

City Resolution No. 1995-7-170
Town Resolution No. 95-11

**NINTH AMENDMENT TO THE JOINT RESOLUTION FOR ORDERLY
ANNEXATION BETWEEN THE TOWN OF ST. CLOUD AND THE
CITY OF ST. CLOUD (G & K SERVICES)**

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 original Joint Resolution was amended by joint resolutions of the City and the Town adopted November 16, 1987, September 19, 1988, January 27, 1992, May 11, 1992, December 21, 1992, February 1, 1993, February 8, 1993, and March 1, 1993; and

WHEREAS, a petition requesting annexation to the City has been made by all owners of a 5.18± acre parcel of property to facilitate the extension of public utility services for a proposed industrial development (G & K Services); and

WHEREAS, the property requested for annexation abuts the corporate limits of the City of St. Cloud; and

WHEREAS, the Town and the City are in agreement as to the orderly annexation of said land, described in Exhibit A and depicted on the map labeled as Exhibit B which consists of 5.18± acres, for the purpose of orderly and planned services to the St. Cloud area community.

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of St. Cloud and the City of St. Cloud that:

1. The property described in Exhibit A ("subject property") is subject to orderly annexation pursuant to Minnesota Statutes 414.0325 and the parties hereto designate the area for orderly annexation.

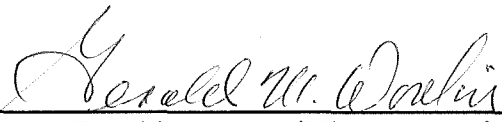
2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board to approve the annexation pursuant to Minnesota Statutes 414.0325.

3. The subject property is appropriate for orderly annexation. No alteration of its stated boundary is appropriate, nor is consideration by the Minnesota Municipal Board necessary. Therefore, the Municipal Board may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution.

4. No step-up in tax rate shall be provided to the subject property.

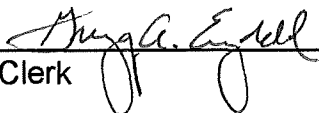
5. All the other terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 19, 1974, and all subsequent amendments thereto, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council the 10th day of July, 1995.



Council President (Vice President)

Attest:




City Clerk

This resolution adopted by the Town of St. Cloud Board of Supervisors the 3rd day of July, 1995.



Chair, Town Board of Supervisors

Attest:

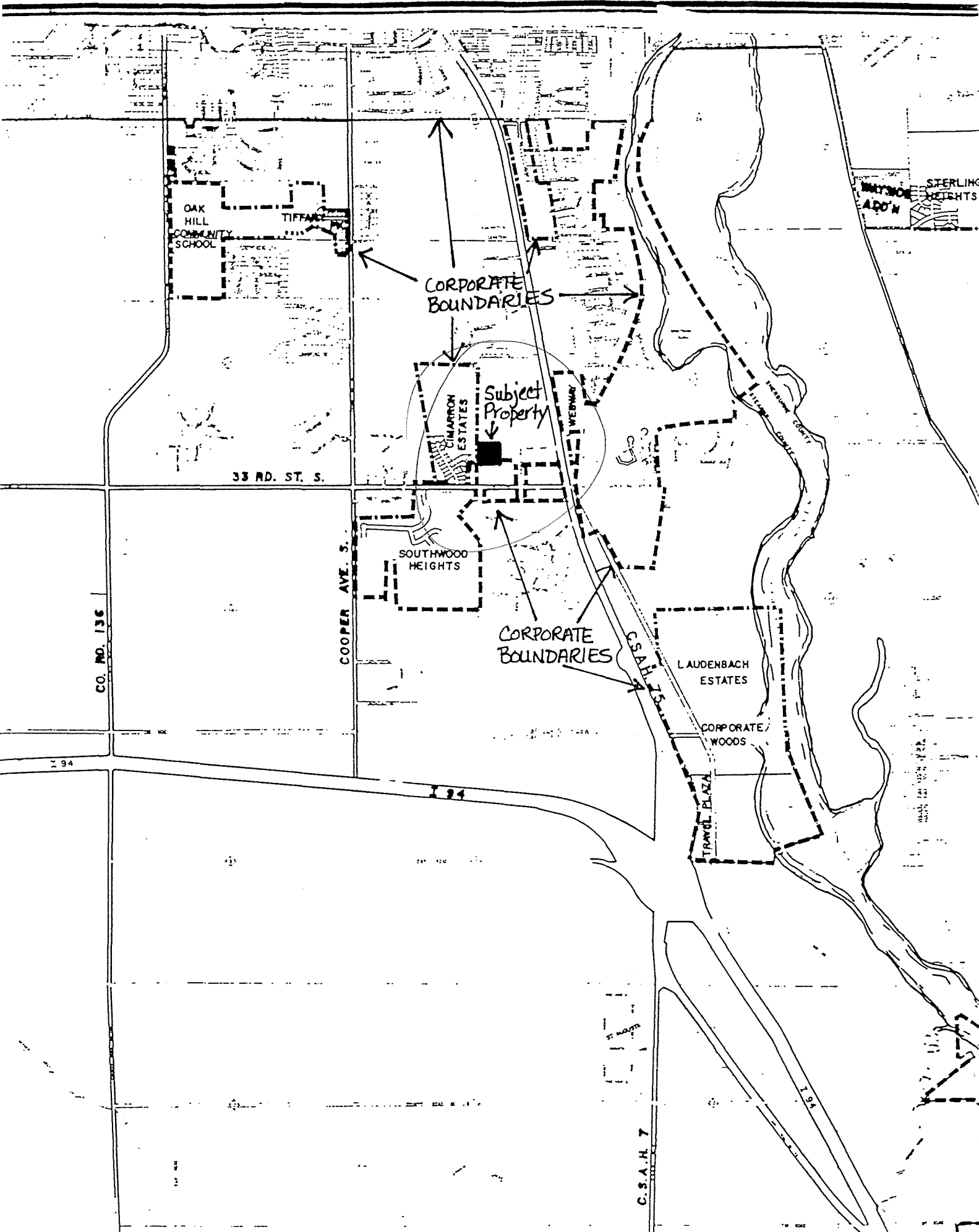


Town Clerk

EXHIBIT A

That part of the Southwest Quarter of the Southeast Quarter of Section 26, Township 124 North, Range 28 West of the 5th Principal Meridian, Stearns County, Minnesota, described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence east along the south line of said Southwest Quarter of the Southeast Quarter, a distance of 420.00 feet; thence north at a right angle, a distance of 168.00 feet; thence east at a right angle, and parallel with the south line of said Southwest Quarter of the Southeast Quarter, a distance of 120.00 feet to the west line of SUNCREST PARK PLAT 2, according to the recorded plat thereof; thence north along the west line of said SUNCREST PARK PLAT 2, a distance of 281.97 feet to the point of beginning of the land to be described; thence continue north along said west line, a distance of 424.00 feet; thence west, parallel with the south line of said Southwest Quarter of the Southeast Quarter, a distance of 529.77 feet, more or less to the west of said line of said Southwest Quarter of the Southeast Quarter; thence south along the west line of said Southwest Quarter of the Southeast Quarter, to point a distance 450.00 feet north of the southwest corner of of said Southwest Quarter of the Southeast Quarter; thence east, parallel with the south line of said Southwest Quarter of the Southeast Quarter, a distance of 534.73 feet, more or less to the point of beginning. Subject to easements of record, if any. Containing 5.181 acres, more or less.



City Resolution No. 1993-3-74

Town Resolution No. 93-3

**EIGHTH AMENDMENT TO THE JOINT RESOLUTION FOR ORDERLY
ANNEXATION BETWEEN THE TOWN OF ST. CLOUD AND THE CITY
OF ST. CLOUD (BUETTNER/AVON LUMBER ONE)**

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 original Joint Resolution was amended by joint resolutions of the City and the Town adopted November 16, 1987, September 19, 1988, January 27, 1992, May 11, 1992, December 21, 1992, February 1, 1993, and February 8, 1993; and

WHEREAS, a petition requesting annexation to the City has been made by all owners of a 17.4 acre parcel of property to facilitate the extension of public utility services for a proposed single family residential housing development; and

WHEREAS, the property requested for annexation abuts a western boundary of the corporate limits of the City of St. Cloud; and

WHEREAS, the Town and the City are in agreement as to the orderly annexation of said land, described in Exhibit A and depicted on the map labeled as Exhibit B which consists of 17.4 + acres, for the purpose of orderly and planned services to the St. Cloud area community.

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of St. Cloud and the City of St. Cloud that:

1. The property described in Exhibit A ("subject property") is subject to orderly annexation pursuant to Minnesota Statutes 414.0325 and the parties hereto designate the area for orderly annexation.


2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board to approve the annexation pursuant to Minnesota Statutes 414.0325.

3. The subject property is appropriate for orderly annexation. No alteration of its stated boundary is appropriate, nor is consideration by the Municipal Board necessary. Therefore, the Municipal Board may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution.

4. No step-up in tax rate shall be provided to the subject property.

5. All the other terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 19, 1974, and all subsequent amendments thereto, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council the 1st day of March, 1993.


Larry Meyer
Council President

Attest:

Angie G. Englehl
City Clerk

This resolution adopted by the Town of St. Cloud Board of Supervisors the 1st day of March, 1993.

Leslie K. K...
Chair, Town Board of Supervisors

Attest:

Nyla Olson
Town Clerk

PAUL E. WELLEN LLS
PRESIDENT



1513 WEST ST. GERMAIN STREET
ST. CLOUD, MINNESOTA 56301

EXHIBIT

A

TELEPHONE 253-9495
FAX 253-8737

REC'D. BY
MMR APR 19 1993

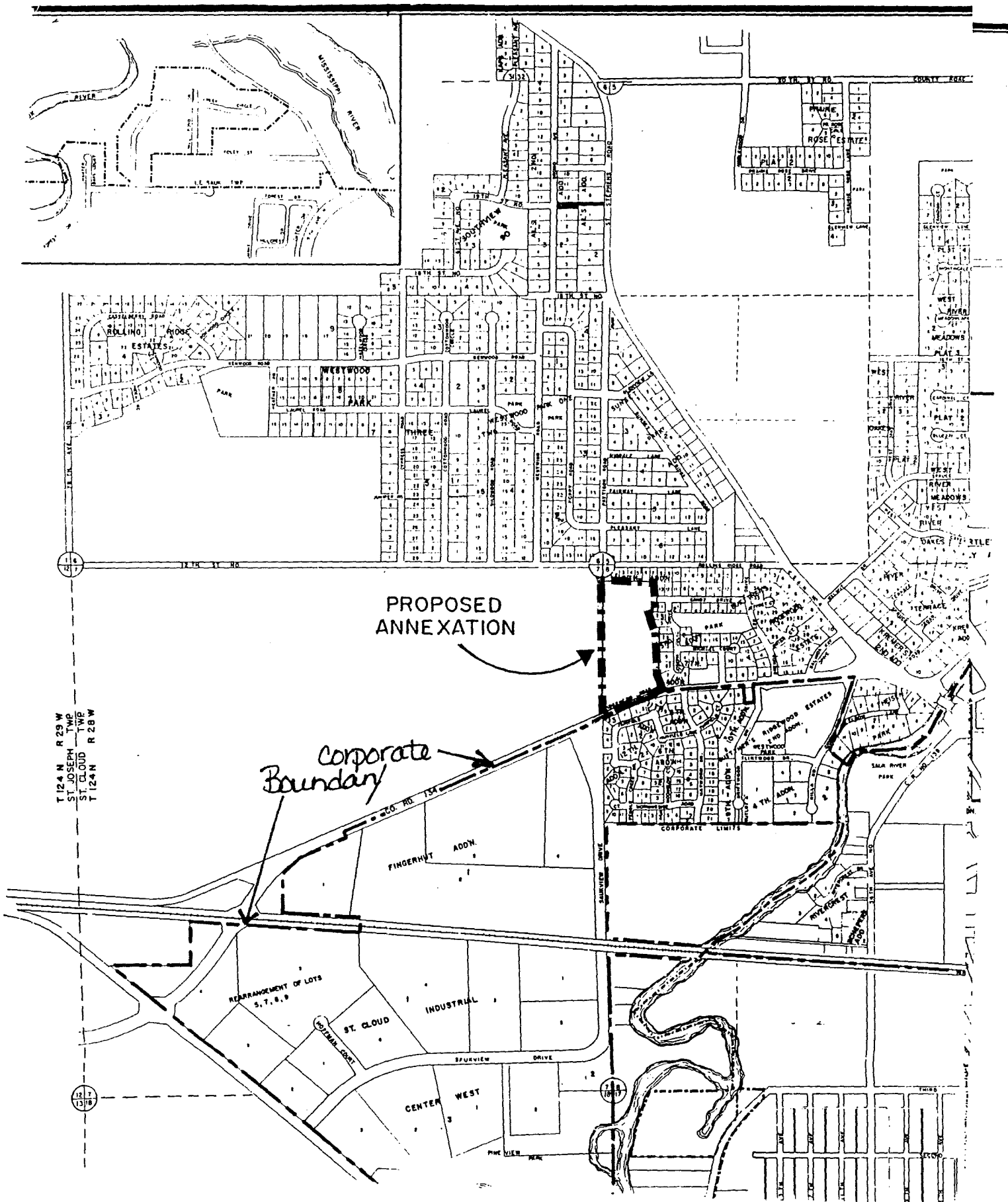
LAND DESCRIPTION

That part of the West Half of the Northwest Quarter of Section 8, Township 124 North, Range 28 West of the 5th Principal Meridian, St. Cloud Township, Stearns County, Minnesota, described as follows: Beginning at the southwest corner of Lot 1, Block 1, BUETTNER'S RIDGEWOOD ESTATES 8TH ADDITION, according to the recorded plat thereof; thence east along the south line of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6 and Lot 7 of said Block 1 to the southeast corner of said Lot 7; thence south along the west line of Lot 13 of said Block 1, and its southerly extension to the southwest corner of Sandy Drive as dedicated in said BUETTNER'S RIDGEWOOD ESTATES 8TH ADDITION; thence east along the south line of said Sandy Drive a distance of 4.00 feet to the northwest corner of Lot 1, Block 3, of said BUETTNER'S RIDGEWOOD ESTATES 8TH ADDITION; thence west at a right angle to the west line of Lot 1 of said Block 3, a distance of 50.00 feet; thence south, parallel with the west line of Lot 1 of said Block 3, a distance of 140.00 feet to a point on the north line of Lot 2 of said Block 3; thence west along the north line of Lot 2 of Block 3, a distance of 5.00 feet to the northwest corner of Lot 2 of said Block 3; thence southeasterly along the westerly line of Lot 2 and Lot 3 of said Block 3 to the southwest corner of Lot 3 of said Block 3; thence easterly along south line of Lot 3 of said Block 3 to the northwest corner of Lot 1, Block 1 of BUETTNER'S RIDGEWOOD ESTATES 3RD ADDITION, according to the recorded plat thereof; thence south along the west line of said BUETTNER'S RIDGEWOOD ESTATES 3RD ADDITION to the southwest corner of said BUETTNER'S RIDGEWOOD ESTATES 3RD ADDITION also being the northwest corner of Block 1 of BUETTNER'S RIDGEWOOD ESTATES 7TH ADDITION, according to the recorded plat thereof; thence continue South along the west line of Block 1 of said BUETTNER'S RIDGEWOOD ESTATES 7TH ADDITION to the southwest corner of Lot 8, Block 1 of said BUETTNER'S RIDGEWOOD ESTATES 7TH ADDITION; thence southeasterly along the west line of BUETTNER'S RIDGEWOOD ESTATES 7TH ADDITION to the southwest corner of said BUETTNER'S RIDGEWOOD ESTATES 7TH ADDITION, being a point in the center line of Ridgewood Road as dedicated in said BUETTNER'S RIDGEWOOD ESTATES 7TH ADDITION; thence southwesterly along said center line to its intersection with the west line of West Half of the Northwest Quarter of said Section 8; thence northerly along the west line of the West Half of the Northwest Quarter of said Section 8 to the point of beginning.

