibit A attached hereto and hereinafter referred to as the "Fingerhut Parcel", have petitioned the City for annexation of the property; and

WHEREAS, an ordinance has been proposed before the City Council to annex the property in accordance with the wishes of the property owners as authorized by M.S. 414.033; and

WHEREAS, the Town and the City wish to amend the 1974 Orderly Annexation Resolution and Agreement to reflect changed circumstances occurring since the time of the original resolution.

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 be amended as follows:

1. The Joint Resolution for Orderly Annexation adopted by the parties on or about August 19, 1974 and any amendments thereto shall continue in full force and effect until December 31, 2000.
2. Subject to paragraph number 5 of the 1974 resolution, the City agrees not to initiate any annexation of any property within that portion of the Orderly Annexation Area described in the attached Exhibit B during the amended term of this resolution, unless petitioned for by a majority of the property owners involved.
3. The City agrees not to initiate any annexation in any portion of the Town of St. Cloud outside the Orderly Annexation Area for a period of fifteen (15) years from the date of this resolution unless petitioned for by a majority of the property owners involved.
4. The Town hereby agrees to waive any objection to the ordinance proposing to annex the "Fingerhut" parcel described in Exhibit A.

5. a. The City and the Town agree that in that portion of the Orderly Annexation Area described in the attached Exhibit C that if a majority of the owners of any property in the described area petition the City for annexation and if the City desires to annex the property, then an annexation shall be accomplished by the City by means of adoption of a resolution. It is the intent of the parties to this resolution that following adoption of such a resolution that the Minnesota Municipal Board may review and comment but shall, within 30 days, order the annexation of any or all of the property described in the City's resolution.

b. The Town by this resolution waives any objection it may have to annexations accomplished under this paragraph 5.

c. It is further the intent of the parties that prior to the adoption of a resolution by the City pursuant to this paragraph 5, that no review or recommendation in respect to the action is necessary by the Town pursuant to Town Ordinance No. 87-2 or any amendments thereto.

6. The Town hereby agrees not to file any court actions against the City for the receipt of sewer or water services during the term of this resolution.

7. The City and the Town agree that mutual discussions of future development and needs of the residents in the Town and the City are in the best interests of both units of government and hereby resolve to work together toward that end.

CITY OF ST. CLOUD

TOWN OF ST. CLOUD

By Charles B. Hinkelmann
Council President

By Eugene A. Case
Town Board Chairman

By Donna Grasslin
City Clerk

By DeWayne E. Tareck
Town Clerk

Dated: 9-20-88

Dated: 9-20-88

Adopted by the City Council of the City of St. Cloud
this 19th day of September, 1988.

Adopted by the Town of St. Cloud Board of Supervisors the
19th day of September, 1988.

EXHIBIT A

That part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter that lies southerly of the centerline of Stearns County Highway Number 134; and that part of the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter that lies southerly of the centerline of Stearns County Highway Number 134 and northerly of the northerly right-of-way of the Burlington Northern Railroad; and that part of the Northeast Quarter of the Southwest Quarter, that lies southeasterly of Stearns County Highway Right-of-Way Plat Number 4, according to the recorded plat thereof on file in the Office of the Recorder, Stearns County, Minnesota; and lies northerly of the northerly right-of-way line of the Burlington Northern Railroad except the West 734.00 feet thereof, all in Section 7, Township 124, Range 28, Stearns County, Minnesota. Containing 99.5554 acres and subject to the right-of-way of Stearns County Highway Number 134 on the north side thereof and Saukview Drive on the east side thereof, also subject to easements of record, if any.

EXHIBIT B

All property in the Town of St. Cloud lying East of Stearns County Road 75 (formerly Minnesota State Highway No. 152) as now constructed and that lies northerly of the north line of 33rd Street South extended easterly.

