

RESOLUTION NO. 87-26

JOINT RESOLUTION AND AGREEMENT AS TO ORDERLY ANNEXATION
BY THE CITY OF SAUK RAPIDS AND THE TOWN OF SAUK RAPIDS

WHEREAS, the City of Sauk Rapids (hereinafter "City") and the Town of Sauk Rapids (hereinafter "Town") have had numerous discussions regarding the planning and development of land areas adjacent to the City, and

WHEREAS, the City and the Town have had discussions regarding the future location of utilities, roadways, land uses, and

WHEREAS, both the City and the Town wish to resolve these land use issues in a way that the City and Town can continue to cooperate to the mutual benefit of both parties, and

WHEREAS, the City and the Town now agree on certain conditions that will allow the future orderly annexation of certain lands adjacent to the city, and

WHEREAS, annexation affects three parties, namely the landowner, the City and the Town, and

WHEREAS, the City has previously agreed to defer assessments on properties that were annexed to allow them an opportunity to develop and to reduce the burden to existing property owners with properly functioning wells and septic systems, and

WHEREAS, the Town is concerned about abrupt increases in mill rates on annexed areas and the City is willing to gradually adjust the mill rates over a six-year period, and

WHEREAS, the orderly annexation of adjoining areas becoming urban or suburban in character can both expand the cities tax base for the benefit of existing city residents and provide economies of scale thereby reducing the cost of financing public improvements in the annexed areas:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Sauk Rapids and the Board of Supervisors of the Town of Sauk Rapids as follows:

DESIGNATION OF THE AREA TO BE ANNEXED.

1. The area described in Exhibits A, B, and C attached hereto and incorporated herein and by reference, are lands subject to orderly annexation under and pursuant to Minnesota Statutes 414.0325, and the parties do hereby designate these areas for orderly annexation as provided by statute.
2. The City and Town mutually agree and state that no alteration by the Minnesota Municipal Board of the boundaries or of the areas designated for orderly annexation is necessary or appropriate but that the Board may review and comment.

CONDITIONS AND ANNEXATION.

1. The City and Town agree that annexations within the designated orderly annexation area shall occur when agreed to by two of the three affected parties; the landowner and the City, the landowner and the Town or the Town and the City.

2. The City and Town agree that the City will, until such time as the land areas are annexed, maintain at no cost to the Township, those Town roads within the orderly annexation area, thereby removing those maintenance costs from the Town.
3. The City and Town agree that any land annexed to the City pursuant to this agreement shall receive property tax relief consisting of a staged graduated increase in mill rate from the Town rate to the City rate over a six-year period. If any part of the annexed land becomes developed prior to the end of six years that parcel would receive the then current city mill rate.
4. The City and the Town agree that for purposes of the preceding Paragraph the phrase "becomes developed" means first, that a particular parcel of land is platted or subdivided and second, either (a) a new building is constructed on the lot platted or subdivided; or (b) municipal sewer and water systems are extended to the parcels platted or subdivided.
5. Upon attainment of the conditions stated above, no consideration by the Minnesota Municipal Board is necessary or appropriate for annexation of area described herein, but said Board may review and comment on annexations.

JOINT PLANNING BOARD

1. The City and Town agree to create a Joint Planning Board as a part of this agreement. The Joint Planning Board will be created pursuant to Minnesota Statutes 471.59 so as to

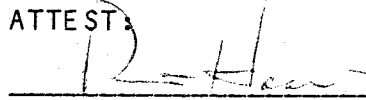
Implement zoning, subdivision, building and fire code regulations in those areas of the Town proposed for orderly annexation. The zoning, subdivision, building and fire code regulations shall be those currently being used by the City until and unless changed by the Joint Planning Board.

BE IT FURTHER RESOLVED, the City and town officials are hereby authorized and directed to submit this resolution and take such action as necessary to conclude this matter with the Minnesota Municipal Board.

Adopted by the City council for the City of Sauk Rapids this
8th day of June, 1987.



