

Municipal Boundary Adjustments Docket No. _____
City of Sauk Rapids Resolution No. 2006-75
Town of Sauk Rapids Resolution No. _____

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

WHEREAS, the City of Sauk Rapids (the "City") and the Town of Sauk Rapids (the "Town") have provided for the orderly development and extension of services to areas of the town that are or are about to become urban or suburban in character by previously adopting Joint Resolutions for Orderly Annexation, on file with the Office of Administrative Hearings/Municipal Boundary Adjustments Unit (the "Agency") as OA-170 and OA-493; and

WHEREAS, Minn.Stat. § 414.036, as amended, now requires that the Agency include a provision in any annexation order providing for a reimbursement from the City to the Town of all or part of the taxable property included in the annexation, unless otherwise agreed to by the City and the Town; and

WHEREAS, OA-170 does not provide for property tax reimbursement from the City to the Town, and OA-493 provides only for property tax reimbursement for certain commercial and industrial properties, but not for residential or agricultural properties; and

WHEREAS, pursuant to a supplemental agreement between the City and the Town dated August 17, 1998, the City agreed to pay to the Town the amount of \$500.00 per year for 15 years as and for property tax reimbursement for properties annexed pursuant to OA-493; and


WHEREAS, in 2005, the City paid the total remaining amount of the property tax reimbursement required by the 1998 supplemental agreement; and

WHEREAS, in order to facilitate Agency approval of annexation requests pursuant to OA-170 and OA-493, the City and the Town desire to amend those orderly annexation agreements to clarify and specify that there shall be no property tax reimbursement from the City to the Town for those properties annexed pursuant to OA-170 and that there shall be no property tax reimbursement from the City to the Town for those properties annexed pursuant to OA-493, except as specifically provided for in that agreement for certain commercial or industrial properties.

**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:**

1. Revenue sharing pursuant to OA-170. With respect to all properties annexed pursuant to OA-170, the City shall have no obligation to provide a reimbursement to the Town of any portion of the taxes it collects on any property annexed pursuant to OA-170.
2. Revenue sharing pursuant to OA-493. With respect to all properties annexed pursuant to OA-493, the City shall have no obligation to provide a reimbursement to the Town of any portion of the taxes it collects on any property annexed pursuant to OA-493, except as specifically provided for in that agreement for properties with commercial or industrial buildings located on them and assessed as commercial or industrial property. The City shall notify the Agency as to whether property being annexed pursuant to OA-493 will require a property tax reimbursement as provided for in the agreement.

Adopted by the Town Board of Supervisors for the
Town of Sauk Rapids this 11 day of 9th, 2006.



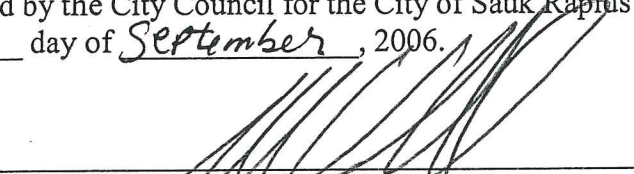
Board Chair

Attest:



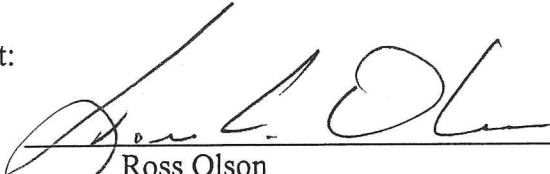
Clerk

Adopted by the City Council for the City of Sauk Rapids
this 11 day of September, 2006.