EXHIBIT C

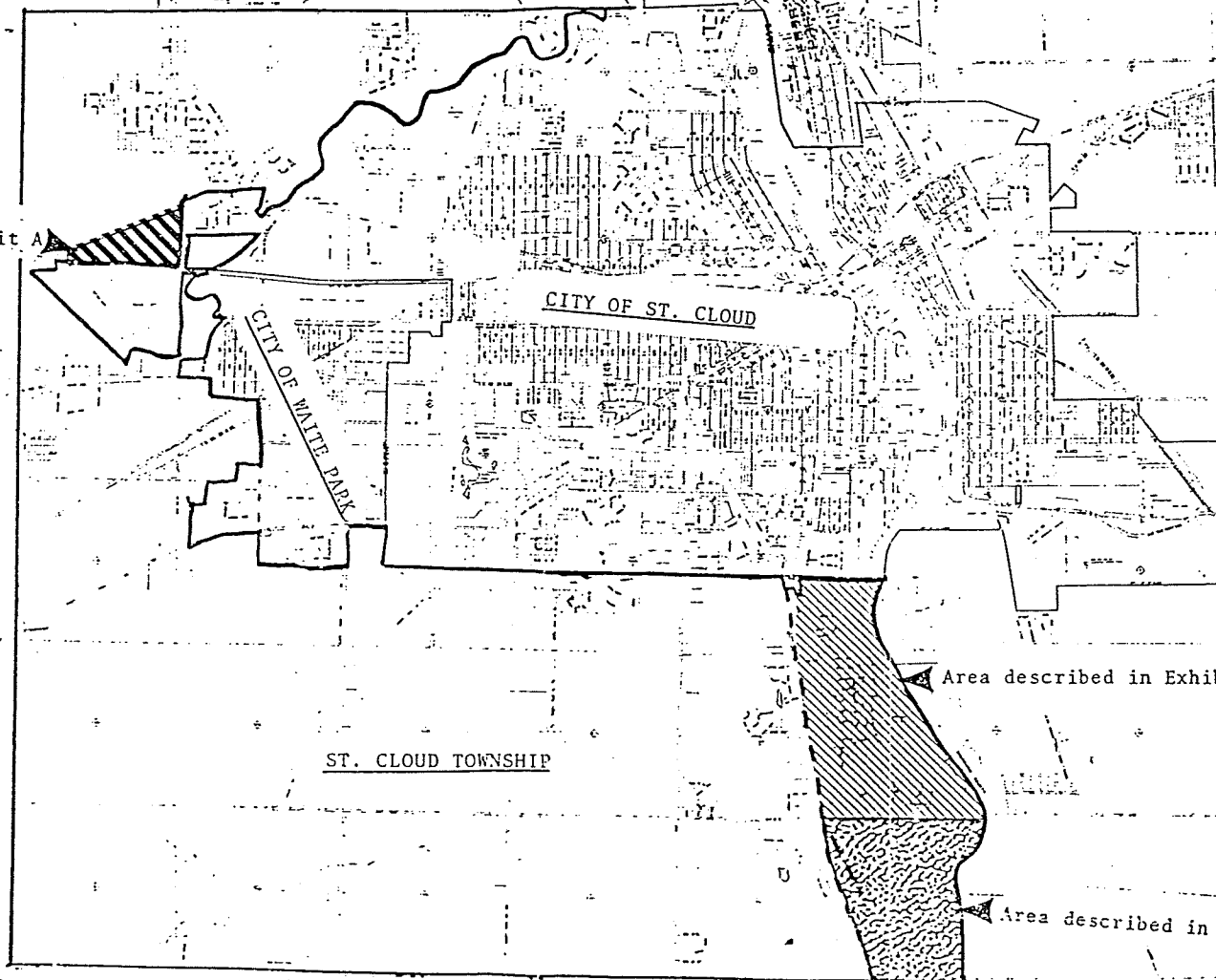
All property in the Town of St. Cloud lying East of Stearns County Road 75 (formerly Minnesota State Highway No. 152) as now constructed and that lies southerly of the north line of 33rd Street South extended easterly.

