

TOWN OF LESAUK RESOLUTION NO. 95 3

CITY OF SARTELL RESOLUTION NO. 72-1995

AMENDED AND RESTATED
JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF LESAUK AND THE CITY OF SARTELL, MINNESOTA

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

WHEREAS, the Town Board and the City Council have undertaken a study of the factors impacting growth and development; and

WHEREAS, the Town Board and the City Council have determined that future planning and development of land areas adjacent to the City is of mutual benefit to both parties and the residents thereof; and

WHEREAS, the Town Board and the City Council desire to accomplish future planning and development of land areas adjacent to the City in an orderly fashion and, insofar as is reasonable and possible, to resolve any present and future differences between said Town and said City by mutual agreement.

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

1. Designation of Orderly Annexation Area: The Town and the City desire to designate, by joint resolution and agreement, the area encompassing the entire territory of said Town ("Orderly Annexation Area") as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325. Said Orderly Annexation Area is further described as that area set forth in the maps attached hereto and incorporated herein as Exhibit 1 and Exhibit 2, and the legal description attached hereto and incorporated herein as Exhibit 3.

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. Review and Comment by Municipal Board: The Town and the City mutually state that this Joint Resolution and Agreement sets

forth all 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 in accordance with the terms and conditions of this Joint Resolution and Agreement.

5. Special Terms and Conditions for Orderly Annexation: The Town and the City mutually agree and resolve that the following terms and conditions shall govern annexations under this Joint Resolution and Agreement for Orderly Annexation:

- a. Any request for annexation of a described area may be subject to annexation to the City only upon presentation of a petition signed by at least sixty percent (60%) of the property owners of record in a described portion of the Orderly Annexation Area requesting such annexation. Any petition for annexation signed by less than one hundred percent (100%) of the property owners of record in the described area requesting annexation shall have a joint public hearing of the Town Board and the City Council held thereon. Annexation to the City shall require the approval of a majority of both the Town Board and the City Council acting as separate bodies.
- b. The City and the Town agree that when at least fifty-one percent (51%) of the property owners of record of the remaining Town petition the City for annexation, and the petition is approved by the Town Board, the City shall approve such annexation and forward such petition to the Municipal Board for review and comment.

6. "Trunk Reserve" or "Excess Sewage Capacity Fund": Upon recovering its costs for development of commercial or industrial properties from areas annexed pursuant to this Joint Resolution and Agreement, the City shall, for a period of five (5) years dedicate twenty-five percent (25%) of the City's share of property taxes of said areas to a separate "Trunk Reserve" or "Excess Sewage Capacity" fund for the purpose of developing oversizing for public sanitary sewer and excess sanitary sewer capacity to residents. The City and the Town shall mutually develop guidelines for the use of these funds. Said guidelines shall be adopted by a majority vote of both the Town Board and the City Council acting as separate bodies.

7. Phase-in of Property Taxes: Whenever any annexation of developed property occurs pursuant to this Joint Resolution and Agreement, the tax rate of the City on said property shall be increased in substantially equal proportions over five (5) years to equality with the local tax rate on the property already within the City. For purposes of this Joint Resolution and Agreement, the term "developed property" shall mean property platted prior to the effective date of this Joint Resolution and Agreement or existing property developed and occupied prior to the date of annexation.

8. Joint Planning Board: The City and the Town mutually agree to create a Joint Planning Board as a part of this agreement pursuant to Minnesota Statutes Section 471.59, so as to implement zoning, subdivision, building and fire code regulations. The Joint Planning Board shall have the powers granted under the terms of a Joint Powers Agreement authorized and executed by the City and Town and consistent with the powers contained in Minnesota Statutes § 462.351 through § 462.364. Membership on the Joint Planning Board shall consist of an equal number of City residents and Town residents. Whenever a Town resident who is a member of the Joint Planning Board becomes a resident of the City as a result of annexation, that member may continue on the Joint Planning Board until a new member is appointed by the Town Board, or until their term expires, after which a new member shall be appointed by the Town Board.

- a. The City and the Town mutually agree that the Joint Planning Board will review, on a continuous bases, the factors impacting orderly annexation and will from time-to-time report to the Town Board and the City Council its recommendations for changing the conditions for orderly annexation and the desirability of annexing specific areas including the remaining Town. The first such report shall be presented to the Town and the City three (3) years from the effective date of this resolution.

9. Agricultural Preservation: The City and the Town mutually agree that the preservation and protection of agricultural land is beneficial and shall immediately take steps to establish an agricultural preservation policy pursuant to Minnesota Statutes. Such program will be subject to the review of the Joint Planning Board, and shall be implemented within one (1) year after the effective date of this Joint Resolution and Agreement.

10. Joint Cost Sharing: The City agrees that the Town's cost of joint participation in the fire department, government center, and other joint Town-City projects shall be reviewed and adjusted annually at the Sartell-LeSauk Government Center Meeting.

11. Authorization: The appropriate officers of the City and the Town are hereby authorized to carry the terms of this Joint Resolution and Agreement into effect.