Containing 17.4 acres, more or less.

APR 19 1993

B



Town Resolution No. 93-2

**SIXTH AMENDMENT TO THE JOINT RESOLUTION FOR
ORDERLY ANNEXATION BETWEEN THE TOWN OF ST. CLOUD
AND THE CITY OF ST. CLOUD (33RD STREET WEST OF CSAH 75)**

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 original Joint Resolution was amended by joint resolutions of the City and the Town adopted November 16, 1987, September 19, 1988, January 27, 1992, May 11, 1992, and December 21, 1992; and

WHEREAS, a request has been made by owners of a majority of the parcels (10 of 16) located in a specified area to be annexed to the City of St. Cloud; and

WHEREAS, the Town and the City are in agreement as to the orderly annexation of said land, described on Exhibit A and depicted on the map labeled Exhibit B which consists of 160.65+ acres, for the purpose of orderly and planned services to the St. Cloud area community.

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of St. Cloud and the City of St. Cloud that:

1. The property described in Exhibit A ("subject property") is subject to orderly annexation pursuant to Minnesota Statutes 414.0325 and the parties hereto designate the area for orderly annexation.

2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board to approve the annexation pursuant to Minnesota Statutes 414.0325.

3. The subject property is appropriate for orderly annexation. No alteration of its stated boundaries is appropriate, nor is consideration by the Municipal Board necessary. Therefore, the Municipal Board may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution.

4. The City agrees to pay the Town \$26,136 for acquisition of the utility sleeve located under CSAH 75 near in the vicinity of 33rd Street South which the Town installed in 1983 at a cost of \$21,369.

5. The City and Town agree that prior to approval of a preliminary plat for the parcels described as No. 1 and No. 2 in the attached Exhibit A, the preliminary plat will be reviewed by a four (4) member advisory committee comprised of two (2) Town Planning Commission members and two (2) City Planning Commission members. Said committee shall conduct a public hearing on said preliminary plat within two (2) weeks of receiving the proposed plat from the developer. The Town shall provide mailed notice to all property owners in the Town that are located within 350 feet of parcels No. 1 and No. 2 as described in Exhibit A. A recommendation to the City Planning Commission shall be rendered by the committee within two (2) weeks after said hearing date.


6. The City agrees to pay the Town \$3,000.00 per year for five (5) years beginning in the year 1994.

7. C & C Development Partnership ("Developer") agrees to contribute \$4,000.00 per year for six (6) years to an escrow fund created by the Town beginning in the year 1994. Funds contributed to said escrow fund are to be used for street repair and improvement costs incurred by the Town for 33rd Street South and/or Cooper Avenue. The Town agrees to expend at least 50% of the proceeds from the \$24,000.00 contribution prior to the year 2000 and to refund to the Developer all said funds not expended prior to the year 2005. The Developer agrees to furnish a Letter of Credit to the Town related to said contribution.

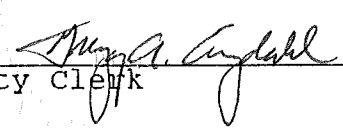
8. The City and Town agree that those parcels described in Exhibit A as numbers 6, 8, 9, 10, 11, 12, and 13, shall have the tax rate of the City increased in substantially equal proportions over a period of three (3) years to equality with the tax rate of the property already within the City. step up

9. All the other terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 19, 1974, and all subsequent amendments thereto, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council the 25th day of January, 1993 and as amended by the St. Cloud City Council the 8th day of February, 1993.


Council President

Attest:


City Clerk


REC'D. BY
MMB FEB 25 1993

This resolution adopted by the Town of St. Cloud Board of Supervisors the 8th day of February, 1993.



Chair, Town Board of Supervisors

Attest:



Town Clerk

APPROVAL

C & D Development Partnership, a Minnesota partnership, does hereby agree to and accept the terms contained in this Joint Resolution and consent to said terms as if it were a party hereto.

C & C Development Partnership

By

Kenneth L. West

By

Robert C. Colborn, Jr. Trustee
for Robert C. Colborn, Jr. Trust, a
partner of C & C Development
Partnership.

REC'D. BY
MMB FEB 25 1993

EXHIBIT A

Parcel 1:

That part of the East Half of the Northwest Quarter (E 1/2, NW 1/4) of Section 35, Township 124, Range 28, Stearns County, Minnesota, LESS parts platted as Southway Industrial Park and LESS

Tract A. That part of the Northeast Quarter of the Northwest Quarter of Section 35, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows: Beginning at the point of intersection of the north and south quarter line of said Section 35 with a line run parallel with and distant 75 feet southerly of the north line of said Section 35; thence run westerly parallel with said north section line to a point distant 75 feet south (measured at right angles) of a point on said north section line, distant 248.2 feet west of the north quarter corner thereof; thence run southwesterly to a point distant 100 feet southerly (measured at right angles) of a point on the north line of said Section 35, distant 348.2 feet west of the north quarter corner thereof; thence run westerly parallel with the north line of said Section 35 for 100 feet; thence run southwesterly to a point distant 130 feet southerly (measured at right angles) of a point on the north line of said Section 35, distant 548.2 feet west of the north quarter corner thereof; thence run westerly on said 130 foot parallel line to a point thereon distant 100 feet easterly of its intersection with a line run parallel with and distant 100 feet northeasterly of Line 1 described below;

thence run southwesterly to a point on said 100 foot parallel line, distant 100 feet southeasterly of said intersection; thence run northerly to a point on the north line of said Section 35, distant 790 feet west of the north quarter corner thereof; thence run east 790 feet on the north line of said Section 35 to the north quarter corner thereof; thence run south on the north and south quarter line of said Section 35 to the point of beginning, containing 1.85 acres, more or less, of which the northerly 50 feet, containing .91 acres, is subject to an easement for a township road.

Line 1. Beginning at a point on the north line of said Section 35, distant 1556 feet east of the northwest corner thereof; thence run southeasterly at an angle of 49 degrees 43 minutes 00 seconds from said north section line (measured from east to south) for 500 feet and there terminating;

Parcel 2:

The South Half of the Northwest Quarter of the Northwest Quarter (SW1/2 NW1/4 NW1/4) and the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section Thirty-five (35), Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West. ALSO: The east half of the northwest quarter (E1/2 NW 1/4) and the north three-fourths of the northwest quarter of the northeast quarter (N3/4 of NW1/4 NE1/4) of Section 35, Township 124, Range 28. LESS AND EXCEPT: Land platted as Southway Industrial Park, according to the recorded plat thereof.

ALSO LESS AND EXCEPT:

That part of the southwest quarter of the northwest quarter (SW1/4 NW1/4) of Section 35, Township 124 North of Range 28 West, described as follows: Commencing at the southwest corner of said SW1/4 NW1/4; thence north on an assumed bearing along the west line of said SW1/4 NW1/4 83.00 feet for the point of beginning of the tract to be described; thence continue north along said west line 81.00 feet; thence south 89 34'40" east parallel with the south line of said SW1/4 NW1/4 743.90 feet; thence north parallel with said west line 635.85 feet; thence south 88 57' east 370 feet; thence south parallel with said west line 300 feet; thence north 88 57' west 270 feet; thence south parallel with said west line 465.76 feet; thence north 89 34'40" west parallel with said south line 843.88 feet to the point of beginning, subject to Town Road right-of-way over the westerly 33 feet thereof and any easements of record, said tract containing 5.0 acres, more or less.

REC'D BY
MAR FEB 25 1993

ALSO LESS AND EXCEPT:

That part of the southwest quarter of the northwest quarter (SW1/4 NW1/4) of Section Thirty-five (35), Township One Hundred Twenty-four (124) North of Range Twenty-eight (28) West, described as follows: Beginning at the southwest corner of said SW1/4 NW1/4; thence north on an assumed bearing along the west line of said SW1/4 NW1/4 83.00 feet; thence south 89 34'40" east parallel with the south line of said SW1/4 NW1/4 843.88 feet; thence north parallel with said west line 465.76 feet; thence south 88 57' east 270.00 feet; thence south parallel with said west line 545.80 feet to the south line of said SW1/4 NW1/4; thence North 89 34'40" west along said south line 1,113.84 feet to the point of beginning, subject to Town Road right-of-way over the westerly 33 feet thereof and any easements of record, said tract containing 5.0 acres, more or less.

ALSO LESS AND EXCEPT: That part of SW1/4 NW1/4 Section 35, Township 124, Range 28 described as follows: Commencing at the west quarter corner of said Section 35, Township and Range aforesaid; thence east 744 feet; thence north 1058 feet to the point of beginning of the tract to be hereby described; thence east 200 feet; thence south 200 feet; thence west 200 feet; thence north 200 feet to the point of beginning. Together with an easement for access which shall not be exclusive and for public utility services over and across a strip of land 33 feet in width described as follows: Commencing at the west quarter corner of Section 35, Township 124, Range 28; thence north on the west line of said Section 35, 1058 feet to the point of beginning of said easement; thence east 777 feet; thence north 33 feet; thence west 777 feet to the west line of said Section 35; thence south on said west line of Section 35, 33 feet to the point of beginning, together with the right to maintain and improvement such easement so that it will be suitable for use.

ALSO LESS AND EXCEPT: That part of the NE1/4 NW1/4 of Section 35, Township 124, Range 28 described as follows: Beginning at the point of intersection of the north and south quarter line of said Section 35 with a line run parallel with and distant 75 feet southerly of the north line of said Section 35; thence run westerly parallel with said north section line to a point distant 75 feet south (measured at right angles) of a point on said north section line distant 248.2 feet west of the north quarter corner thereof; thence run southwesterly to a point distant 100 feet southerly measured at right angles of a point on the north line of said Section 35, distant 348.2 feet west of the north quarter corner thereof; thence run westerly parallel with the north line of said Section 35 for 100 feet; thence run southwesterly to a point distant 130 feet southerly (measured at right angles) of a point on the north line of said Section 35, distant 548.2 feet west of the north quarter corner thereof; thence run westerly on said 130 foot parallel line to a point thereon distant 100 feet easterly of its intersection with a line run parallel with and distant 100 feet northeasterly of Line 1 described below; thence run

southwesterly to a point on said 100 foot parallel line, distant 100 feet southeasterly of said intersection; thence run northerly to a point on the north line of said Section 35 distant 790 feet west of the north quarter corner thereof; thence run east 790 feet on the north line of said Section 35 to the north quarter corner thereof; thence run south on the north and south quarter line of said Section 35 to the point of beginning.

Line 1: Beginning at a point on the North line of said Section 35 distant 1556 feet east of the northwest corner thereof; thence run southeasterly at an angle of 49 43'00" from said north section line (measured from east to south) for 500 feet and there terminating. Containing 1.85 acres, more or less, of which the northerly 50 feet, containing 0.91 acres, is subject to an easement for a township road.

Parcel 3:

The following described property in Stearns County, Minnesota: The east two hundred feet (200') of west nine hundred forty-four feet (944'), of north two hundred feet (200') of south one thousand fifty-eight feet (1058') of southwest one-fourth (SW1/4), northwest one-fourth (NW1/4), of Section thirty-five (35), Township one-hundred twenty-four (124), Range twenty-eight (28), containing .92 acre.

Parcel 4:

Tract A. That part of the Northeast Quarter of the Northwest Quarter of Section 35, Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows: Beginning at the point of intersection of the north and south quarter line of said Section 35 with a line run parallel with and distant 75 feet southerly of the north line of said Section 35; thence run westerly parallel with said north section line to a point distant 75 feet south (measured at right angles) of a point on said north section line, distant 248.2 feet west of the north quarter corner thereof; thence run southwest to a point distant 100 feet southerly (measured at right angles) of a point on the north line of said Section 35, distant 348.2 feet west of the north quarter corner thereof; thence run westerly parallel with the north line of said Section 35 for 100 feet; thence run southwest to a point distant 130 feet southerly (measured at right angles) of a point on the line of said Section 35, distant 548.2 feet west of the north quarter corner thereof; thence run westerly on said 130 foot parallel line to a point thereon distant 100 feet easterly of its intersection with a line run parallel with and distant 100 feet northeasterly of Line 1 described below; thence run southwest to a point on said 100 foot parallel line, distant 100 feet southeasterly of said intersection; thence run northerly to a point on the north line of said Section 35, distant 790 feet west of the north quarter corner thereof; thence run east 790 feet on the north line of said Section 35 to the north quarter corner thereof; thence run south on the north and south quarter line of said Section 35 to the point of beginning;

Line 1. Beginning at a point on the north line of said Section 35, distant 1556 feet east of the northwest corner thereof; thence run southeasterly at an angle of 49 degrees 43 minutes 00 seconds from said north section line (measured from east to south) for 500 feet and there terminating;

containing 1.85 acres, more or less, of which the northerly 50 feet, containing .91 acre, is subject to an easement for a township road.

Parcel 5:

Lot Thirteen (13) in Block Two (2) of Southway Industrial Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for Stearns County, Minnesota.

Parcel 6:

Lots Three (3), Four (4), Five (5), and Six (6) in Block One (1) of Southway Industrial Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for Stearns County, Minnesota.

Parcel 7:

Lots One (1) and Two (2) in Block One (1) of Southway Industrial Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for the County of Stearns, Minnesota.

Parcel 8:

Lots One (1) and Two (2) in Block Two (2) of Southway Industrial Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for the County of Stearns, Minnesota.

Parcel 9:

That part beginning at the northwest corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Thirty-five (35), Township One Hundred Twenty-four (124) North, Range Twenty-eight (28) West, thence running east thirty-three (33) feet, thence south thirty-three (33) feet, the point of beginning of the tract to be conveyed herein; thence running east parallel with the north line of said Quarter-Quarter section, a distance of 293.55 feet; thence at right angles south parallel with the west line of said Quarter-Quarter section, a distance of 148.39 feet, thence at right angles west parallel with the north line of said Quarter-Quarter section a distance of 293.55 feet; thence north parallel with the west line of said Quarter-Quarter section a distance of 148.39 feet to the point of beginning said tract being designated as Lot Eight (8) of Beutler's Acre Lots, a subdivision of a part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Thirty-five (35) in Township One Hundred Twenty-four (124) North of Range Twenty-eight (28) West, Stearns County, Minnesota, made by M.B. Lang, Civil Engineer, in November, 1936.