METRO ST. CLOUD

PREPARED BY CITY OF ST. CLOUD
ENGINEERING DIVISION

MARCH 1980

JOHN L. DOLENTZ CITY ENGINEER



Unneeded
7-11-1988

ribed in Exhibit A

Area described in Exhibit B

Area described in Exhibit C

ORDERLY ANNEXATION MAP

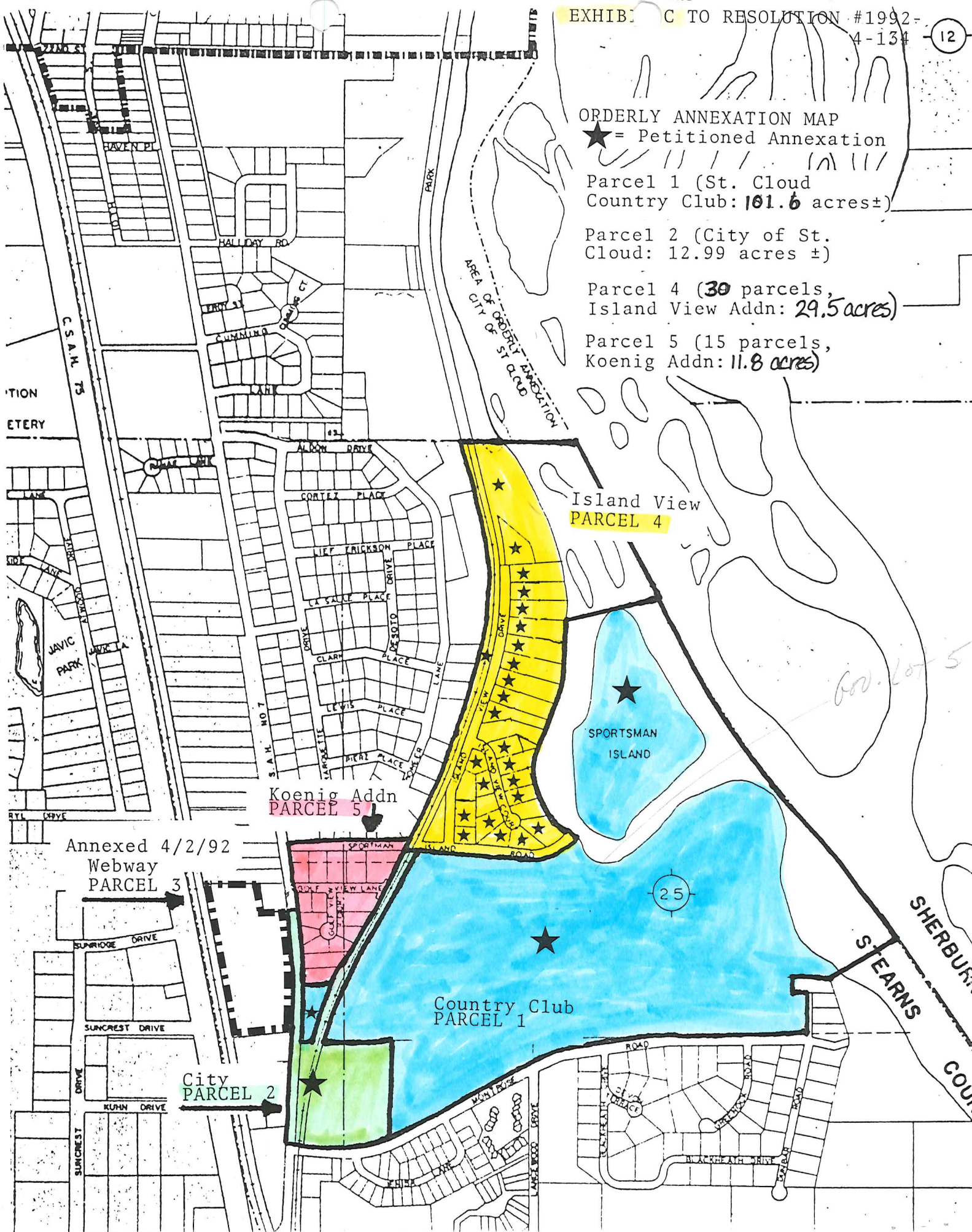
★ = Petitioned Annexation

Parcel 1 (St. Cloud Country Club: 101.6 acres±)

Parcel 2 (City of St. Cloud: 12.99 acres ±)

Parcel 4 (30 parcels, Island View Addn: 29.5 acres)

Parcel 5 (15 parcels, Koenig Addn: 11.8 acres)