Mayor William Bentfield

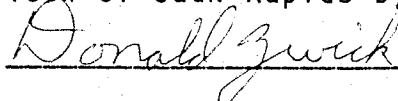
ATTEST:


Robert Haarman

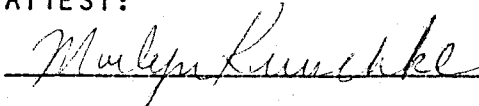
City Administrator-Clerk

Adopted by the Town Board of Supervisors for the Town of Sauk Rapids this 1st day of June, 1987.

Town of Sauk Rapids by:



Donald Zwick, Chairman

ATTEST:


Marlyn Kruschke

Its Town Clerk

EXHIBIT A

Beginning at the easterly right-of-way of Minnesota Trunk Highway 15 where it intersects with the plat known as North Acres, hence northerly long the easterly right-of-way of Minnesota Trunk Highway 15 to the northerly limits of the City of Sauk Rapids, hence northerly along the centerline of the northbound lane of Minnesota Trunk Highway 15 to the intersection of the centerline of the southbound lane of US Highway 10, hence east to the center of the right-of-way of U.S. Trunk Highway 10, hence southerly along said right-of-way centerline of U.S. Trunk Highway 10 to the centerline of the Township Road extended, (old Benton County Rd 57) hence southerly along the centerline of the Township Road extended (old Benton County Rd 57) to the existing city limits, hence generally westerly along the existing city limits to the point of beginning.

REC'D. BY
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EXHIBIT B

All that township land lying westerly of U.S. Trunk Highway 10 not already incorporated within the City of Sauk Rapids between Benton County Rd 3 and South Benton Drive.

EXHIBIT C

Beginning at the intersection of the centerline of Benton County State Aid Highway (CSAH) 3 and the westerly right-of-way of U.S. Trunk Highway 10 hence easterly along the centerline of CSAH 3 to the easterly line of Section 24 T36N R31W hence south along the easterly line of Section 24 & 25 T36N R31W to its intersection with the city limits of the City of St. Cloud, hence westerly along the city limits of the City of St. Cloud to the westerly right-of-way line of U.S. Trunk Highway 10, hence northerly along the westerly right-of-way line of U.S. Trunk Highway 10 to the point of beginning.

RESOLUTION NO. 87-38

A RESOLUTION AMENDING THE JOINT RESOLUTION AND AGREEMENT
AS TO ORDERLY ANNEXATION BY THE CITY OF SAUK RAPIDS AND
THE TOWN OF SAUK RAPIDS

NOW THEREFORE BE IT RESOLVED:

1. The City and Town agree that Conditions and Annexation Articles 3 and 4 on Page 3 of Resolution 87-26 are hereby rescinded and each future annexation resolution for property within the orderly annexation area will state the terms and conditions of such annexation as they relate to step increases in mill rate differences or other agreements.
2. The Township of Sauk Rapids and the City of Sauk Rapids hereby jointly agree that the area designated for orderly annexation in the Joint Resolution No. 87-26 Between the Town and the City designating an Area for Orderly Annexation dated June 8, 1987 be amended to include the following Donlar Corporation property:

The Northeast Quarter of the Northwest Quarter (NE 1/4, NW 1/4) and all that part of the Southeast Quarter of the Northwest Quarter (SE 1/4, NW1/4), which lies north of the center line of the public road known as Gilmanton State road (Benton County Road 3), all in Section 24, Township 36 North, Range 31 West, Fourth Principal Meridian, Benton County, Minnesota, excepting therefrom that part taken by the State of Minnesota for Trunk Highway purposes, also excepting therefrom that part taken by the County of Benton for highway purposes, shown as exhibit C-1 attached hereto.

3. Both the Town and the City agree that the Blattner property previously identified as part of exhibit B of Resolution No.87-26 is included within the Orderly Annexation area.

4. Both the Town and the City agree that no alteration of the stated boundaries of this agreement is appropriate.

Furthermore, both parties agree that no consideration by the Board is necessary. Upon receipt of this resolution, the Municipal Board may review and comment, but shall, within 30 days, order the annexation of the following-described property in accordance with the terms of the joint resolution:

A. Donlar Corporation property.

The Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) and all that part of the Southeast Quarter of the Northwest Quarter (SE 1/4, NW1/4), which lies north of the center line of the public road known as Gilmanton State road (Benton County Road 3), all in Section 24, Township 36 North, Range 31 West, Fourth Principal Meridian, Benton County, Minnesota, excepting therefrom that part taken by the State of Minnesota for Trunk Highway purposes, also excepting therefrom that part taken by the County of Benton for highway purposes, containing 39 acres more or less.