Parcel 10:

That part beginning at the Northwest corner of the NE 1/4 of the NE 1/4 of Section 35, in Township 124, Range 28; thence running South along the West line of said quarter-quarter section 33 feet; thence running East parallel to the North line of said quarter-quarter section 326.55 feet to the point of beginning; thence running South parallel to the West line of said quarter-quarter section 296.78 feet; thence running East parallel to the North line of said quarter-quarter section 355.70 feet to the West line of State Trunk Highway No. 152; thence Northerly along the westerly line of said Highway 300 feet; thence west parallel to the North line of said quarter-quarter section 297.85 feet to the point of beginning and there terminating; LESS AND EXCEPT 0.46 acres, more or less, deeded to County of Stearns by Deed dated June 1, 1982, recorded June 3, 1982, in Book 499 of Deeds on Page 12 as document number 541503.

Parcel 11:

Lot One (1) in Block One (1) of Suncrest Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for Stearns County, Minnesota.

Parcel 12:

Lot Two (2) and the easterly thirty-three (33) feet of Lot Three (3) in Block One (1) of Suncrest Park, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for Stearns County, Minnesota.

Parcel 13:

Tract I: Lot Three (3) less the easterly thirty-three (33) feet thereof and Lot Four (4), Block One (1), Suncrest Park, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

Tract II: Lots Five (5) and Six (6) in Block One (1), Suncrest Park, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

Parcel 14:

Lot Three (3), Block (1), Suncrest Park Plat 2; that part of Lot Two (2), Block One (1), Suncrest Park Plat 2, which lies southerly of a line 180.00 feet north of, measured at a right angle to and parallel with the south line of said Lot Two (2), according to the plat and survey thereof on file and of record in the Office of the County Recorder in and for said Stearns County, Minnesota.

Parcel 15:

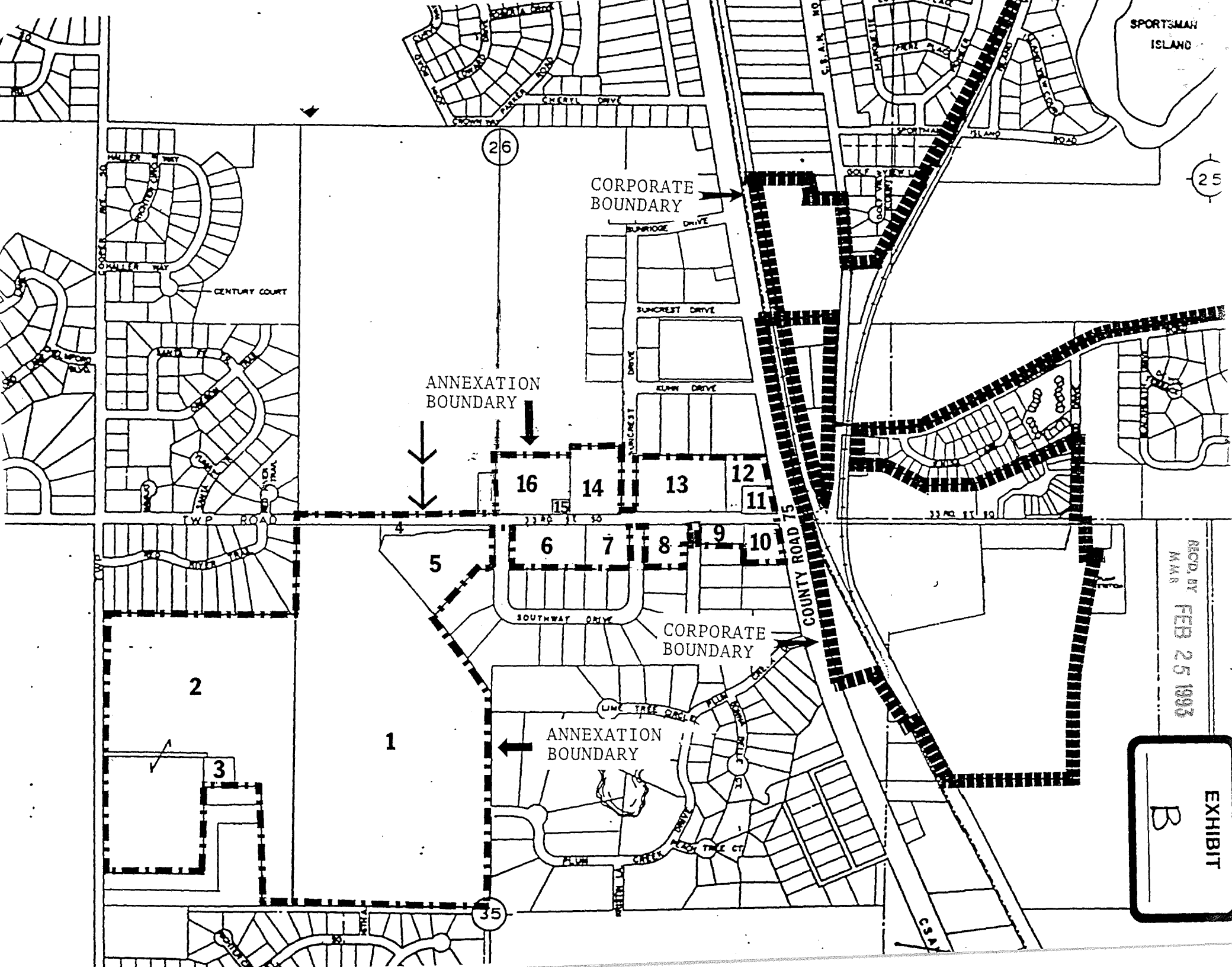
A part of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section Twenty-six (26), in Township One Hundred Twenty-four (124) North, of Range Twenty-eight (28) West, Stearns County, Minnesota, described as follows, to-wit: Beginning at the South Quarter of said Section 26, thence along the South line of said Section, due east 420 feet, thence due North 33 feet to the point of beginning of the tract herein to be described; said point of beginning being on the northerly right-of-way line of 33rd Street South, thence North 135 feet, thence due East 120 feet, thence due South 135 feet, to a point on said right-of-way line, thence along said right-of-way line due West 120 feet to the point of beginning.

Parcel 16:

That part of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 26, Township 124, Range 28 West of the 5th Principal Meridian, St. Cloud Township, Stearns County, Minnesota, described as follows: Beginning at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence east along the south line of said Southwest Quarter of the Southeast Quarter, a distance of 420.00 feet; thence north at a right angle, a distance of 168.00 feet thence east at a right angle, parallel with the south line of said Southwest Quarter of the Southeast Quarter, a distance of 120.00 feet to the west line of SUNCREST PARK PLAT 2, according to the recorded plat thereof; thence north along the west line of said SUNCREST PARK PLAT 2, a distance of 281.97 feet; thence west parallel with the south line of said Southwest Quarter of the Southeast Quarter, a distance of 534.73 feet, more or less to the west line of said Southwest Quarter of the Southeast Quarter; thence south along the west line of said Southwest Quarter of the Southeast Quarter, a distance of 450.00 feet to the point of beginning.

Right-of-Way:

That part of 33rd Street South lying westerly of the westerly right-of-way line of County State Aid Highway 75 (formerly Minnesota Trunk Highway 152) and easterly of SIGNAL HILL 2ND ADDITION and SIGNAL HILL 3RD ADDITION, both duly recorded plats. Containing 6.09 acres, more or less.



REC'D. BY
MAR FEB 25 1993

EXHIBIT
B

City Resolution No. 1992-2-37

REC'D, BY
MMR FEB 24 1993

Town Resolution No. 93-1

**SEVENTH AMENDMENT TO THE JOINT RESOLUTION FOR ORDERLY
ANNEXATION BETWEEN THE TOWN OF ST. CLOUD AND THE CITY
OF ST. CLOUD (FIVE LOTS IN HILLSIDE OAKS PLAT 2)**

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 original Joint Resolution was amended by joint resolutions of the City and the Town adopted November 16, 1987, September 19, 1988, January 27, 1992, May 11, 1992, and December 21, 1992, with an additional amendment pending consideration as a sixth amendment; and

WHEREAS, a petition requesting annexation to the City has been made by all owners of five (5) platted parcels of property to facilitate the extension of public utility services; and

WHEREAS, the property requested for annexation abuts the corporate limits of property annexed to the City in 1989; and

WHEREAS, the Town and the City are in agreement as to the orderly annexation of said land, described on Exhibit A and depicted on the map labeled as Exhibit B which consists of 2.08 acres, for the purpose of orderly and planned services to the St. Cloud area community.

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of St. Cloud and the City of St. Cloud that:

1. The property described in Exhibit A ("subject property") is subject to orderly annexation pursuant to Minnesota Statutes 414.0325 and the parties hereto designate the area for orderly annexation.

2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board to approve the annexation pursuant to Minnesota Statutes 414.0325.

FEB 24 1993

3. The subject property is appropriate for orderly annexation. No alteration of its stated boundaries is appropriate, nor is consideration by the Municipal Board necessary. Therefore, the Municipal Board may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution.

4. All the other terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 19, 1974, and all subsequent amendments thereto, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council the 1st day of February, 1993.

Larry Meyer
Council President

Attest:

Myra A. Engdahl
City Clerk

This resolution adopted by the Town of St. Cloud Board of Supervisors the 25th day of January, 1993.

Bob Hol
Chair, Town Board of Supervisors

Attest:

Myra A. Engdahl
Town Clerk

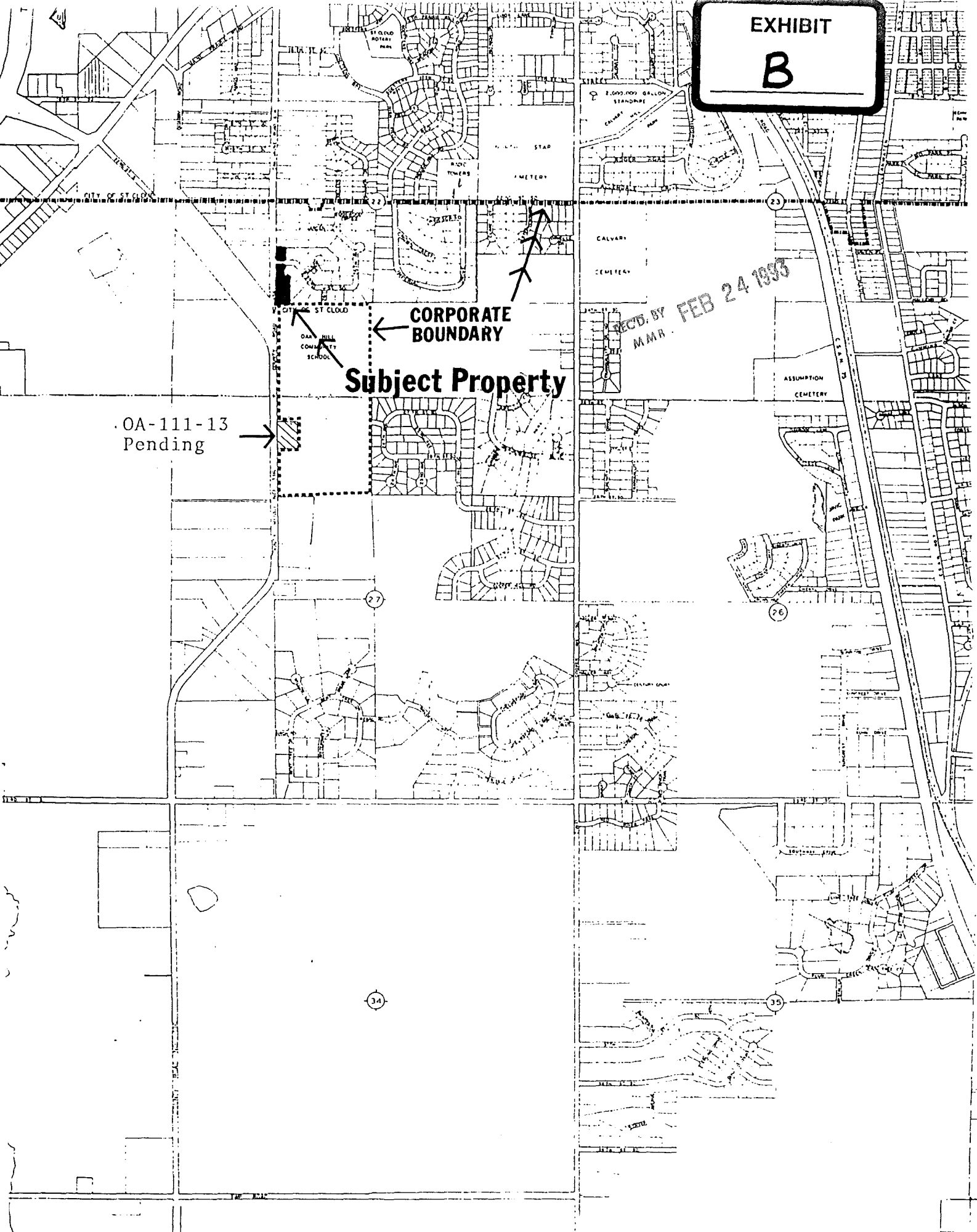
REC'D. BY
MMR FEB 24 1993

EXHIBIT A

Lot One (1), Block Two (2), and Lots One (1), Two (2), Three (3), and Four (4), Block Three (3) of Hillside Oaks Plat 2, according to the plat and survey thereof now on file and of record in the office of the Register of Deeds, in and for Stearns County, Minnesota.

EXHIBIT

B



OA-111-13
Pending

CORPORATE
BOUNDARY

Subject Property

REC'D. BY
MAR. FEB 24 1993

SUBJECT
PROPERTY

R1

22

REC'D. BY
MAR
FEB 24 1993

WINDSON RD

CROFT CREST

INDIANA

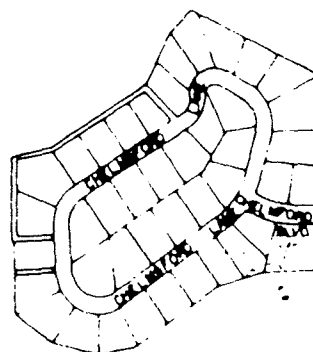
24TH ST

18TH ST

28TH

27

COOPER HILL RD



City Resolution No. 1993-1-4

REC'D. BY
MAR
FEB 19 1993

JOINT RESOLUTION AS TO ORDERLY ANNEXATION BETWEEN THE CITY OF
ST. CLOUD AND THE TOWN OF ST. AUGUSTA, ALSO SETTING FORTH THE
SECOND AMENDMENT TO THE JOINT RESOLUTION DATED AUGUST 19, 1974 AS
TO ORDERLY ANNEXATION BETWEEN THE CITY OF ST. CLOUD
AND THE TOWN OF ST. AUGUSTA

WHEREAS, the Town of St. Augusta ("Town") and City of St. Cloud ("City") have adopted a Joint Resolution as to orderly annexation dated August 19, 1974 ("1974 Orderly Annexation Resolution") and a Joint Resolution dated June 21, 1988 ("First Amendment") which amends the 1974 Orderly Annexation Resolution. The 1974 Orderly Annexation Resolution calls for the orderly annexation of certain areas of the Town by the City, which area includes the following described property ("Parcel Three"):

Parcel Three

Blocks Zero (0) and One (1) and that part of Block Ten (10), in City of St. Augusta, according to the plat and survey thereof on file and of record in the Office of the County Recorder, in and for Stearns County, Minnesota, lying and being within Government Lot Two (2) of Section Seven (7), in Township One Hundred Twenty-three (123) North, of Range Twenty-seven (27) West, in Stearns County, Minnesota, together with the vacated or abandoned portions of Front Street, Hanover Street, Cliff Street and High Street in said Addition.