Annexed 4/2/92
Webway
PARCEL 3

Country Club
PARCEL 1

City
PARCEL 2

Island View
PARCEL 4

Koenig Addn
PARCEL 5

SPORTSMAN
ISLAND

SHERBURN
COUNTY

STEARNS

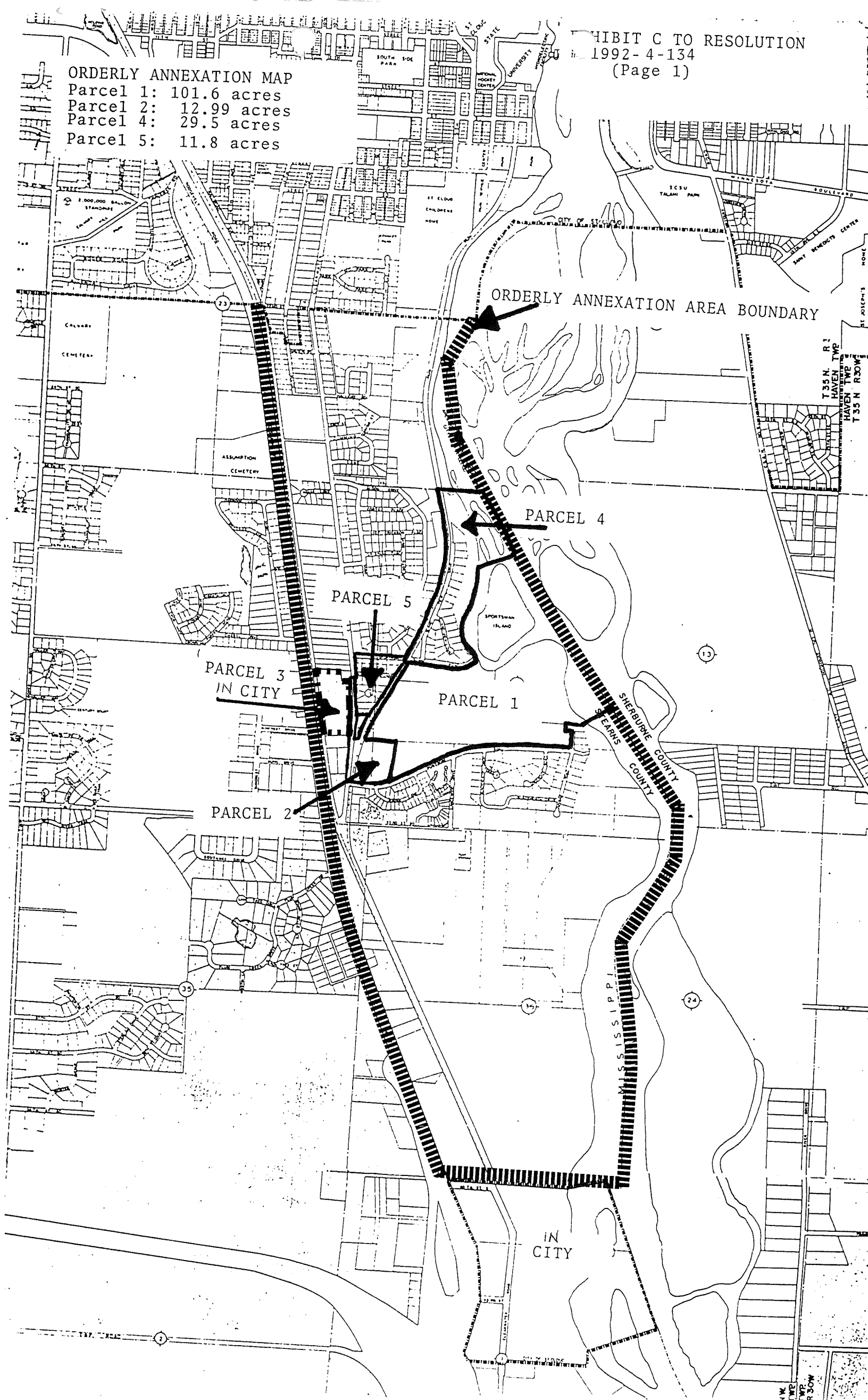
ORDERLY ANNEXATION MAP

Parcel 1: 101.6 acres

Parcel 2: 12.99 acres

Parcel 4: 29.5 acres

Parcel 5: 11.8 acres



ORDERLY ANNEXATION MAP

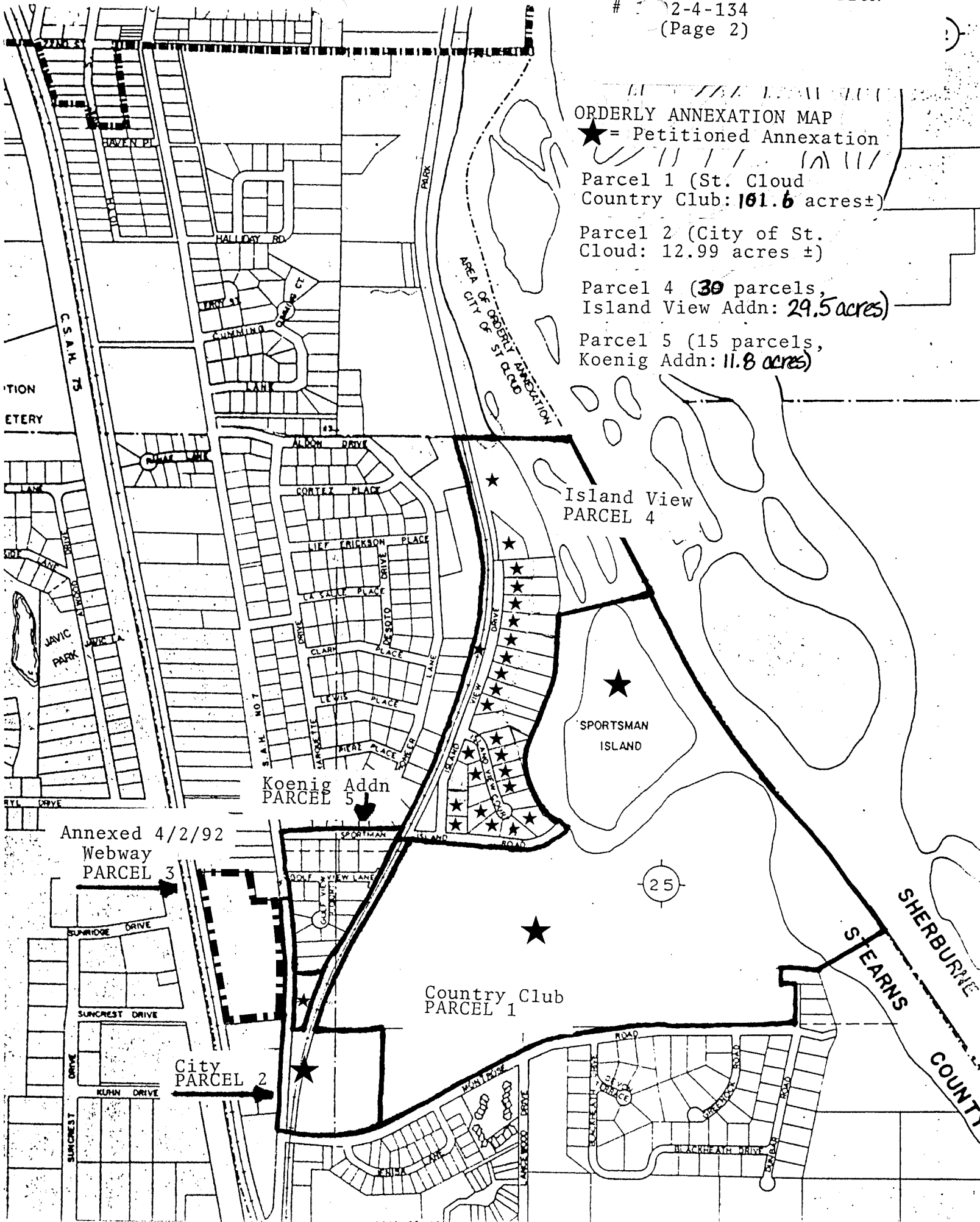
★ = Petitioned Annexation

Parcel 1 (St. Cloud
Country Club: 101.6 acres±)

Parcel 2 (City of St.
Cloud: 12.99 acres ±)

Parcel 4 (30 parcels,
Island View Addn: 29.5 acres)

Parcel 5 (15 parcels,
Koenig Addn: 11.8 acres)



APR 15 1992

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.

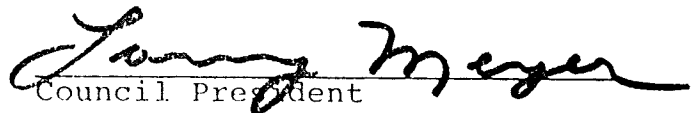
2. Municipal Board Jurisdiction: That upon approval by the parties, this agreement shall confer jurisdiction upon the Minnesota Municipal Board (the "Board") so as to accomplish said orderly annexation in accordance with the terms of this agreement.

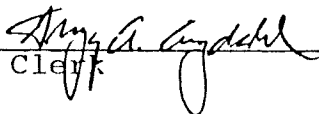
3. No Alterations of Boundaries: The Town and the City mutually state that no alterations by the Board of the boundaries of the area designated herein for orderly annexation is appropriate.

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.

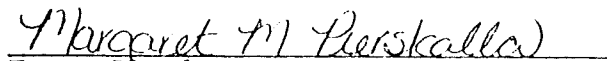
This resolution adopted by the St. Cloud City Council this 6th day of January, 1992.