Mark Campbell, Mayor

Attest:



Ross Olson
City Administrator/Clerk

RESOLUTION NO. 2005-__**A RESOLUTION RELEASING A PIECE OF REAL PROPERTY FROM THE SAUK RAPIDS TOWNSHIP, SAUK RAPIDS CITY ORDERLY ANNEXATION AGREEMENT**

Whereas, the City of Sauk Rapids and Sauk Rapids Township entered into an Orderly Annexation Agreement relative to land located in Section 25 of Sauk Rapids Township, and

Whereas, said Orderly Annexation Agreement requires that certain properties to be annexed into the City of Sauk Rapids when they are to be developed or served with municipal sewer and water, and

Whereas, and the City of Sauk Rapids has received a request to remove a property from this agreement for the sole purpose of annexing and receiving water and sewer service from St. Cloud, and

Whereas, it is the opinion of City of Sauk Rapids staff that it will be problematic to provide service to the subject property from Sauk Rapids, and

Whereas, the City of St. Cloud has service that is adjacent to the subject property, and.

Whereas, the City Council upon recommendation from the City of Sauk Rapids Planning Commission entertained said request on September 12, 2005 and on a unanimous vote approved the release of the property legally described in exhibit A from the Orderly Annexation Agreement with Sauk Rapids Township providing that the property be annexed and served by the City of St. Cloud.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SAUK RAPIDS TOWNSHIP THAT:

1. The property described in Exhibit A, shall be released from any and all Orderly Annexation Agreements with Sauk Rapids Township, to be effective upon the execution of a similar resolution by Sauk Rapids Township.

Adopted this 3rd day of October 2005.


Township Chair

ATTEST:


Township Clerk

RESOLUTION NO. 2005-89**A RESOLUTION RELEASING A PIECE OF REAL PROPERTY FROM THE SAUK RAPIDS TOWNSHIP, SAUK RAPIDS CITY ORDERLY ANNEXATION AGREEMENT**

Whereas, the City of Sauk Rapids and Sauk Rapids Township entered into an Orderly Annexation Agreement relative to land located in Section 25 of Sauk Rapids Township, and

Whereas, said Orderly Annexation Agreement requires that certain properties to be annexed into the City of Sauk Rapids when they are to be developed or served with municipal sewer and water, and

Whereas, and the City of Sauk Rapids has received a request to remove a property from this agreement for the sole purpose of annexing and receiving water and sewer service from St. Cloud, and

Whereas, it is the opinion of City of Sauk Rapids staff that it will be problematic to provide service to the subject property from Sauk Rapids, and


Whereas, the City of St. Cloud has service that is adjacent to the subject property, and.

Whereas, the City Council upon recommendation from the City of Sauk Rapids Planning Commission entertained said request on September 12, 2005 and on a unanimous vote approved the release of the property legally described in exhibit A from the Orderly Annexation Agreement with Sauk Rapids Township providing that the property be annexed and served by the City of St. Cloud.


NOW THEREFORE BE IT RESOLVED BY THE CITY OF SAUK RAPIDS CITY COUNCIL THAT:

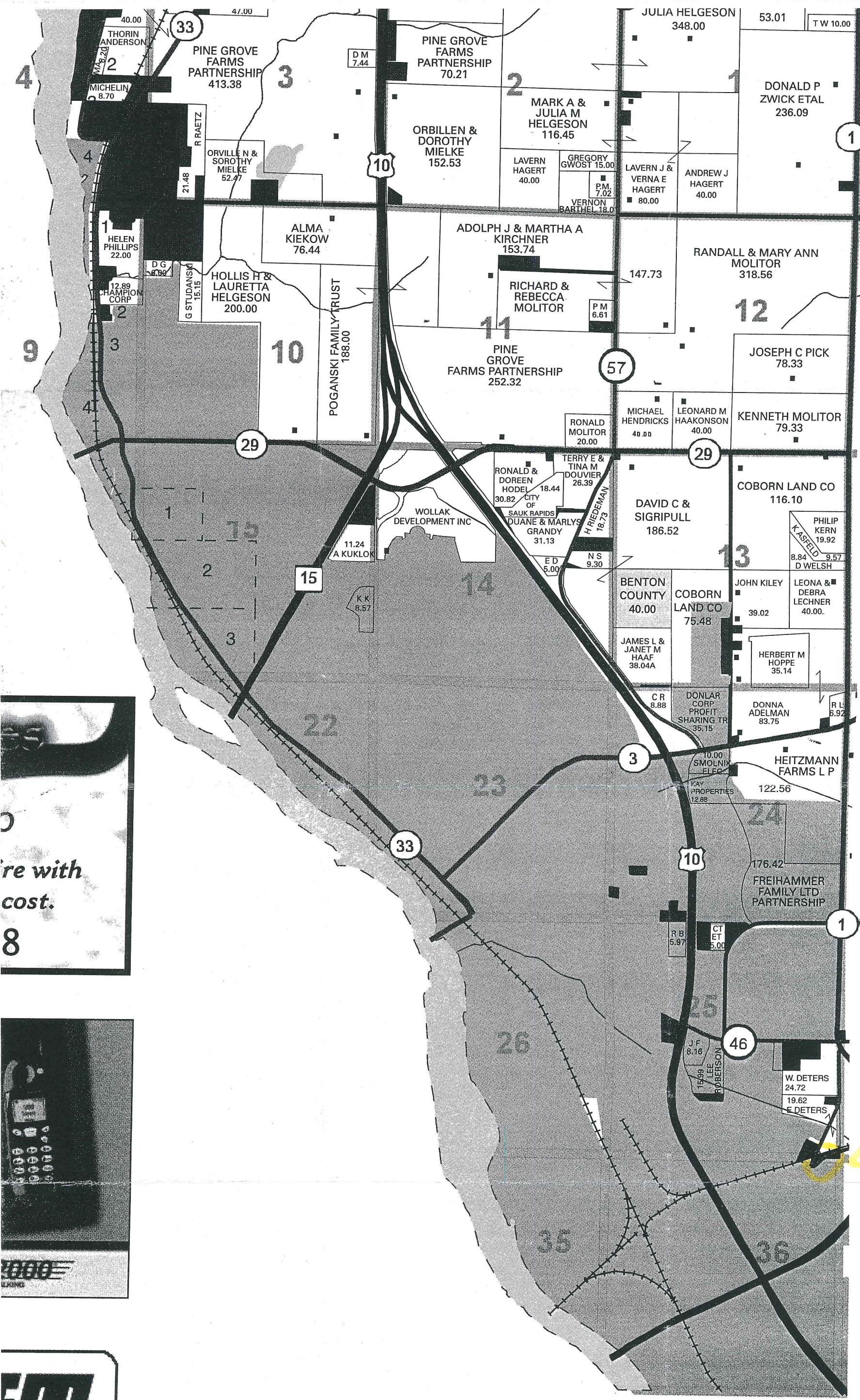
1. The property described in Exhibit A, shall be released from any and all Orderly Annexation Agreements with Sauk Rapids Township, to be effective upon the execution of a similar resolution by Sauk Rapids Township.

Adopted this 12th day of September 2005.


Mark Campbell, Mayor

ATTEST:


Ross Olson, City Administrator-Clerk

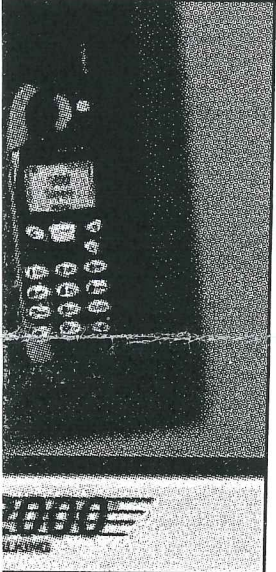


SEE PAGE 23

SHERBURNE COUNTY

REC'D BY MMB OCT 21 2005

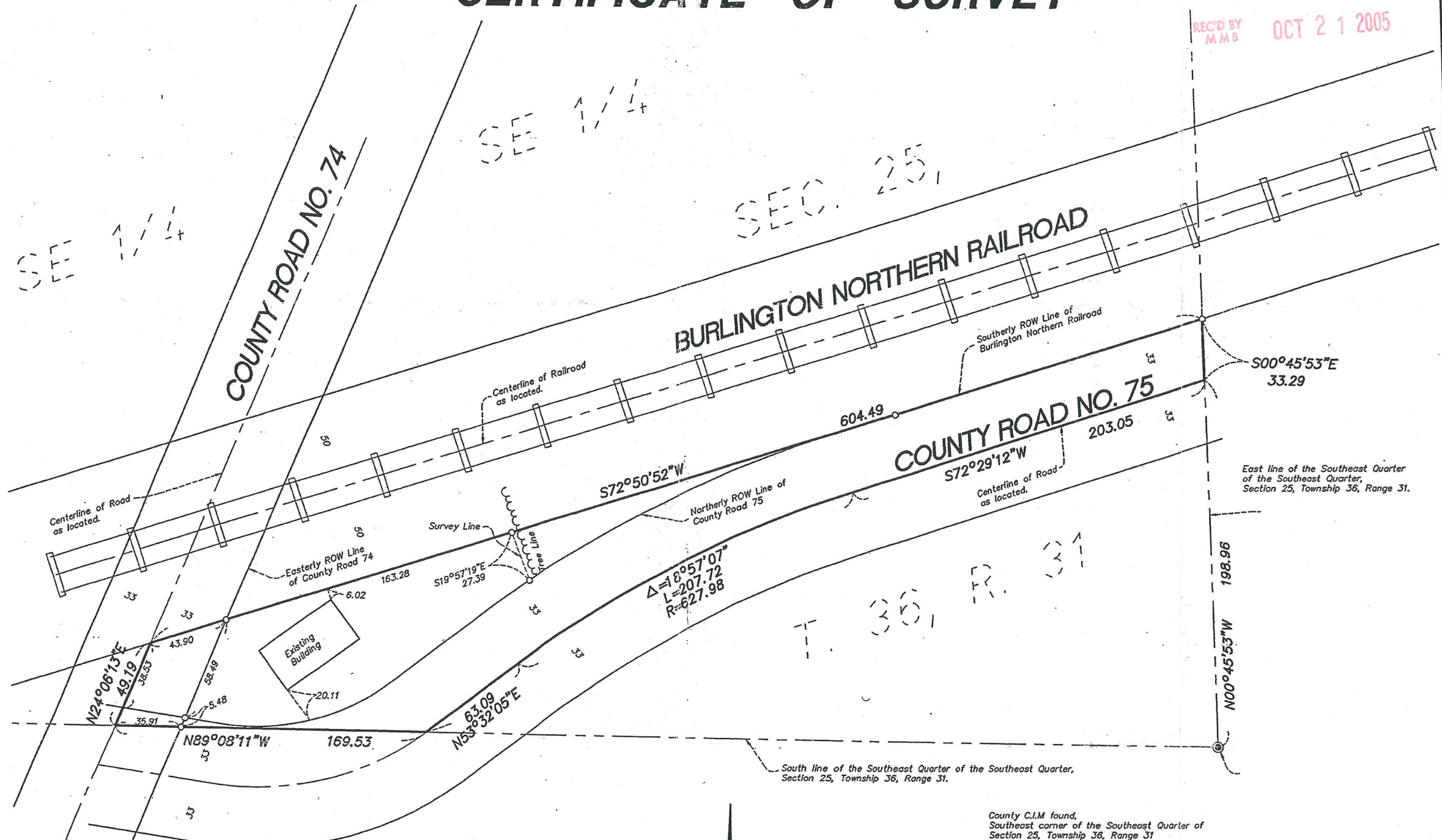
re with
cost.
8



FT
S
9017
3161
JLET
h

CERTIFICATE OF SURVEY

REC'D BY
M M B
OCT 21 2005



Legal Description (As provided by Client)

All that part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 36, Range 31, Benton County, Minnesota, lying south of the Great Northern Railroad right-of-way and lying northerly of the centerline of East St. Germain (old T.H. No. 23) and lying easterly of the centerline of Benton County Road No. 1, Subject to the said road right-of-ways. Said tract containing 0.70 acres, more or less, 0.25 acres outside of Road right-of-ways.