ALSO: That part of Government Lot Two (2), of Section Seven (7), in Township One Hundred Twenty-three (123) North, of Range Twenty-seven (27) West, in Stearns County, Minnesota, lying Southeasterly of the City of St. Augusta a duly recorded plat in said County and State, except therefrom that part of said Govt. Lot 2 lying Southeasterly of the following described line: Beginning at the Southeast corner of the SW 1/4 of the SE 1/4 of said Sec. 7, from which the South line of said SW 1/4 SE 1/4 is assumed to bear South 90° 00' West; thence North 1° 02' 45" West 1,881.00 feet to the Westerly right of way line of the Old St. Cloud-Clearwater Road; thence North 46° 50' West along said Westerly line for 1,101.40 feet; thence North 43° 10' East for 66 feet to an iron monument; thence continue North 43° 10' East for 1,043.9 feet to an iron monument; thence North 1° 02' 45" West 70 feet to an iron monument; thence continue North 1° 02' 45" West for 30 feet, more or less, to the right bank of the Mississippi River and there terminating.

ALSO: That part of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Seven (7), in Township One Hundred Twenty-three (123) North, of Range Twenty-seven (27) West, lying Southeasterly of the City of St. Augusta, a duly recorded plat in said County and State.

AND ALSO: That part of the Mississippi River and its backwaters that lie in Stearns County, Minnesota, adjacent and adjoining the above described property.

The above described property contains 34.2 acres of land area.

WHEREAS, the 1974 Orderly Annexation Resolution provides for the annexation of areas within the specified area of the Town

REC'D. BY
MMB FEB 19 1993

through adoption of a Joint Resolution amending the 1974 Orderly Annexation Resolution to allow annexation of portions of the area designated in the 1974 Orderly Annexation Resolution to the City;

WHEREAS, other areas in the Town which are not subject to the 1974 Orderly Annexation Resolution are in need of annexation to the City at this time. Those areas include the following described property (Parcels One and Two):

Parcel One

That part of the Southeast Quarter of the Northeast Quarter and the North Half of the Southeast Quarter, Section 18, Township 123, Range 27 described as follows: Beginning at the East Quarter corner of said Section 18; thence South on an assumed bearing along the East line of said Section 18 a distance of 530.79 feet; then South 89 degrees 54 minutes 31 seconds West a distance of 654.22 feet; thence South 57 degrees 10 minutes 27 seconds West a distance of 397.43 feet to the Northeasterly right of way line of the Burlington Northern Railroad; thence Northwesterly along said right of way line 1103 feet, more or less to its intersection with the North line of said North Half of the Southeast Quarter; thence North 89 degrees 59 minutes 32 seconds East along said North line 576.23 feet to a point distant 109.40 feet East of the Southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 00 minutes 51 seconds East parallel with the West line of said Southeast Quarter of the Northeast Quarter for a distance of 1327.30 feet to the North line of said Southeast Quarter of the Northeast Quarter; thence South 89 degrees 55 minutes 08 seconds East along the North line of said Southeast Quarter of the Northeast Quarter a distance of 1223.82 feet to the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 01 minutes 42 seconds West along the East Line of said Section 18 a distance of 1325.40 feet to the point of beginning. Containing 57.03 acres, more or less.

Parcel Two

That part of the North Half of the Southeast Quarter of Section 18, Township 123, Range 27, Stearns County Minnesota, formerly known as railroad right of way and once owned by Burlington Northern, Inc., being that part of said former right of way lying northwesterly of the following described line: Commencing at the east quarter corner of said Section 18, thence South on an assumed bearing along the east line of said Section 18 for 530.79 feet; thence South 89°54'31" West for 654.22 feet; thence South 57°10'27" West for 397.43 feet to the northeasterly line of said former right of way and the point of beginning of the line to be described; thence continue South 57°10'27" West for 100 feet more or less to the southwesterly line of said former right of way and there terminating. Containing 2.67 acres, more or less.

REC'D. BY
MMR FEB 19 1993

WHEREAS, Parcels One, Two and Three are depicted on the maps made a part of this resolution and attached as exhibits A, B and C.

WHEREAS, the City is the owner of Parcels One, Two and Three. Parcels One, Two and Three were purchased for use in conjunction with its municipal operations at the City's Waste Treatment Facility;

WHEREAS, the City wishes to have the property annexed so as to have Parcels One, Two and Three under its direct control and regulation;

WHEREAS, the Town and the City find that it is in the public interest to allow annexation of the Subject Property to the City.

NOW, THEREFORE, be it resolved jointly by the Town Board of Supervisors for the Town of St. Augusta, Minnesota, and the City Council for the City of St. Cloud, Minnesota, as follows:

1. The 1974 Orderly Annexation Resolution is hereby amended to provide for annexation of Parcel Three to the City. Additionally Parcels One and Two are hereby annexed to the City. No consideration by the Minnesota Municipal Board as to annexation of Parcels One, Two or Three is necessary, and upon receipt of this Resolution the Minnesota Municipal Board is hereby authorized to review and comment but shall within thirty (30) days, order the annexation of the Parcels One, Two and Three.

2. The 1974 Orderly Annexation Resolution, as amended by the First Amendment thereto and by this, the Second Amendment, shall remain in full force and effect except to the extent it is inconsistent with the terms of this Resolution.

3. The Town Clerk and City Clerk are hereby authorized and directed to file a fully executed copy of this Resolution, each with the other, and, upon execution by the City and Town, are directed to file a copy of this Resolution with the Minnesota Municipal Board.

This Resolution is adopted by the Town Board of Supervisors this 5th day of January 1993.

TOWN OF ST. AUGUSTA, MINNESOTA

By Albert J. Keppers
Chairman, Board of Supervisors

By Harla Jopp
Town Clerk

This Resolution is adopted by the City Council this 4th day of January, 1993.

REC'D. BY
M M R FEB 19 1993

CITY OF ST. CLOUD, MINNESOTA

By Larry Meyer
Council President

By Theresa A. Engdahl
City Clerk

ORDERLY ANNEXATION AREA MAP

EXHIBIT

A

REC'D. BY
M.M.

FEB 19 1993

**CORPORATE
BOUNDARY**

North

PARCEL 1 & 2

95548
CITY OF ST. CLOUD

PAC 31 2.48

PAC 30 2.67 AC
CO. ROAD 75

17622
ALBERT BEUMER

PAC 29 1.66 AC

17622
ALBERT BEUMER

PAC 28 2.11 AC

17624 05
RANDY SCHMAN

PAC 27 1.5

17612
JOSEF HANG

LEO KENNING

INTERSTATE 94

EXHIBIT

B

REC'D. BY
BMB FEB 19 1993

T 35N R31W.
HAVEN TWP
HAVEN TWP
T 35N R30W

PARCEL 3

METRO

WASTE

WATER

TREATMENT

PLANT

CORPORATE BOUNDARY

T.H. 194

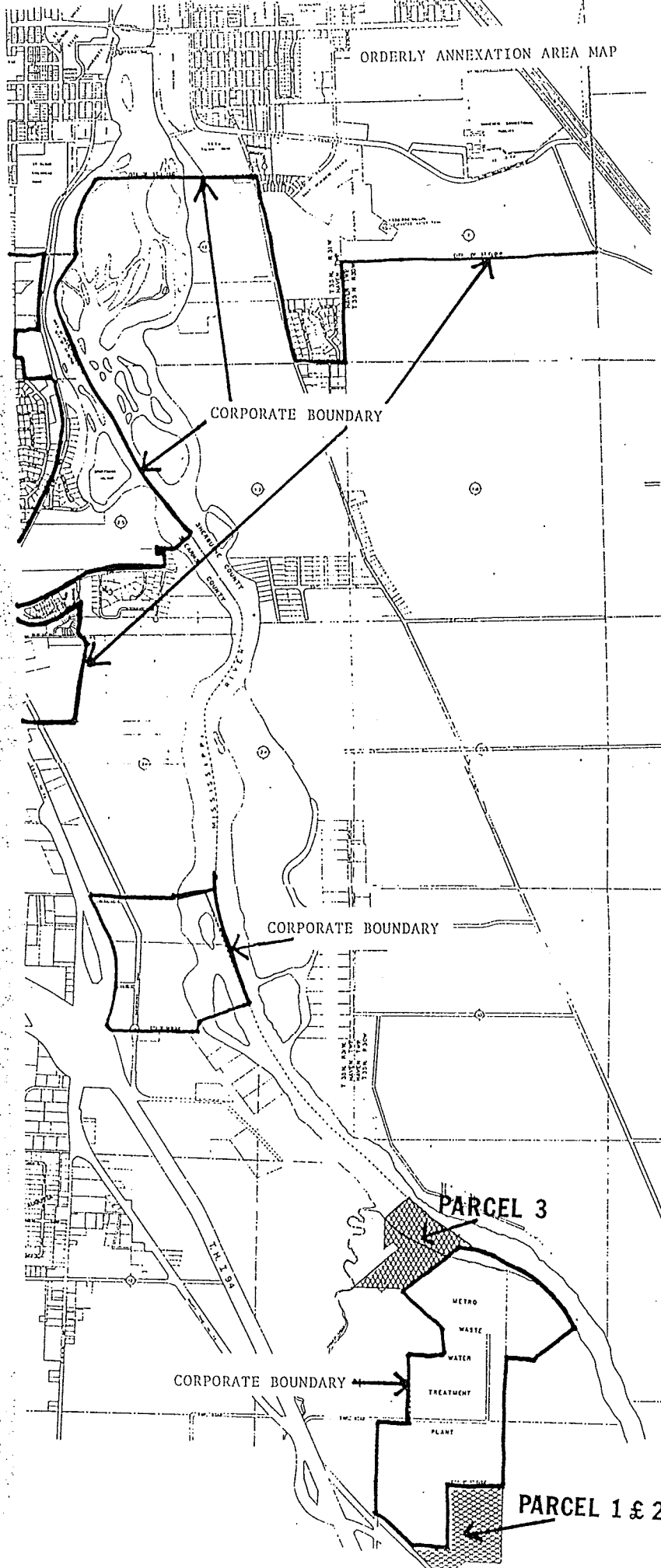
TWP. ROAD

TWP. ROAD

WASTE OF 15 ACRES

ORDERLY ANNEXATION AREA MAP

REC'D. BY
MMB FEB 19 1993



CITY OF ST. CLOUD RESOLUTION NO. 1992-12-424

TOWN OF ST. CLOUD RESOLUTION NO. 92-9

**FIFTH AMENDMENT TO THE JOINT RESOLUTION FOR
ORDERLY ANNEXATION BETWEEN THE TOWN OF ST. CLOUD
AND THE CITY OF ST. CLOUD (SCHOOL DISTRICT 742
PROPERTY AT OAK HILL SCHOOL SITE)**

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 (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 joint resolutions of the City and the Town adopted November 16, 1987, September 19, 1988, January 27, 1992, and May 11, 1992; and

WHEREAS, a request has been made by Independent School District No. 742 ("School District") as owner of a parcel of property herein described, to annex said property to the City of St. Cloud; and

WHEREAS, said property described herein abuts on seventy-five percent (75%) of its boundaries property owned by the School District which is located within the corporate boundaries of the City of St. Cloud; and

WHEREAS, the Town and the City are in agreement as to the orderly annexation of said land, described on Exhibit A and depicted on the map labeled Exhibit B, for the purpose of orderly and planned services to the St. Cloud area community.

NOW, THEREFORE, BE IT JOINTLY RESOLVED AND AGREED by the Town of St. Cloud and the City of St. Cloud that:

1. The property described in Exhibit A ("subject property") is subject to orderly annexation pursuant to Minnesota Statutes 414.0325 and the parties hereto designate the area for orderly annexation.

2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board to approve the annexation pursuant to Minnesota Statutes 414.0325.

3. The subject property contains 2.271 acres.

4. The subject property is appropriate for orderly annexation. No alteration of its stated boundaries is appropriate, nor is consideration by the Municipal Board necessary. Therefore, the Municipal Board may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution.

5. All the other terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 19, 1974, as amended by Joint Resolutions dated November 16, 1987, September 19, 1988, January 27, 1992, and May 11, 1992, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council the 21st day of December, 1992.

Samy Meyer
Council President

Attest:

Myrle Engdahl
City Clerk

This resolution adopted by the Town of St. Cloud Board of Supervisors the 21st day of December, 1992.