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

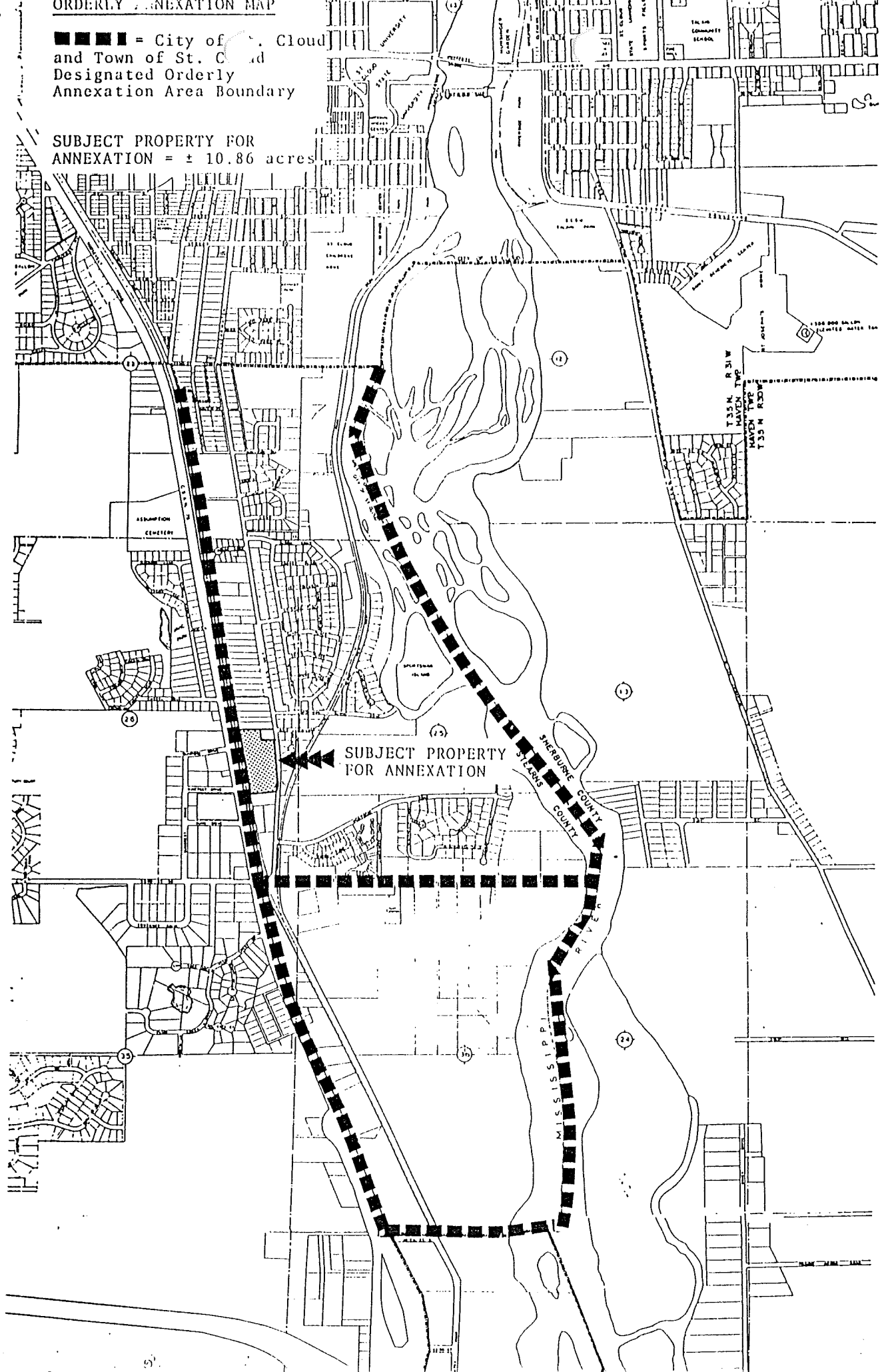
THIS DOCUMENT DRAFTED BY:

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

ORDERLY ANNEXATION MAP

■■■■■ = City of St. Cloud
and Town of St. Cloud
Designated Orderly
Annexation Area Boundary

SUBJECT PROPERTY FOR
ANNEXATION = ± 10.86 acres



SUBJECT PROPERTY
FOR ANNEXATION

ST. LOUIS COUNTY
ST. CHARLES COUNTY

MISSISSIPPI RIVER

ASSUMPTION CEMETERY

135 N. R. 31 W.
T35 N. R. 31 W.
T35 N. R. 31 W.

1000 000 GAL. PM.
COLLECTED WATER TANK

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, Rabler, according to the plats thereof, on file and of record in the office of the Stearns County Recorder.

EXHIBIT E TO RESOLUTION NO. 1992-4-134

Legal Descriptions for Parcels 1, 2, 4 and 5:

All that part of Section 25 and the Southeast Quarter (SE 1/4) of Section 26, Township 124 North (T124N), Range 28 West (R28W), Stearns County, Minnesota, described as follows:

Parcel 1 (101.6 acres, more or less)

That part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 124 North, Range 28 West Stearns County, Minnesota described as follows: Beginning at the southeast corner of the said Northeast Quarter of the Southeast Quarter and thence running North on the Section line between Sections Numbered 25 and 26, Township and Range aforesaid, 187 feet; thence West 273.80 feet to a point on the east line of the Clearwater Road and St. Cloud road as now located; thence south along said east line of said road and parallel with the Section line between Sections Numbered 25 and 26 a distance of 187 feet; thence east 273.80 feet to the place of beginning. Subject to easements of record. Containing 1.18 acres, more or less, and is subject to easements of record.