B. Blattner property.

All that part of the Southwest Quarter of the Northwest Quarter (SW 1/4, NW 1/4) of Section 25, Township 36 North, Range 31 West, Fourth principal Meridian, lying southerly of center line of County Road No. 46, except therefrom the following:

1. The east 200 feet thereof.
2. The west 8.6 feet of the south 200 feet thereof.
3. Commencing at the northwest corner of said SW 1/4 of NW 1/4, thence south on the west line of said SW 1/4 of NW 1/4, 336.02 feet; thence east at right angles to said west line 319.72 feet to the center line of County Road No. 46 for a point of beginning, thence southeasterly on said center line 241.21 feet, thence deflecting to the right 55 degrees, 56 minutes, parallel to said west line of southwest quarter of northeast quarter 189.84 feet, thence northwesterly 241.21 feet parallel to center line of County Road #46, thence north parallel to west line of southwest quarter of northwest quarter 189.84 feet to the point of beginning subject to county Road #46, containing 22.87 acres more or less.

C. City property

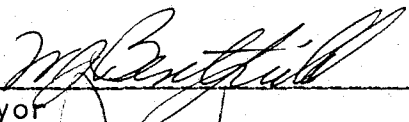
The West 20 acres of the West Half of the Southeast Quarter (~~E~~^W1/2 SE1/4) and that part of the East Half of the Southwest Quarter (E1/2 SW 1/4) of Section Twenty-four (24) in Township Thirty-six (36) North of Range thirty-one (31), West of the 4th Principal Meridian, lying East of a line described as follows, to-wit: Beginning at a point on the South line of said Section 1898.7 feet East of the Southwest corner thereof; thence running northerly at an angle of 90 degrees 30' with said South section line (measured from east to north) for 1096.3 feet; thence deflect to the left on a 1 degree 00' curve (delta angle 37 degrees 49') to the North line of said Southeast Quarter and there terminating, subject to the rights to be taken by the State of Minnesota pursuant to notice of lis pendens recorded in Book 27 of Miscellaneous on Page 216, the award for which is reserved to Erna Crozier Kjos.

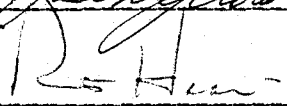
5. For the homesteaded Blattner property described below, the difference between the township mill rate at the time of annexation and the city mill rate will be increased in substantially equal proportions of one-sixth each year so that the full city mill rate is payable in the sixth year after annexation:

Beginning at the intersection of the West line of the SW1/4 of NW1/4 Section 25 and the southerly right-of-way of County Road Number 46; thence south on the west line for a distance of 250.00 feet; thence east at right angles to said west line a distance of 250 feet; thence north parallel to said west line to the intersection of the southerly right-of-way of County Road Number 46; thence in a northwesterly direction along said right of way line to the point of beginning.

6. For the remainder of the Blattner property, containing 21.42 acres, more or less, the city has adopted a Rural/Urban Service District for property tax purposes.
7. For the Donlar Corporation property, containing 39 acres more or less, the city will include the land in its Rural/Urban Service District for property tax purposes.

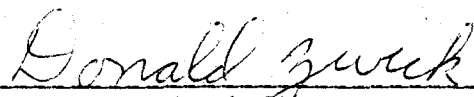
Approved by the City of Sauk Rapids this 27th day of July, 1987.

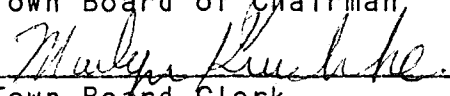


Mayor


City Administrator-Clerk

Approved by the Town of Sauk Rapids this 3rd day of August, 1987.



Town Board of Chairman


Town Board Clerk

REC'D. BY
M A R P

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