Bob Bohm
Chair, Town Board of Supervisors

Attest:

Nylab. Olson
Town Clerk

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. # 1992-12-424 (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 21st day of January, 1993

Myrle Engdahl
City Clerk
City of St. Cloud, MN

REC'D. BY
MMR JAN 21 1993

EXHIBIT A - Legal Description

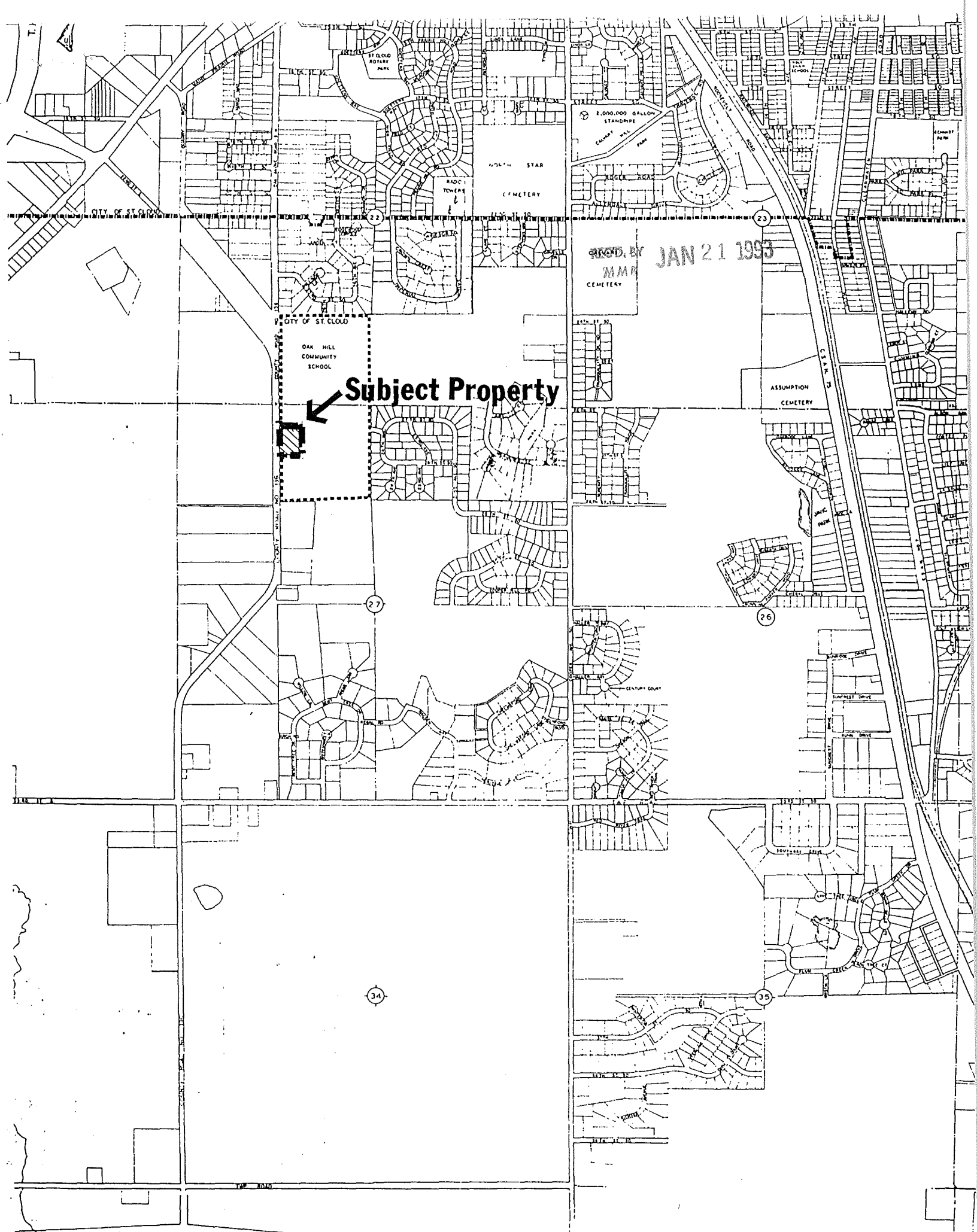
That part of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section Twenty-Seven (27), in Township One Hundred Twenty-Four (124) North, of Range Twenty-Eight (28) West, described as follows to wit: Commencing at the Northwest corner of said Sec. 27; thence South along the West line of said Sec. 27 for a distance of 596 feet; thence East at right angles a distance of 1339.66 feet to the point of beginning, being the centerline of State Aid Road; thence northerly by a deflected angle of 91 degrees 10 minutes to the left, along the centerline of said road 340 feet; thence Easterly by a deflected angle of 91 degrees 10 minutes to the right, 324 feet; thence Southerly by a deflected angle of 88 degrees 50 minutes, to the right 340 feet; thence Westerly by a deflected angle of 91 degrees 10 minutes to the right, 324 feet to the point of beginning, in Stearns County, Minnesota. Subject to the Westerly 33 feet for State Aid Road.

Less and except that part subject to public right-of-way purposes for what is commonly known as County Road 136.
right-of-way for County Road 136.

Containing 2.271 acres, more or less.

CORPORATE BOUNDARY

Subject Property



Subject Property

JAN 21 1993

RECORDED BY
MMP
CEMETERY

OAK HILL
COMMUNITY
SCHOOL

ASSUMPTION
CEMETERY

CITY OF ST. CLOUD RESOLUTION NO. 1992 - 5-170

TOWN OF ST. CLOUD RESOLUTION NO. 92-5

FOURTH AMENDMENT TO THE JOINT RESOLUTION FOR
ORDERLY ANNEXATION BETWEEN THE TOWN OF ST. CLOUD
AND THE CITY OF ST. CLOUD (CITY-OWNED PROPERTY,
ST. CLOUD COUNTRY CLUB, AND ISLAND VIEW ADDITION)

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 (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 joint resolutions of the City and the Town adopted November 16, 1987, September 19, 1988, and January 27, 1992; and

WHEREAS, a request has been made by 25 of 31 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 "Country Club, City-owned, and Island View Addition" parcels; 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, Second, and Third 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 18, 1974, as amended by Joint Resolutions dated November 16, 1987, September 19, 1988, and January 17, 1992, is further amended as follows:

1. Description of Area to be Annexed: That the following described area is properly 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 map attached as Exhibit 1, as Parcels 1, 2, and 4.
- b. That area contained in the legal description attached as Exhibit 2.

2. Municipal Board Jurisdiction: That upon approval by the respective governing bodies of the Town and the City, this joint resolution and agreement shall confer jurisdiction upon the Minnesota Municipal Board ("Municipal Board") so as to accomplish said orderly annexation in accordance with the terms of this joint resolution and agreement.

3. No Alterations of Boundaries: The Town and the City mutually state that no alterations by the Municipal 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 joint resolution and agreement sets forth all of the conditions for annexation of the area designated herein for orderly annexation and that no consideration by the Municipal Board is necessary. The Municipal Board may review and comment, but shall, within thirty (30) days, order annexation.

5. Changes to Terms and Conditions: The following terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 19, 1974, as amended by Joint Resolutions dated November 16, 1987, September 19, 1988, and January 27, 1992, shall be amended as follows:

a. The Town and the City mutually agree and resolve that the following terms and conditions shall govern annexations under paragraphs 5.a.i. and 5.a.ii. that may occur for any property (excluding the Country Club, City-owned, Island View Addition, and Webway properties identified as Parcels 1, 2, 3, and 4 on the attached Exhibit 1) located in that portion of the Orderly Annexation Area described in Exhibit B of the Joint Resolution for Orderly Annexation dated September 19, 1988:

- i. Any property located in the above-described area may be subject to annexation to the City upon presentation of a petition signed by a substantial majority of the property owners of record of property located in a described portion of the above-described orderly annexation area requesting such annexation. For the purposes of this paragraph, "substantial majority" shall mean at least seventy-five percent (75%) of the property owners of record in the described area requesting annexation. In addition, such petition shall be signed by the owners of record of at least fifty-one percent (51%) of the land area located in the described area requesting annexation.
- ii. The City agrees that it will not annex any land located in the orderly annexation area totally surrounded by land located in the City, unless the

City and Town receive a petition to annex signed by at least fifty-one percent (51%) of the property owners of record within such area proposed for annexation. The petition of owners shall be submitted to the City and the Town. The City shall not take official action on the petition for at least thirty (30) days following mailing of notice of receipt of the petition by the City to the Town.

- iii. If the City desires to annex the property as requested pursuant to paragraphs 5.a.i. or 5.a.ii., then an annexation shall be accomplished by the adoption of a resolution by the City. Following adoption of such a resolution, 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.
 - iv. It is further the intent of the City and the Town that prior to the adoption of a resolution by the City pursuant to the procedures of paragraph 5.a., 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.
- b. The City and the Town agree that paragraph 3 of the Joint Resolution for Orderly Annexation dated August 19, 1974, shall be amended to provide for the following:
- i. Except for the Country Club, City-owned, Island View Addition, and Webway properties (Parcels 1, 2, 3, and 4 on the attached Exhibit 1), property located in that part of the Orderly Annexation Area described in Exhibit B of the Joint Resolution for Orderly Annexation dated September 19, 1988, that is residentially zoned and developed at the time of annexation to the City pursuant to paragraph 5.a. of this agreement, shall receive a "tax break" consisting of a staged graduated increase in tax capacity rates from the Town rate to the City rate over a six (6) year period of time if the property is officially annexed in 1992 or 1993, five (5) year period of time if the property is officially annexed in 1994 or 1995, four (4) year period of time if the property is officially annexed in 1996 or 1997, three (3) year period of time if the property is officially annexed in 1998 or 1999, and two (2) year period of time if the property is officially annexed in 2000 or 2001.
 - ii. For the property described in paragraph 5.a. of this agreement, the City shall rebate to the Town

the equivalent "tax break" described in paragraph 5.b.i. of this joint resolution and agreement for any property other than residentially zoned and developed property that is annexed to the City during the above-stated time periods.

- c. The City and the Town agree that paragraph 7 of the Joint Resolution for Orderly Annexation dated August 19, 1974, shall be amended to read as follows:

7. Zoning and subdivision regulations throughout the orderly annexation area shall be governed by a three-member Orderly Annexation Zoning and Subdivision Committee appointed pursuant to Minnesota Statutes § 414.0325, subd. 5(c). The Town and City agree that zoning and subdivision proposals shall be filed with the Town Clerk, who shall promptly notify the City Planning Director. The Town and City shall make recommendations to the three-member Orderly Annexation and Subdivision Committee within sixty (60) days of receipt of the proposal, by respectively, the Town and the City.

- d. The City and the Town mutually agree to explore and consider mutual participation in the design and funding of public improvement projects that would include resurfacing and/or reconstruction of Town streets within the Orderly Annexation Area, where annexation of the subject streets is expected to occur sometime during the anticipated useful life of the public improvement.
- e. The City and the Town mutually agree to explore and consider mutual participation in the design and funding of public improvement projects that would include resurfacing and/or reconstruction of Town streets that either abut the corporate limits of the City or where the corporate boundary is located along the centerline of said road right-of-way.
- f. The City and the Town mutually agree to explore and discuss the joint development of industrial parks where the land is currently located within the Town, which would provide for the sharing of revenues and expenses by the Town and the City.
- g. The Town agrees to make appropriate code modifications so as to avoid the imposition of unnecessary added costs or hardships to property owners in the Orderly Annexation Area if and when it becomes necessary or desirable for municipal utility services to be extended to properties in such area. The Town will consider such appropriate code changes upon the presentation to the Town by the City of standards that the City has adopted which are

more stringent than those contained in State and Town codes and regulations adopted and enforced in the Town.

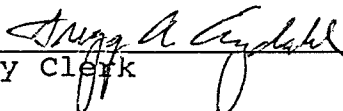
6. The Town and City hereby mutually agree to the joint dismissal of the annexation proceeding presently pending before the Municipal Board: OA-111-8 St. Cloud.

All the other terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 19, 1974, as amended by Joint Resolutions dated November 16, 1987, September 19, 1988, and January 27, 1992, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council the 11th day of May, 1992.


Council President

Attest:


City Clerk

This resolution adopted by the Town of St. Cloud Board of Supervisors the 11th day of May, 1992.


Chair, Town Board of Supervisors

Attest:


Town Clerk

THIS INSTRUMENT WAS DRAFTED BY:

Jan F. Petersen
St. Cloud City Attorney
400 Second Street South
St. Cloud, MN 56301
(612) 255-7204
Reg. No. 85480

HALL, BYERS, HANSON, STEIL
& WEINBERGER, P.A.
Frank Kundrat
St. Cloud Town Attorney
1010 West St. Germain
Suite 600
St. Cloud, MN 56301
(612) 252-4414
Reg. No. 13801

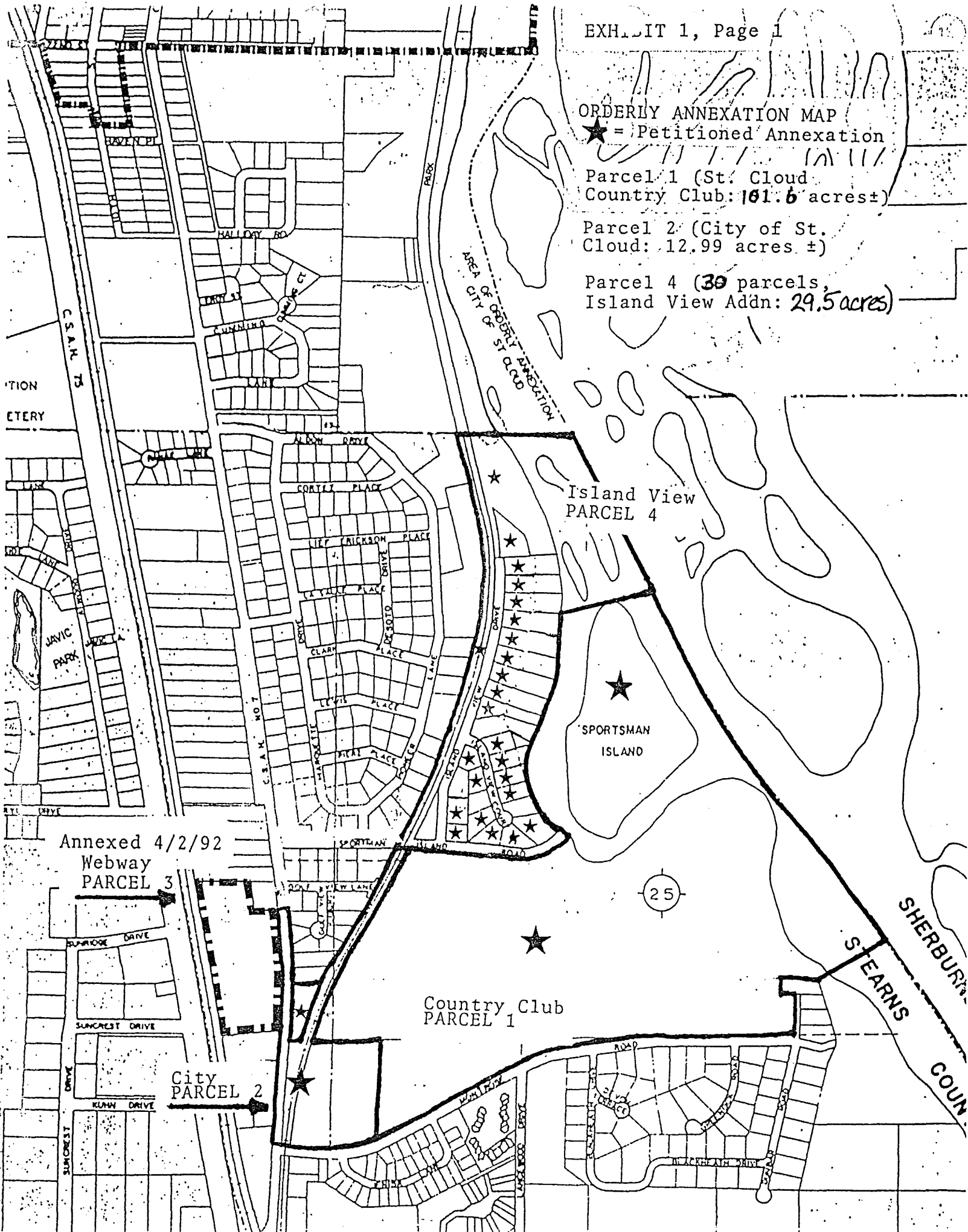
ORDERLY ANNEXATION MAP

★ = Petitioned Annexation

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

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

Parcel 4 (39 parcels, Island View Addn: 29.5 acres)