The south half of the following described parcel of land: Beginning 14.42 chains South of the Northeast corner of the Southeast Quarter of Section 26 in Township 124 North, Range 28 West Stearns County, Minnesota; thence West 4.30 chains to the east side fo the Clearwater and St. Cloud Road; thence South 45 minutes East along east side of said road a distance of 2.745 chains; thence east 4.27 chains to the Section line; thence North 2.745 chains to the place of beginning. Containing 1 acre, more or less, and is subject to easements of record.

The land in Section 26 contains 2.2 acres, more or less, and is subject to easement of record.

AND

Section 25, The Northwest Quarter of the Southwest Quarter. The Northwest Quarter of the Southwest Quarter of Section 25, Township 124 North, Range 25 West, Stearns County, Minnesota.

Except the railroad right of way containing 0.62 of an acre, more or less.

Except that part platted as KOENIG'S ADDITION, a duly recorded plat, on file and of record in the Office of the County Recorder, Stearns County, Minnesota. Containing 11.6 acres, more or less.

Except the most northerly 100 feet and except that portion of Sportman's Island Road, as shown on the plat of ISLAND VIEW, a duly recorded plat on file and of record in the Office of the County Recorder, Stearns County, Minnesota, lying southerly of said 100 feet. Containing 3 acres, more or less.

The land in the Northwest Quarter of the Southwest Quarter contains 25 acres, more or less and is subject to easements of record.

AND

Section 25, Government Lot 3. Government Lot 3 of Section 25, Township 124 North, Range 28 West, Stearns County, Minnesota. Except the most northerly 100 feet of said Government Lot 3 that lies adjacent to the northerly line of a parcel of land described in Document Number 325839 and except that portion of Sportsman's Island Road, as shown on the plat of ISLAND VIEW a duly recorded plat on file and of record in the Office of the County Recorder, Stearns County, Minnesota lying southerly of said 100 feet. Containing 30 acres, more or less, and is subject to easements of record.

AND

Section 25, Government Lot 4. Outlot 1, COUNTRY CLUB ESTATES according to the plat thereof on file and of record in the Office of the County Recorder, Stearns County, Minnesota and that part of Government Lot 4 in Section 25, Township 124 North, Range 28 West Stearns County, Minnesota, lying northerly of the north line of said Outlot 1 and it's easterly annexation extension. Containing 5.6 acres, more or less, and is subject to easements of record.

AND

Section 25, the Southeast Quarter of the Southwest Quarter. Outlot 11, COUNTRY CLUB ESTATES according to the plat thereof on file and of record in the Office of the County Recorder, Stearns County, Minnesota. Containing 2.4 acres, more or less, and is subject to easements of record.

AND

Section 25, the Southwest Quarter of the Southwest Quarter. That part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 124 North, Range 28 West, Stearns County, Minnesota that lies northerly of the northerly right of way line of Montrose Road except the west 401.00 feet thereof. Containing 9.3 acres, more or less, and is subject to easements of record.

AND

Government Lot 6, Section 25, Township 124 North, Range 28 West, Stearns County, Minnesota. Containing 6.0 acres, more or less, and is subject to easements of record.

AND

Government Lot Six (6) in Section 25, Township 124, Range 28, Stearns County, Minnesota, also known and described as Sportsmans Island, containing 20.14 acres, more or less.

AND

That portion of the Mississippi River and its backwaters that lie in Stearns County, Minnesota adjacent to and adjoining the above described parcels.

AND

Parcel 2 (12.99 acres, more or less)

That part of the former right-of-way of the Burlington Northern Railroad Tileston Mill Spur track situated in the West 1/2 of Section 25, Township 124 North, Range 28 West, and in the East 1/2 of Section 26, Township 124 North, Range 28 West, which lies between the southerly right-of-way line of Sportman's Island Road and the northerly right-of-way line of Montrose Road, Stearns County, Minnesota. Containing 1.5 acres, more or less.

AND

That part of Clearwater Road, also known as County State Aid Highway No. 7, situated in the East 1/2 of Section 26, Township 124 North, Range 28 West, Stearns County, Minnesota which lies between the westerly extension of the northerly line of Montrose Road and the easterly extension of the southerly line of Lot 1, Block 1, BABLER, according to the recorded plat thereof. Containing 2.35 acres, more or less.

AND

All that part of the Southeast Quarter (SE 1/4) of Section 26, Township 124 North, Range 28 West, Stearns County, Minnesota which lies easterly of the easterly right-of-way line of the former Burlington Northern Railroad Tileston Mill Spur and northerly of the easterly extension of the southerly line of Lot 7, Block 2, KOENIG'S ADDITION, according to the recorded plat thereof. Containing 0.0025 acres, more or less.

AND

That part of the Southeast Quarter of the Southeast Quarter (SE 1/4, SE 1/4) of Section 26, Township 124 North, Range 28 West, Stearns County, Minnesota that is bounded on the north by the north line of said Southeast Quarter of the Southeast Quarter, bounded on the southeast by the westerly right-of-way line of the former Burlington Northern Railroad Tileston Mill Spur, and bounded on the west by the easterly right-of-way line of Clearwater Road, also known as County State Aid Highway No. 7. Containing 0.14 acres, more or less.