- Denotes iron monument found
 - Denotes iron monument set
- Bearings based on assumed datum.

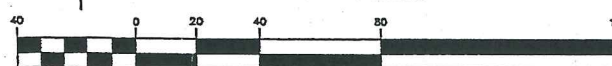
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul E. Wellen, R.L.S.
Registration No. 10461

Date



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

REQUESTED BY:

Ron Frelhammer



Westwood Wellen Associates
Westwood Professional Services, Inc
1513 St. Germain Street
St. Cloud, Minnesota 56301
Phone: 320-253-9495
Fax: 320-253-8737

Drawn by: DWD Date: 10/21/99 Job No: 99898

REC'D BY
MMB

SEP 09 2003

City of Sauk Rapids Resolution No. 2003 - 73

Town of Sauk Rapids Resolution No. _____

JOINT RESOLUTION TO AMEND THE CURRENT ORDERLY ANNEXATION
AGREEMENT NUMBER OA 170 BETWEEN THE CITY OF SAUK RAPIDS
AND THE TOWN OF SAUK RAPIDS

WHEREAS, the City of Sauk Rapids (the "City") and the Town of Sauk Rapids (the "Town") currently have an Orderly Annexation Agreement Number OA 170 (the "Agreement"), and

WHEREAS, the City and the Town wish to continue to conserve agricultural lands and promote residential, commercial and industrial growth in appropriate locations thereby controlling urban sprawl and premature urban development, and

WHEREAS, it has come to the attention of the City and the Town that State Statutes have changed the requirements under the Agreement, and

WHEREAS, the City and the Town wish to amend the Agreement to comply with the current State Statutes.

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 THAT:

1. The City by resolution may initiate the annexation of land within the Agreement.
2. The City and the Town mutually state that no alterations by the Board of the boundaries of the orderly annexation area is necessary or appropriate. The Board may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of the resolution.

REC'D BY
MMB

SEP 09 2003

Adopted by the Town Board of Supervisors for the Town of Sauk Rapids this 2 day of Sept, 2003.

Donald Jurek
Board Chair

Tina Douvier
Tina Douvier, Clerk

Adopted by the City Council for the City of Sauk Rapids this 25th day of August, 2003.

Harold Jesh
Harold Jesh, Mayor

Attest:

Ross Olson *FOR*
Ross Olson, City Administrator-Clerk

JUN 29 1987

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

DRAFT

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 along 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.

JUN 29 1987

DRAFT

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.

DRAFT

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 25 T36N R31W hence south along the easterly line of Section 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.

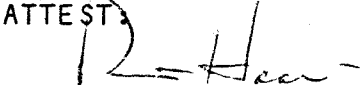
Implement zoning, subdivision, building and fire code regulations in those areas of the Town proposed for orderly annexation. The zoning, subdivision, building and fire code regulations shall be those currently being used by the City until and unless changed by the Joint Planning Board.

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

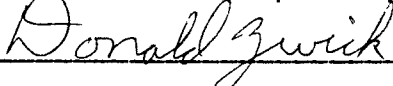
ATTEST:


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:



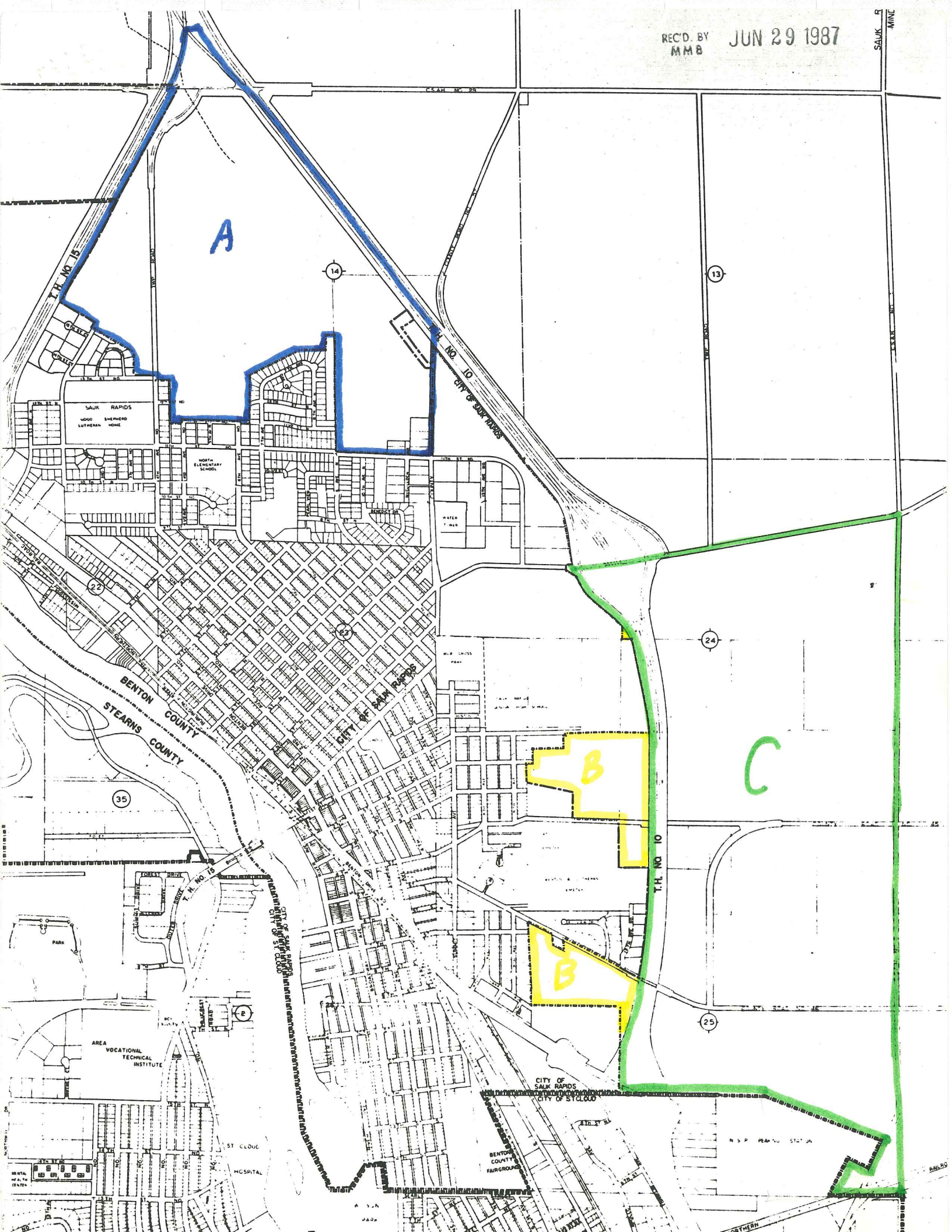
Marilyn Kruschke

Its Town Clerk

REC'D. BY
MMB

JUN 29 1987

SALK R.
MINE



AUG 5 1987

OA-170

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 recinded 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.

AUG 5 1987

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.

AUG 5 1987

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.

AUG 5 1987

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:

AUG 5 1987

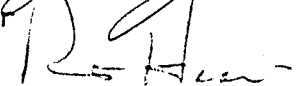
Beginning at the Intersection of the West line of the SW1/4 of NW1/4 Section 25 and the southerly right-of-way of County Road Number 46; thence south on the west line for a distance of 250.00 feet; thence east at right angles to said west line a distance of 250 feet; thence north parallel to said west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

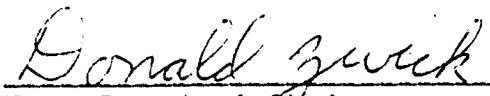


Mayor

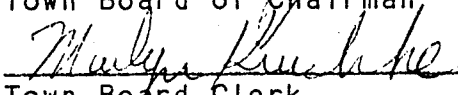


City Administrator-Clerk

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



Town Board of Chairman



Town Board Clerk