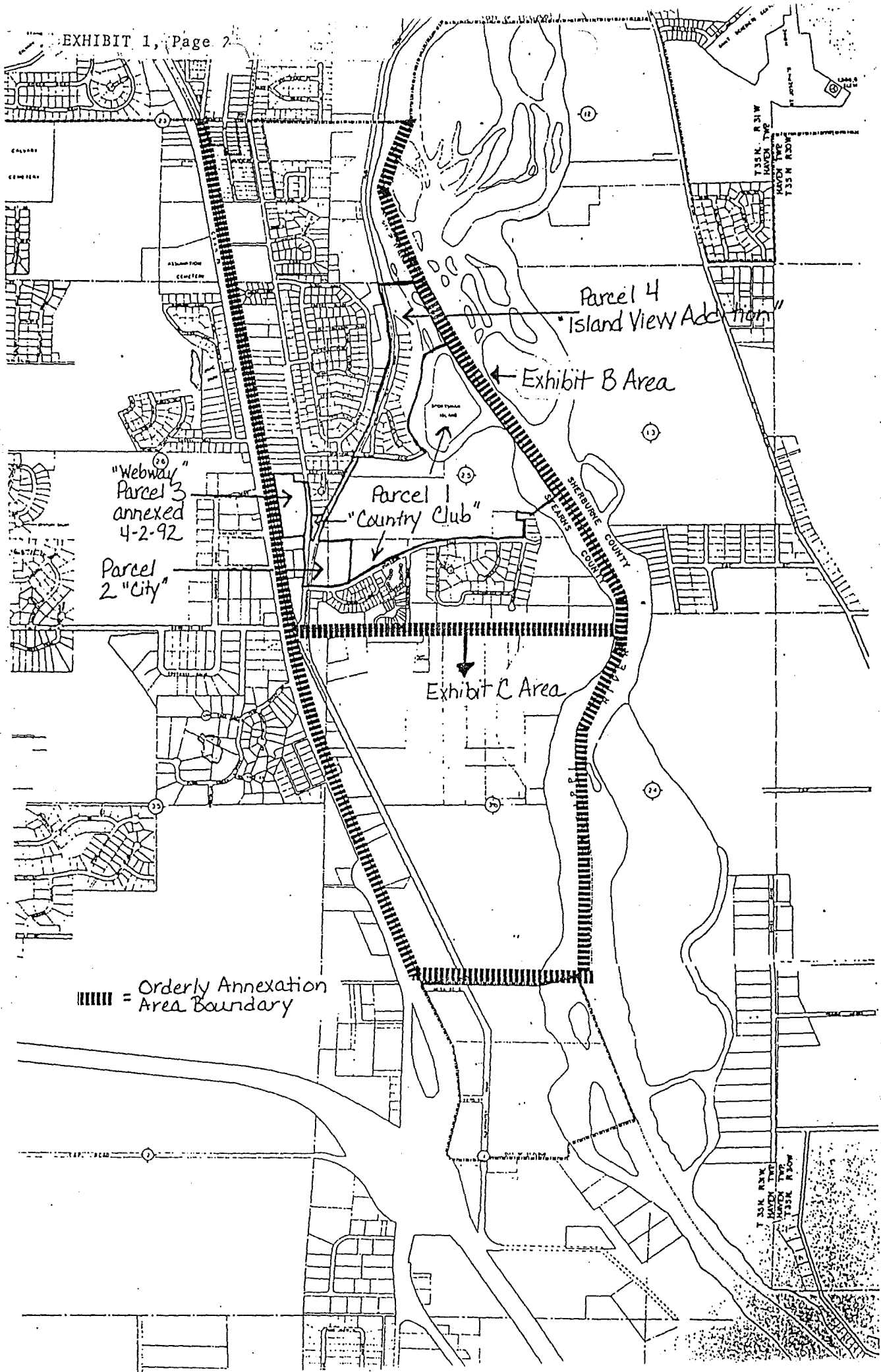


EXHIBIT 2 TO RESOLUTION NO.

Legal Descriptions for Parcels 1, 2, and 4:

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 North East 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.

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.

REC'D. BY MAR 02 1992
MAR

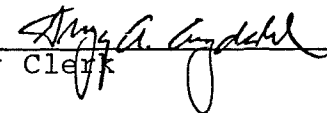
3. No Alterations of Boundaries: The Town and the City mutually state that no alterations by the Board of the boundaries of the area designated herein for orderly annexation is appropriate.

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.

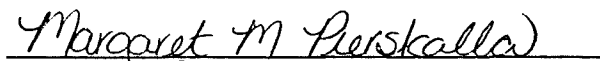
This resolution adopted by the St. Cloud City Council this 6th day of January, 1992.


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

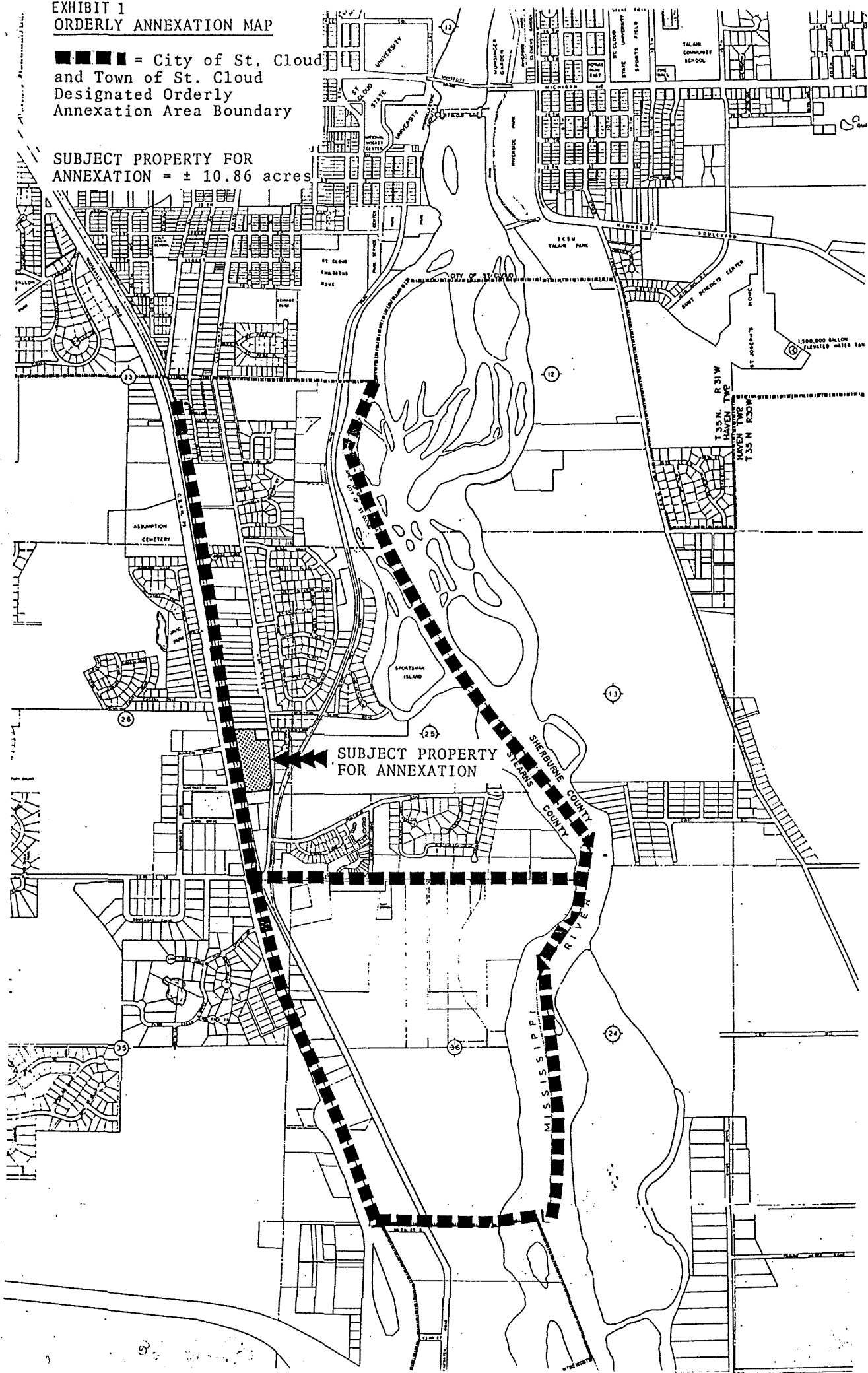
THIS DOCUMENT DRAFTED BY:

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

EXHIBIT 1
ORDERLY ANNEXATION MAP

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

SUBJECT PROPERTY FOR
ANNEXATION = ± 10.86 acres



REC'D. BY
MAR 02 1992

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.

RECEIVED BY
SEP 22 1988

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. Windelman
Council President

By Eugene A. Case
Town Board Chairman

By Bill Brashers
City Clerk

By DeWayne E. Tureck
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.

FINGERPOST ADDITION

REC'D. BY SEP 28 1988
MMB

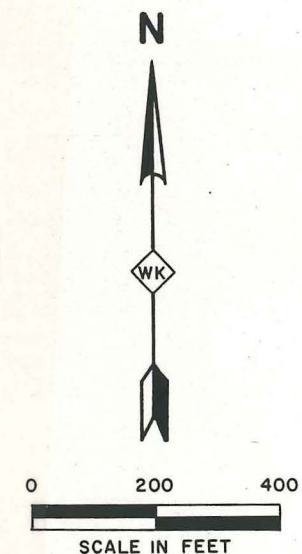
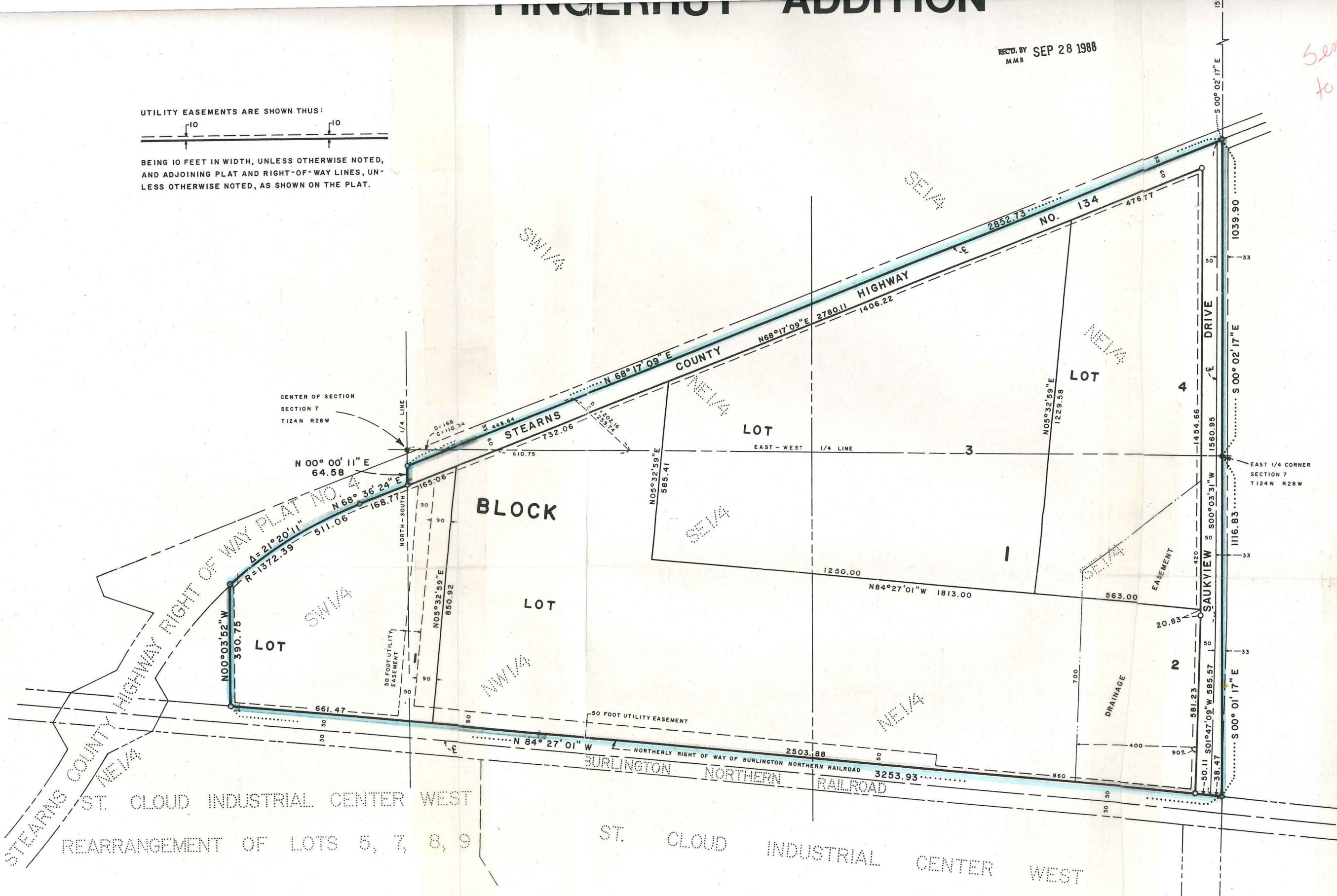
Sent original
to Lyle 9-28-88

OA-111
Amend. to Jt. Resol
Ex. A.

UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, UNLESS OTHERWISE NOTED,
AND ADJOINING PLAT AND RIGHT-OF-WAY LINES, UN-
LESS OTHERWISE NOTED, AS SHOWN ON THE PLAT.



- STEARNS COUNTY IRON MONUMENT FOUND IN PLACE
 - 3/4 INCH IRON MONUMENT SET WITH MN R.L.S. NO. 10918 CAP
 - D= DEED DISTANCE
 - C= COMPUTED DISTANCE
- BEARINGS ARE BASED ON AN ASSUMED DATUM

JOINT RESOLUTION AMENDING THE JOINT RESOLUTION AS TO
ORDERLY ANNEXATION BETWEEN THE CITY OF ST. CLOUD AND
THE TOWN OF ST. AUGUSTA.

WHEREAS, the Town of St. Augusta ("Town") and City of St. Cloud ("City") have adopted a Joint Resolution as to orderly annexation dated August 19, 1974 ("Orderly Annexation Resolution"), which calls for the orderly annexation of certain areas of the Town by the City, which area includes the following described property ("Subject Property"):

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

Beginning 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 $\frac{1}{4}$ 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; thence South 89 degrees 05 minutes 19 seconds East to the thread of stream of the Mississippi River; thence northwesterly and northerly, along said thread of stream to its intersection with a line drawn from the northeast corner of said Government Lot One (1), at a right angle to said thread of stream; thence westerly to said northeast corner; thence westerly, along the north line of said Government Lot One (1), a distance of 692 feet, more or less to the point of beginning. Subject to easements of record.