AND

All of that part of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 25, Township 124 North, Range 28 West, described as follows to-wit: Beginning at a point on the West line of said SW1/4SW1/4 of said Section 25, 673.35 feet south of the Northwest corner of said SW1/4SW1/4, said point being the Northerly right-of-way line of a 66 foot Township road running Easterly and Westerly through said SW1/4SW1/4; running thence North along the West line of said Southwest Quarter (SW1/4) a distance of 673.35

feet to the Northwest corner thereof; thence East along the North line of said SW1/4SW1/4 a distance of 401 feet; thence South along a line 401 feet East and parallel with the West line of said SW1/4SW1/4 to its intersection with the Northerly right-of-way line of said Township road; thence Southwesterly along said Northerly right-of-way line of said Township road to the place of beginning, containing 6.06 acres, more or less; ALSO all that part of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 26, Township 124 North, Range 28 West, described as follows to wit: Beginning at a point on the East line of said SE1/4SE1/4 of said Section 26, 673.35 feet South of the Northeast corner of said SE1/4SE1/4, said point being the Northerly right-of-way line of a 66 foot Township road running Easterly and Westerly through said Southeast Quarter of the Southeast Quarter; running thence North along the East line of said SE1/4SE1/4 a distance of 673.35 feet to the Northeast corner thereof; thence West along the North line of said SE1/4SE1/4 to its intersection with the Easterly right-of-way line of the Great Northern Railway Tileston Mill Spur Track; thence Southerly along said Easterly right-of-way line of said spur track to its intersection with the Northerly right-of-way line of said Township road; thence Northeasterly along said Northerly right-of-way line of said Township road to the place of beginning, containing 2.94 acres, more or less.

Parcel 4 (29.5 acres, more or less)

All of ISLAND VIEW, an addition to St. Cloud Township, Stearns County, Minnesota, containing 19 acres, more or less.

AND

That part of Government Lot 1 in Section 25, Township 124, Range 28, Stearns County, Minnesota, that lies northerly of Lot 2, Block 2, ISLAND VIEW, a duly recorded plat, and easterly of the easterly right-of-way line of the former Burlington Northern Railroad Tileston Mill Spur, containing 3.89 acres, more or less.

AND

That part of the former right-of-way of the Burlington Northern Railroad Tileston Mill Spur track situated in the Northwest Quarter (NW 1/4) of Section 25, Township 124 North, Range 28 West, which lies between the southerly right-of-way line of Sportsman Island Road and the north line of said Section 25, containing 5 acres, more or less.

AND

All that part of Sportsman Island Road situated in the Northwest Quarter (NW 1/4) of Section 25, Township 124 North, Range 28 West, that lies easterly of the easterly right-of-way line of the former Burlington Northern Railroad Tileston Mill Spur, containing 1.6 acres, more or less.

AND

That part of the Mississippi River and its backwaters that lie in Stearns County, Minnesota, adjacent to and adjoining the above described parcels.

Parcel 5 (11.8 acres, more or less)

All of KOENIG'S ADDITION to St. Cloud Township, Stearns County, Minnesota, containing 11.6 acres, more or less.

AND

All that part of Sportsman Island Road as dedicated in ISLAND VIEW ACRES, a duly recorded plat, on file and of record in the office of the County Recorded, Stearns County, Minnesota, containing 0.18 acres, more or less.

REC'D, BY
MMB APR 15 1992

April 6, 1992

Ms. Patti Gartland
Planning Director
City of St. Cloud Planning Division
City Hall
400 2nd Street South
St. Cloud, MN 56301

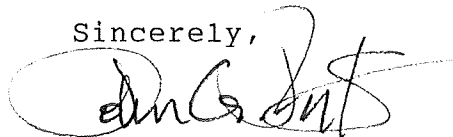
Dear Patti:

Enclosed, as you requested, is a copy of the petition for annexation of the Island View Addition.

As you advised Dan Bishop, there would be a three year phase-in on taxes along with a 15 year period to pay off the assessment.

This petition is being submitted based on those minimum conditions. As you and I discussed, should the City Council enact, within 18 months of providing services to us, an annexation incentive program which is more beneficial to the residents of Island View Addition than the current proposal, the more beneficial program would be granted.

Sincerely,



John G. Puls
2610 Island View Drive
St. Cloud, MN 56301

Enclosure

PETITION FOR ANNEXATION

TO: St. Cloud Township
City of St. Cloud

WHEREAS, the undersigned are owners of real property located in Island View Addition, Stearns County, MN and

WHEREAS, the Island View Addition residents have experienced serious septic problems and have a current and future concern on fresh water and sewage disposal and

WHEREAS, the Island View property owners believe it is in their best interest to be annexed into and become a part of the city of St. Cloud, MN;

NOW THEREFORE, the undersigned property owners respectfully request that Island View Addition, Stearns County, MN be annexed into and become a part of the City of St. Cloud, MN;

THEREFORE, we request the two (2) jurisdictions (St. Cloud Township and City of St. Cloud) come to an agreement on said petition or else refer it to the State Municipal Board, State of Minnesota.