WHEREAS, the Orderly Annexation Resolution provides for the annexation of areas within the specified area of the Town through adoption of a Joint Resolution amending the Orderly Annexation Resolution to allow annexation of portions of the area designated in the Orderly Annexation Resolution to the City;

WHEREAS, the Town and City have been presented with a request for annexation of the Subject Property to the City so that the Subject Property may be provided certain municipal services unavailable in the

Town which will allow it to more fully develop and enhance the general welfare of the residents of the City and the Town;

WHEREAS, the Subject Property is about to become urban or suburban in character and the Town and the City are capable of providing municipal services thereto;

WHEREAS, the Town and the City find that it is in the public interest to allow annexation of the Subject Property to the City in accordance with the terms and conditions contained in a Joint Powers Agreement, a copy of which is attached hereto as Exhibit "A";

NOW, THEREFORE, be it resolved jointly by the Town Board of Supervisors for the Town of St. Augusta, Minnesota, and the City Council for the City of St. Cloud, Minnesota, as follows:

1. The Orderly Annexation Resolution is hereby amended to provide for annexation of the Subject Property to the City conditioned upon the City and Town approving and entering into the Joint Powers Agreement, a copy of which agreement is attached hereto as Exhibit "A." No consideration by the Minnesota Municipal Board as to annexation of the Subject Property is necessary, and upon receipt of this Resolution and a fully executed copy of the Joint Powers Agreement, the Minnesota Municipal Board is hereby authorized to review and comment but shall, within thirty (30) days, order the annexation of the Subject Property.

2. The Town and City do hereby approve the Joint Powers Agreement in the form attached hereto as Exhibit "A" and authorize the Chairman and Town Clerk to execute the agreement on behalf of the Town and the Mayor and City Clerk to execute the agreement on behalf of the City.

3. The Orderly Annexation Resolution, as amended hereby, shall remain in full force and effect except to the extent it is inconsistent with the terms of this Resolution.

4. The Town Clerk and City Clerk are hereby authorized and directed to file a fully executed copy of this Resolution, each with the other, and, upon execution by the City and Town and approval by third parties as specified therein of the Joint Powers Agreement, are hereby authorized and, upon submission of evidence satisfactory to the Town and City that all contingencies to the purchase of the Subject Property from the First American National Bank as Trustee of the Frank A. Laudenbach Trust by Spee Dee Delivery, Inc., May Printing Co., Inc., and the Housing & Revelopment Authority in and for the City of St. Cloud, their successors or assigns have been removed, are directed to file a copy of this Resolution with the Minnesota Municipal Board.

This Resolution adopted by the Town Board of Supervisors this

21 day of June, 1988.

Attested:

TOWN OF ST. AUGUSTA, MINNESOTA

By L. Rozsmanacher
Town Clerk

By Albert J. Keppers
Chairman, Board of Supervisors

This Resolution adopted by the City Council this 20 day of

June, 1988.

Attested:

CITY OF ST. CLOUD, MINNESOTA

By Marian Brunse
City Clerk

By Charles E. Winkelman
Council President

EXHIBIT A

JOINT POWERS AGREEMENT

This Agreement is made and entered into as of the 21st day of June, 1988, by and between the CITY OF ST. CLOUD, a municipal Corporation organized and existing pursuant to the laws of the State of Minnesota ("City"), and the TOWN OF ST. AUGUSTA, a township organized and existing pursuant to the laws of the State of Minnesota ("Town").

RECITALS:

A. The City and Town are public bodies, corporate and politic, organized and existing pursuant to the laws of the State of Minnesota which are authorized pursuant to Minnesota Statutes Section 471.59 to enter into joint powers agreements for the purposes of cooperating in the undertaking of certain activities which promote the general welfare of their respective jurisdictions;

B. First American National Bank as Trustee of the Frank Laudendach Trust ("Trust"), Spee Dee Delivery, Inc., a Minnesota business corporation ("Spee Dee"), May Printing Co., Inc., a Minnesota business corporation ("May"), and The Housing & Redevelopment Authority in and for the City of St. Cloud, a public body corporate and politic pursuant to the laws of Minnesota ("HRA"), have approached the Town and City concerning the annexation of the following described property ("Subject Property") into the City:

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

Beginning 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 $\frac{1}{4}$ 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; thence South 89 degrees 05 minutes 19 seconds East to the thread of stream of the Mississippi River; thence northwesterly and northerly, along said thread of stream to its intersection with a line drawn from the northeast corner of said Government Lot One (1), at a right angle to said thread of stream; thence westerly to said northeast corner; thence westerly, along the north line of said Government Lot One (1), a distance of 692 feet, more or less to the point of beginning. Subject to easements of record.

C. The Subject Property is included in an area governed by an Orderly Annexation Resolution between the City and the Town dated August 19, 1974 ("Orderly Annexation Resolution"), which limits annexation of certain areas of the Town including the Subject Property prior to August 19, 1994;

D. The Subject Property is about to become urban or suburban in character and the Town and the City are capable of providing municipal services thereto.

E. The City and Town have determined that it will enhance and promote the general welfare of the Town and the City if the Subject Property is annexed to the City on the terms and conditions contained herein.

In consideration of the mutual covenants herein set forth, the City and Town agree as follows:

1. Purpose. The purpose of this Agreement is to provide for the public health, safety, and general welfare through cooperation in the annexation of the Subject Property to the City in a manner which provides for adequate provision of municipal services to the area while

protecting the residents of the Town residing in or near the Subject Property.

2. Annexation. Subject to the conditions precedent hereinafter provided, the Town agrees that it shall waive all opposition it may have to the annexation of the Subject Property by the City and shall allow the City to annex the Subject Property to the City by amendment to the Orderly Annexation Resolution. In the event the Joint Resolution of the City and Town amending the Orderly Annexation Resolution is not filed with Minnesota Municipal Board due to failure of any contingency contained therein, this Agreement shall be null, void, and of no further effect.

3. Zoning. The City agrees that it shall adopt an ordinance, effective as of the date the Minnesota Municipal Board orders the annexation, zoning the Subject Property as a planned unit development ("PUD") industrial zoning classification. The City also agrees to adopt, effective as of the date the Minnesota Municipal Board orders the annexation, a final plat for the Subject Property. During the review of the general development plan for the PUD and the proposed plat, the City shall cooperate with the Town in the review and shall allow the Town such input into the review process as to assure that the general development plan and proposed plat address Town concerns which shall include but not be limited to: (i) providing a drainage plan for the Subject Property, when developed, which will not increase the quantity or velocity of storm water drainage from the Subject Property onto adjoining areas of the Town; and (ii) providing that the setback and screening requirements imposed by the Town Zoning Ordinance be

incorporated into the general development plan and plat where the Subject Property abuts the Town.

4. Municipal Services. Prior to December 31, 1999, the Town shall provide to the Subject Property those municipal services which it customarily provides Town residents. These services shall include road maintenance and repair, assistance with police protection, and fire protection. It is understood that the level of these services shall be that level normally and customarily provided by the Town to its residents unless prior arrangements have been made between the Town, City, and HRA. It is specifically understood by and between the parties, that in the event the Town is unable to provide fire protection to the Subject Property for any reason, this service will be provided by the City.

5. Reimbursement. During the period that the Town provides municipal services to the Subject Property, the City agrees to pay to the Town annually a sum equal to sixty-two and twenty-five hundredths (62.25%) percent of the total tax receipts received by the City from taxes levied by the City against the Subject Property. In the event the Town is unable to provide fire protection to the City, the amount paid annually shall be reduced to an amount equal to fifty-five (55%) percent of the total tax revenues received by the City from taxes levied by the City against the Subject Property. Payments shall be due and payable to the Town each year on June 30, of the year in which the tax revenues are received by the City.

6. Shortfalls. It is understood by the City and the Town that development on the Subject Property will be undertaken at a rate which may require municipal services to be provided to the Subject Property

prior to the time in which tax revenues will be generated to cover the costs incurred by the Town in provided these services. The City and Town agree that prior to the date when the reimbursements provided above are sufficient to cover the actual costs of the services provided, the Town shall be reimbursed by Spee Dee and May for the difference between actual costs incurred to provide the municipal services and the amount received from the City. In order to facilitate payment of these costs, the Town may make such arrangements with Spee Dee and May as it deems appropriate and may, at its discretion, request Spee Dee and May to provide such financial guarantees as the Town deems necessary to secure payment. During the period when Spee Dee and May are reimbursing the Town for its actual expenses, the Town agrees to work with Spee Dee and May to establish the level of services which Spee Dee and May require for the Subject Property during the various stages of development. By its approval of this Agreement, Spee Dee and May accept the terms of this paragraph.

7. Future Annexation. In the area designated in the Orderly Annexation Resolution, after August 19, 1994, and prior to January 1, 2010, the City shall not initiate any annexation of Town land without having first provided the Town with a minimum of two (2) years notice of the City's intention to initiate such annexation. This shall not affect the right of individual property owners to petition for annexation in accordance with the terms of the Orderly Annexation Resolution and, thereafter, in accordance with Minnesota law.

8. Future Sewer Connection. On November 19, 1984, the City adopted Resolution No. 1984-11-193 establishing a policy on providing City services outside the corporate limits of the City. The policy

presently prohibits extension of services including sewer to unincorporated areas outside of the corporate limits of the City. Should the policy be changed so as to permit towns to enter into agreements for the provision of sewer service by the City without prior annexation of the area to be served, the City agrees to negotiate any sewer use agreement with the Town under terms similar to those negotiated under then existing agreements between the City and other municipalities.

9. Term. This Agreement shall take effect upon execution and shall remain in full force and effect until all the conditions contained herein and agreements made by the parties have been fulfilled.

10. Liability. In all activities under this Agreement, the City and Town shall be deemed to be exercising their governmental functions so that each shall not be liable to any other person, firm, partnership, or other entity for any negligence of its officers, employees, or agents.

11. Default. In the event either the City or Town is in default under the terms of this Agreement, in addition to any other remedies available to it at law or equity, the non-defaulting party may bring an action for specific performance to compel the performance of this Agreement in accordance with its terms. In the event the party bringing an action to enforce any provision of this Agreement prevails, it shall be entitled to all its costs, disbursements, expenses, and attorneys' fees incurred as a result of such action.

12. Modification of Agreement. This Agreement may be modified or amended at any time by written agreement of the parties approved and executed in the same manner provided for adoption of this Agreement. No amendment or modification of paragraph 6 this Agreement shall be

presently prohibits extension of services including sewer to unincorporated areas outside of the corporate limits of the City. Should the policy be changed so as to permit towns to enter into agreements for the provision of sewer service by the City without prior annexation of the area to be served, the City agrees to negotiate any sewer use agreement with the Town under terms similar to those negotiated under then existing agreements between the City and other municipalities.

9. Term. This Agreement shall take effect upon execution and shall remain in full force and effect until all the conditions contained herein and agreements made by the parties have been fulfilled.

10. Liability. In all activities under this Agreement, the City and Town shall be deemed to be exercising their governmental functions so that each shall not be liable to any other person, firm, partnership, or other entity for any negligence of its officers, employees, or agents.

11. Default. In the event either the City or Town is in default under the terms of this Agreement, in addition to any other remedies available to it at law or equity, the non-defaulting party may bring an action for specific performance to compel the performance of this Agreement in accordance with its terms. In the event the party bringing an action to enforce any provision of this Agreement prevails, it shall be entitled to all its costs, disbursements, expenses, and attorneys' fees incurred as a result of such action.

12. Modification of Agreement. This Agreement may be modified or amended at any time by written agreement of the parties approved and executed in the same manner provided for adoption of this Agreement. No amendment or modification of paragraph 6 this Agreement shall be

Attested:

TOWN OF ST. AUGUSTA, Stearns
County, Minnesota

By L. R. Ramacher
Town Clerk

By Albert J. Keppers
Its Chairman

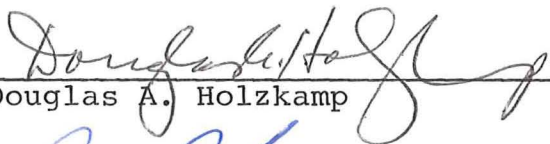
Approved as to form:

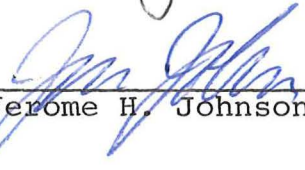
By Stanley J. Hamberg, Jr.
Town Attorney

APPROVAL

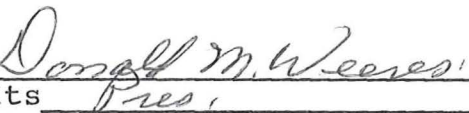
Spee Dee Delivery, Inc., a Minnesota corporation, its successors and assigns, May Printing Co., a Minnesota business corporation, its successors and assigns, and First American National Bank, a national banking association, as Trustee of the Frank A. Laudenbach Trust, do hereby accept the terms contained in this Agreement and consent to said terms as if it were a party hereto.

FIRST AMERICAN NATIONAL BANK AS
TRUSTEE OF THE FRANK A. LAUDENBACH
TRUST

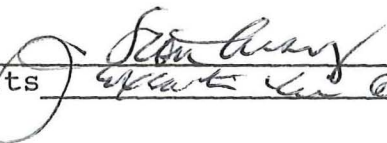
By 
Douglas A. Holzkamp

By 
Jerome H. Johnson

SPEE DEE DELIVERY, INC.

By 
Its Pres.

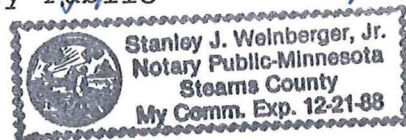
MAY PRINTING CO., INC.

By 
Its Genl. Mgr.

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this 21 day of June, 1988, by ALBERT J. KEPPER and LEROY RAMACHER, the Chairman and Clerk of the TOWN OF ST. AUGUSTA, Minnesota, on behalf of the Town.

Stanley J. Weinberger, Jr.
Notary Public



STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this ____ day of _____, 1988, by _____ and _____, the Mayor and Clerk of the CITY OF ST. CLOUD, Minnesota, on behalf of the City.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF Stearns)

On this 24th day of June, 1988, before me, a Notary Public within and for said County, personally appeared DOUGLAS A. HOLZKAMP and JEROME H. JOHNSON, to me known, who, being by me duly sworn, each did say that he is respectively the Vice Pres & Trust Officer and Ass't Vice Pres & Trust Officer of FIRST AMERICAN NATIONAL BANK AS TRUSTEE OF THE FRANK A. LAUDENBACH TRUST, the corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said Douglas A. Holzkamp and Jerome H. Johnson acknowledged said instrument to be the free act and deed of said corporation.

Linda K. Guggenberger
Notary Public




STATE OF MINNESOTA)
) ss.
COUNTY OF Stearns)

On this 24th day of June, 1988, before me, a Notary Public within and for said County, personally appeared Donald M. Weeres to me known, who, being by me duly sworn, each did say that he is respectively the President of SPEE DEE DELIVERY, INC., the corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said Donald M. Weeres acknowledged said instrument to be the free act and deed of said corporation.

Luanne M. Baros
Notary Public
 LUANNE M. BAROS
NOTARY PUBLIC - MINNESOTA
MORRISON COUNTY
My commission expires 1-14-92

STATE OF MINNESOTA)
) ss.
COUNTY OF Stearns)

On this 24th day of June, 1988, before me, a Notary Public within and for said County, personally appeared Scott May, to me known, who, being by me duly sworn, each did say that he is respectively the Executive Vice President of MAY PRINTING CO., INC., the corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said Scott May acknowledged said instrument to be the free act and deed of said corporation.

Luanne M. Baros
Notary Public
 LUANNE M. BAROS
NOTARY PUBLIC - MINNESOTA
MORRISON COUNTY
My commission expires 1-14-92

THIS INSTRUMENT DRAFTED BY:

HALL, BYERS, HANSON, STEIL & WEINBERGER, P.A.
Stanley J. Weinberger, Jr.
921 First Street North
P.O. Box 966
St. Cloud, MN 56302
(612) 252-4414

JOINT RESOLUTION AMENDING THE JOINT RESOLUTION AS TO
ORDERLY ANNEXATION BETWEEN THE CITY OF ST. CLOUD AND
THE TOWN OF ST. AUGUSTA.

WHEREAS, the Town of St. Augusta ("Town") and City of St. Cloud ("City") have adopted a Joint Resolution as to orderly annexation dated August 19, 1974 ("Orderly Annexation Resolution") which calls for the orderly annexation of certain areas of the Town by the City, which area includes the following described property ("Subject Property"):

(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;

WHEREAS, the Orderly Annexation Resolution provides for the annexation of areas within the specified area of the Town through adoption of a Joint Resolution amending the Orderly Annexation

Resolution to allow annexation of portions of the area designated in the Orderly Annexation Resolution to the City;

WHEREAS, the Town and City have been presented with a request for annexation of the Subject Property to the City so that the Subject Property may be provided certain municipal services unavailable in the Town which will allow it to more fully develop and enhance the general welfare of the residents of the City and the Town;

WHEREAS, the Subject Property is about to become urban or suburban in character and the Town and the City are capable of providing municipal services thereto;

WHEREAS, the Town and the City find that it is in the public interest to allow annexation of the Subject Property to the City in accordance with the terms and conditions contained in a Joint Powers Agreement, a copy of which is attached hereto as Exhibit "A";

NOW, THEREFORE, be it resolved jointly by the Town Board of Supervisors for the Town of St. Augusta, Minnesota, and the City Council for the City of St. Cloud, Minnesota, as follows:

1. The Orderly Annexation Resolution is hereby amended to provide for annexation of the Subject Property to the City conditioned upon the City and Town approving and entering into the Joint Powers Agreement, a copy of which agreement is attached hereto as Exhibit "A." No consideration by the Minnesota Municipal Board as to annexation of the Subject Property is necessary, and upon receipt of this Resolution and a fully executed copy of the Joint Powers Agreement, the Minnesota Municipal Board is hereby authorized to review and comment but shall, within thirty (30) days, order the annexation of the Subject Property.

2. The Town and City do hereby approve the Joint Powers Agreement in the form attached hereto as Exhibit "A" and authorize the Chairman and Town Clerk to execute the agreement on behalf of the Town and the Mayor and City Clerk to execute the agreement on behalf of the City.

3. The Orderly Annexation Resolution, as amended hereby, shall remain in full force and effect except to the extent it is inconsistent with the terms of this Resolution.

4. The Town Clerk and City Clerk are hereby authorized and directed to file a fully executed copy of this Resolution, each with the other, and, upon execution by the City and Town and approval by third parties as specified therein of the Joint Powers Agreement and approval of the zoning and plat for the Subject Property by the City as provided therein, are hereby authorized and, upon submission of evidence satisfactory to the Town and City that all contingencies to the purchase of the Subject Property from the First American National Bank as Trustee of the Frank A. Laudenbach Trust by Hospitality Development Corporation have been removed, are directed to file a copy of this Resolution with the Minnesota Municipal Board.

This Resolution adopted by the Town Board of Supervisors this 15 day of Sept, 1987.

Attested:

TOWN OF ST. AUGUSTA, MINNESOTA

By L. Roy Ramacher
Town Clerk

By Albert Keppers
Chairman, Board of Supervisors

This Resolution adopted by the City Council this 21st day of September, 1987.

Attested:

CITY OF ST. CLOUD, MINNESOTA

By [Signature]
City Clerk

By [Signature]
Its Mayor

EXHIBIT A

JOINT POWERS AGREEMENT

This Agreement is made and entered into as of the ____ day of _____, 1987, by and between the CITY OF ST. CLOUD, a Municipal Corporation organized and existing pursuant to the laws of the State of Minnesota ("City"), and the TOWN OF ST. AUGUSTA, an organized township organized and existing pursuant to the laws of the State of Minnesota ("Town").

RECITALS:

A. The City and Town are public bodies, corporate and politic, organized and existing pursuant to the laws of the State of Minnesota which are authorized pursuant to Minnesota Statutes Section 471.59 to enter into joint powers agreements for the purposes of cooperating in the undertaking of certain activities which promote the general welfare of their respective jurisdictions;

B. First American National Bank as Trustee of the Frank Laudenbach Trust and Hospitality Development Corporation, a Minnesota Business Corporation ("hereinafter collectively referred to as "HDC") has approached the Town and City concerning the annexation of the following described property ("Subject Property") into the City:

(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;

C. The Subject Property is included in an area governed by an Orderly Annexation Resolution between the City and the Town dated August 19, 1974, ("Orderly Annexation Resolution") which limits annexation of certain areas of the Town including the Subject Property prior to August 19, 1994;

D. The Subject Property is about to become urban or suburban in character and the Town and the City are capable of providing municipal services thereto.

E. The City and Town have determined that it will enhance and promote the general welfare of the Town and the City if the Subject Property is annexed to the City on the terms and conditions contained herein.

In consideration of the mutual covenants herein set forth, the City and Town agree as follows:

1. Purpose. The purpose of this Agreement is to provide for the public health, safety, and general welfare through cooperation in the annexation of the Subject Property to the City in a manner which provides for adequate provision of municipal services to the area while

protecting the residents of the Town residing in or near the Subject Property.

2. Annexation. Subject to the conditions precedent hereinafter provided, the Town agrees that it shall waive all opposition it may have to the annexation of the Subject Property by the City and shall allow the City to annex the Subject Property to the City by amendment to the Orderly Annexation Resolution. In the event the Joint Resolution of the City and Town amending the Orderly Annexation Resolution is not filed with Minnesota Municipal Board due to failure of any contingency contained therein, this Agreement shall be null, void, and of no further effect.

3. Zoning. The City agrees that it shall adopt an ordinance, effective as of the date the Minnesota Municipal Board orders the annexation, zoning the Subject Property as a planned unit development ("PUD") with commercial zoning classification. The City also agrees to adopt, effective as of the date the Minnesota Municipal Board orders the annexation, a final plat for the Subject Property. During the review of the general development plan for the PUD and the proposed plat, the City shall cooperate with the Town in the review and shall allow the Town such input into the review process as to assure that the general development plan and proposed plat address Town concerns which shall include but not be limited to, (i) providing a drainage plan for the Subject Property, when developed, which will not increase the quantity or velocity of storm water drainage from the Subject Property onto adjoining areas of the Town and, (ii) providing that the setback and screening requirements imposed by the Town Zoning Ordinance be

incorporated into the general development plan and plat where the Subject Property abuts the Town.

4. Municipal Services. Prior to December 31, 1996, the Town shall provide to the Subject Property those municipal services which it customarily provides Town residents. These services shall include road maintenance and repair, police protection, and fire protection. It is understood that the level of these services shall be that level normally and customarily provided by the Town to its residents unless prior arrangements have been made between the Town, City and HDC. It is specifically understood by and between the parties, that in the event the Town is unable to provide fire protection to the Subject Property for any reason, this service will be provided by the City.

5. Reimbursement. During the period that the Town provides municipal services to the Subject Property, the City agrees to pay to the Town annually a sum equal to sixty-two and twenty-five one hundredths (62.25%) percent of the total tax receipts received by the City from taxes levied by the City against the Subject Property. In the event the Town is unable to provide fire protection to the City, the amount paid annually shall be reduced to an amount equal to fifty-five (55%) percent of the total tax revenues received by the City from taxes levied by the City against the Subject Property. Payments shall be due and payable to the Town each year on June 30, of the year in which the tax revenues are received by the City.

6. Shortfalls. It is understood by the City and the Town that development on the Subject Property will be undertaken at a rate which may require municipal services to be provided to the Subject Property prior to the time in which tax revenues will be generated to cover the

costs incurred by the Town in provided these services. The City and Town agree that prior to the date when the reimbursements provided above are sufficient to cover the actual costs of the services provided, the Town shall be reimbursed by HDC for the difference between actual costs incurred to provide the municipal services and the amount received from the City. In order to facilitate payment of these costs, the Town may make such arrangements with HDC as it deems appropriate and may, at its discretion, request HDC to provide such financial guarantees as the Town deems necessary to secure payment. During period when HDC is reimbursing the Town for its actual expenses, the Town agrees to work with HDC to establish the level of services which HDC requires for the Subject Property during the various stages of development. By its approval of this Agreement, HDC accepts the terms of this paragraph.

7. Future Annexation. In the area designated in the Orderly Annexation Resolution, after August 19, 1994, and prior to January 1, 2010, the City shall not initiate any annexation of Town land without having first provided the Town with a minimum of two (2) years notice of the City's intention to initiate such annexation. This shall not affect the right of individual property owners to petition for annexation in accordance with the terms of the Orderly Annexation Resolution and, thereafter, in accordance with Minnesota law.

8. Future Sewer Connection. On November 19, 1984, the City adopted Resolution No. 1984-11-193 establishing a policy on providing City services outside the corporate limits of the City. The policy presently prohibits extension of services including sewer to unincorporated areas outside of the corporate limits of the City. Should the

policy be changed so as to permit towns to enter into agreements for the provision of sewer service by the City without prior annexation of the area to be served, the City agrees to negotiate any sewer use agreement with the Town under terms similar to those negotiated under then existing agreements between the City and other municipalities.

9. Term. This Agreement shall take effect upon execution and shall remain in full force and effect until all the conditions contained herein and agreements made by the parties have been fulfilled.

10. Liability. In all activities under this Agreement, the City and Town shall be deemed to be exercising their governmental functions so that each shall not be liable to any other person, firm, partnership, or other entity for any negligence of its officers, employees, or agents.

11. Default. In the event either the City or Town is in default under the terms of this Agreement, in addition to any other remedies available to it at law or equity, the non-defaulting party may bring an action for specific performance to compel the performance of this Agreement in accordance with its terms. In the event the party bringing an action to enforce any provision of this Agreement prevails, it shall be entitled to all its costs, disbursements, expenses, and attorneys' fees incurred as a result of such action.

12. Modification of Agreement. This Agreement may be modified or amended at any time by written agreement of the parties approved and executed in the same manner provided for adoption of this Agreement. No amendment or modification of this Agreement shall be effective as to HDC, however, unless express written approval of such modification or

amendment has been given by HDC, which is and shall remain a third party beneficiary to this Agreement between the City and Town.

13. Severability. In the event any portion of this Agreement is found to be void, unenforceable, or unconstitutional, or any combination of these, by a court of competent jurisdiction, the remaining portions of this Agreement shall remain in full force and effect.

14. Statutory Authority. This Agreement is made between the City and Town pursuant to the powers of each under the Joint Exercise of Powers Act as codified in Minn. Stat. § 471.59.

15. Adoption of Agreement. This Agreement shall not be binding upon either party until the City Council for the City and the Town Board of Supervisors for the Town shall have regularly adopted this Agreement by resolution, shall have entered such resolution in its records and procedures, and shall have certified a true copy to the Town Clerk or City Clerk, whichever the case may be.

The Town and City have set their hands to this Agreement as of the day and year first above written.

Attested:

By 
City Clerk

Approved as to form:

By 
City Attorney

Attested:

By _____
Town Clerk

CITY OF ST. CLOUD, Stearns County,
Minnesota

By 
Its Mayor

TOWN OF ST. AUGUSTA, Stearns
County, Minnesota

By _____
Its Chairman

Approved as to form:

By _____
Town Attorney

APPROVAL

Hospitality Development Corporation, a Minnesota corporation, and First American National Bank, a national banking association, as Trustee of the Frank A. Laudenbach Trust, do hereby accept the terms contained in this Agreement and consent to said terms as if it were a party hereto.

FIRST AMERICAN NATIONAL BANK AS
TRUSTEE OF THE FRANK A. LAUDENBACH
TRUST

By _____
Douglas A. Holzkamp

By _____
Jerome H. Johnson

HOSPITALITY DEVELOPMENT
CORPORATION

By _____
Its _____

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

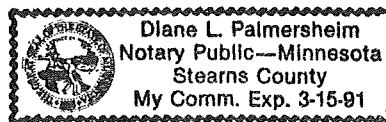
The foregoing instrument was acknowledged before me this _____ day of _____, 1987, by _____ and _____, the Chairman and Clerk of the TOWN OF ST. AUGUSTA, Minnesota, on behalf of the Town.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by R. J. Huston and R. M. Grasslin, the Mayor and Clerk of the CITY OF ST. CLOUD, Minnesota, on behalf of the City.

Diane Palmersheim
Notary Public



STATE OF MINNESOTA)
) ss.
COUNTY OF)

On this _____ day of _____, 1987, before me, a Notary Public within and for said County, personally appeared _____, to me known, who, being by me duly sworn, each did say that he is respectively the _____ of HOSPITALITY DEVELOPMENT CORPORATION, the corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said _____ acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF)

On this _____ day of _____, 1987, before me, a Notary Public within and for said County, personally appeared DOUGLAS A. HOLZKAMP and JEROME H. JOHNSON, to me known, who, being by me duly sworn, each did say that he is respectively the _____ and _____ of FIRST AMERICAN NATIONAL BANK AS TRUSTEE OF THE FRANK A. LAUDENBACH TRUST, the corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said _____ and _____ acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

THIS INSTRUMENT DRAFTED BY:

HALL, BYERS, HANSON, STEIL & WEINBERGER, P.A.

By: Stanley J. Weinberger, Jr.

921 First Street North

P.O. Box 966

St. Cloud, MN 56302

(612) 252-4414

Rec'd 8-27-74

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, August 19, 1974.
WITNESS MY HAND AND THE SEAL OF THE CITY OF ST. CLOUD,
MINNESOTA, This the 20th day of August, 1974.

John J. Streitz
City Clerk
City of St. Cloud, Minn.

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

19th day of August, 1974.

ATTEST:

Lawrence A. Raim
City Clerk

By G. R. Kesseler
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 R. Streezyk
Town Clerk

By Howard W. Thimbrook
Its Chairman

Rec'd 8-27-74

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 J. Sreitz, 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 and 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 the 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 B. Rann
City Clerk

By G. A. Teasbeck
Council President

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. Ramacher
Town Clerk

By Isabel R. Lehn
Its Chairman