ISLAND VIEW ADDITION
ANNEXATION PETITION CONTINUED

| PROPERTY ADDRESS | LEGAL DESCRIPTION | OWNER(S) OF RECORD | SIGNATURE |
|----------------------|---------------------------------|---------------------|--|
| 2510 Island View Dr. | Lot 2, Block 2 Parcel 19937 | RICHARD D. ANDERSON | Richard D. Anderson LORETTA ANDERSON Loretta Anderson 3/29/92 |
| 2518 Island View Dr. | Lot 3, Block 2 Parcel 19938 | GERALD L. THORSEN | Gerald L. Thorsen ROXANN W. THORSEN Roxann W. Thorsen |
| 2526 Island View Dr. | Lot 4, Block 2 Parcel 19939 | GERALD T. HOWARD | Gerald T. Howard PAULET M. HOWARD Paulet M. Howard 3/29/92 |
| 2532 Island View Dr. | Lot 5, Block 2 Parcel 19940 | CLAIR L. GERAAS | Clair L. Geraas SUSAN R. GERAAS Susan R. Geraas 3/29/92 |
| 2540 Island View Dr. | Lot 6, Block 2 Parcel 19941 | DAVID BRINKMAN | David Brinkman Debra A. Brinkman Debra A. Brinkman 3/29/92 |
| 2610 Island View Dr. | Lot 7, Block 2 Parcel 19942 | JOHN G. PULS | John G. Puls Marcia L. Puls Marcia L. Puls 3/30/92 |
| 2622 Island View Dr. | Lot 8, Block 2 Parcel 19943 | JAMES M. SMITH | James M. Smith KRISTINE J. SMITH Kristine Smith |
| 2628 Island View Dr. | Lot 9, Block 2 Parcel 19944 | DAVID L. BISHOP | David L. Bishop PATRICIA BISHOP Patricia Bishop |
| 2634 Island View Dr. | Lot 10, Block 2 Parcel 19945 | DAVID C. HALL | David C. Hall Laurie E. Hall Laurie E. Hall 3/29/92 |
| 2702 Island View Dr. | Lot 11, Block 2 Parcel 19946 | | |
| 2704 Island View Ct. | Lot 12, Block 2 Parcel 19947 | HARRY LEVENDOWSKI | HARRY LEVENDOWSKI Sandra Levendowski Sandra Levendowski |

ISLAND VIEW ADDITION
ANNEXATION PETITION CONTINUED

| PROPERTY ADDRESS | LEGAL DESCRIPTION | OWNER(S) OF RECORD | SIGNATURE |
|---|---------------------------------|---|----------------------------------|
| 2804 2708 Island View Ct. | Lot 13, Block 2 Parcel 19948 | GARY VARGASON - <i>Gary</i> | <i>Gary Vargason</i> |
| 2808 Island View Ct. | Lot 14, Block 2 Parcel 19949 | DIANE VARGASON <i>Diane Vargason</i> David O. Melby Gloria C. Melby - <i>Gloria C. Melby</i> | <i>David O. Melby</i> |
| 2810 Island View Ct. | Lot 15, Block 2 Parcel 19950 | CHUCK HEAD <i>Chuck Head</i> LOIS HEAD <i>Lois Head</i> | <i>3/29/92</i> <i>3/29/92</i> |
| 2812 Island View Ct. | Lot 16, Block 2 Parcel 19951 | | |
| 2814 Island View Ct. | Lot 17, Block 2 Parcel 19952 | CARLA OLSEN <i>Carla Olsen</i> DAVID K. OLSEN <i>David K. Olsen</i> | <i>3/29/92</i> |
| 2815 Island View Ct. | Lot 18, Block 2 Parcel 19953 | James Wilmesmeier <i>James Wilmesmeier</i> Barb Wilmesmeier <i>Barb Wilmesmeier</i> | <i>3/29/92</i> |
| 2818 Island View Ct. | Lot 19, Block 2 Parcel 19954 | DAVID P. CAHILL <i>David P. Cahill</i> MICHAEL CAHILL <i>Michael Cahill</i> | |
| 2811 Island View Ct. | Lot 20, Block 2 Parcel 19955 | RONALD ENGDAHL <i>Ronald Engdahl</i> BETTY ENGDAHL <i>Betty Engdahl</i> | |
| 2809 Island View Ct. | Lot 21, Block 2 Parcel 19956 | | |
| 2803 Island View Ct. | Lot 22, Block 2 Parcel 19957 | KENNETH & JUAN FERBER <i>Kenneth & Juan Ferber</i> <i>Kenneth E. Ferber</i> | |
| 2701 Island View Ct. | Lot 23, Block 2 Parcel 19958 | RICK & JENNY ARON <i>Rick & Jenny Aron</i> <i>Jennifer M. Olson</i> | <i>4/5/92</i> |

ISLAND VIEW ADDITION
ANNEXATION PETITION CONTINUED

| PROPERTY ADDRESS | LEGAL DESCRIPTION | OWNER(S) OF RECORD | SIGNATURE |
|----------------------|--|------------------------------------|--------------------------------------|
| 2802 Island View Dr. | Lot 24 & 1/2 of 25 Block 2 Parcel 19959 | | |
| 2812 Island View Dr. | Lot 26 & 1/2 of 25 Block 2 Parcel 19961 | STEVEN PALMER DEBRA PALMER | Steven Palmer Debra Palmer |
| 2820 Island View Dr. | Lot 27, Block 2 Parcel 19962 | RICHARD BECKMAN MARLA BECKMAN | Richard Beckman Marla Beckman AMB |
| Address Unknown | Lot 1, Block 1 Parcel 19935 | | |
| 2502 Island View Dr. | Portion of Government Lot 1 North of Lot 2, Block 2 Parcel 18929 | WILLIAM G. BATEMAN ELNA BATEMAN | William G. Bateman Elna Bateman |
| 2508 Island View Dr. | Parcel 18930 | NATHAN W. TEIGEN JOAN B. TEIGEN | Nathan W. Teigen Joan B. Teigen |