12. Severability and Repealer: All prior resolutions and ordinances of the Town and City, or portions of resolutions and ordinances in conflict herewith, are hereby repealed. Should any section of this Joint Resolution and Agreement be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall remain in full force and effect.

13. Effective Date: This amended Joint Resolution and Agreement shall be effective immediately upon its adoption by the respective governing bodies of the Town and the City and shall amend and supersede City Resolution No. 117-1992 and Town

Resolution No. 93-1 entitled "Joint Resolution and Agreement of Orderly Annexation for the Town of LeSauk and City of Sartell".

Adopted by the Town Board of Supervisors for the Town of LeSauk this 34th day of October, 1995.

TOWN OF LESAUK

By Kevin Pullis
Its Chairman

Attest:

Marilyn L. Plante
Marilyn L. Plante, Town Clerk

Adopted by the City Council for the City of Sartell this 9th day of October, 1995.

CITY OF SARTELL

By Robert J. Pagani
Its Mayor

Attest:

Robert Therres
Robert Therres
City Clerk/Administrator

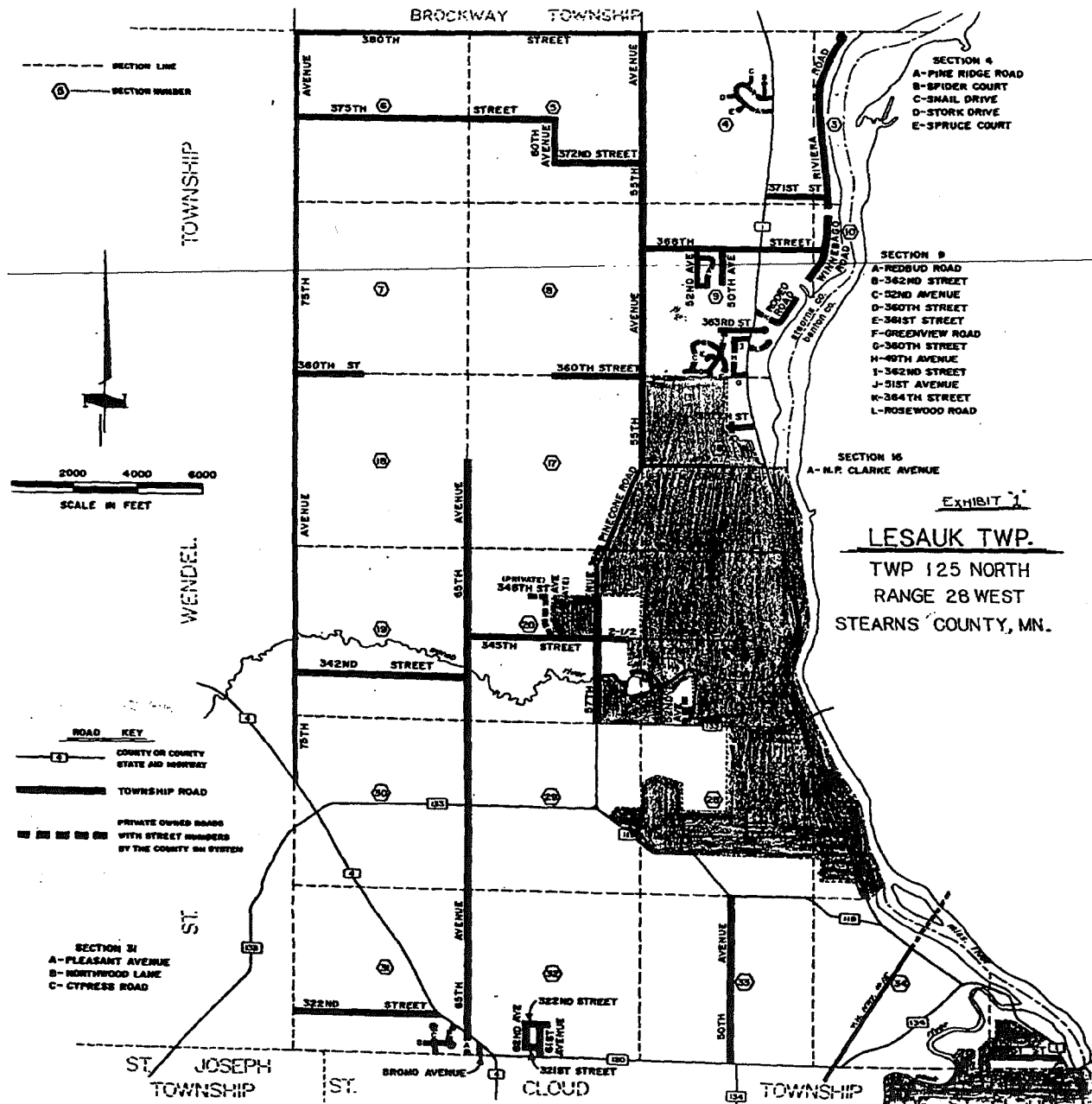


EXHIBIT '2'

LESNAK TOWNSHIP
TWP. 125 NORTH
RANGE 28 WEST
STEARNS COUNTY, I

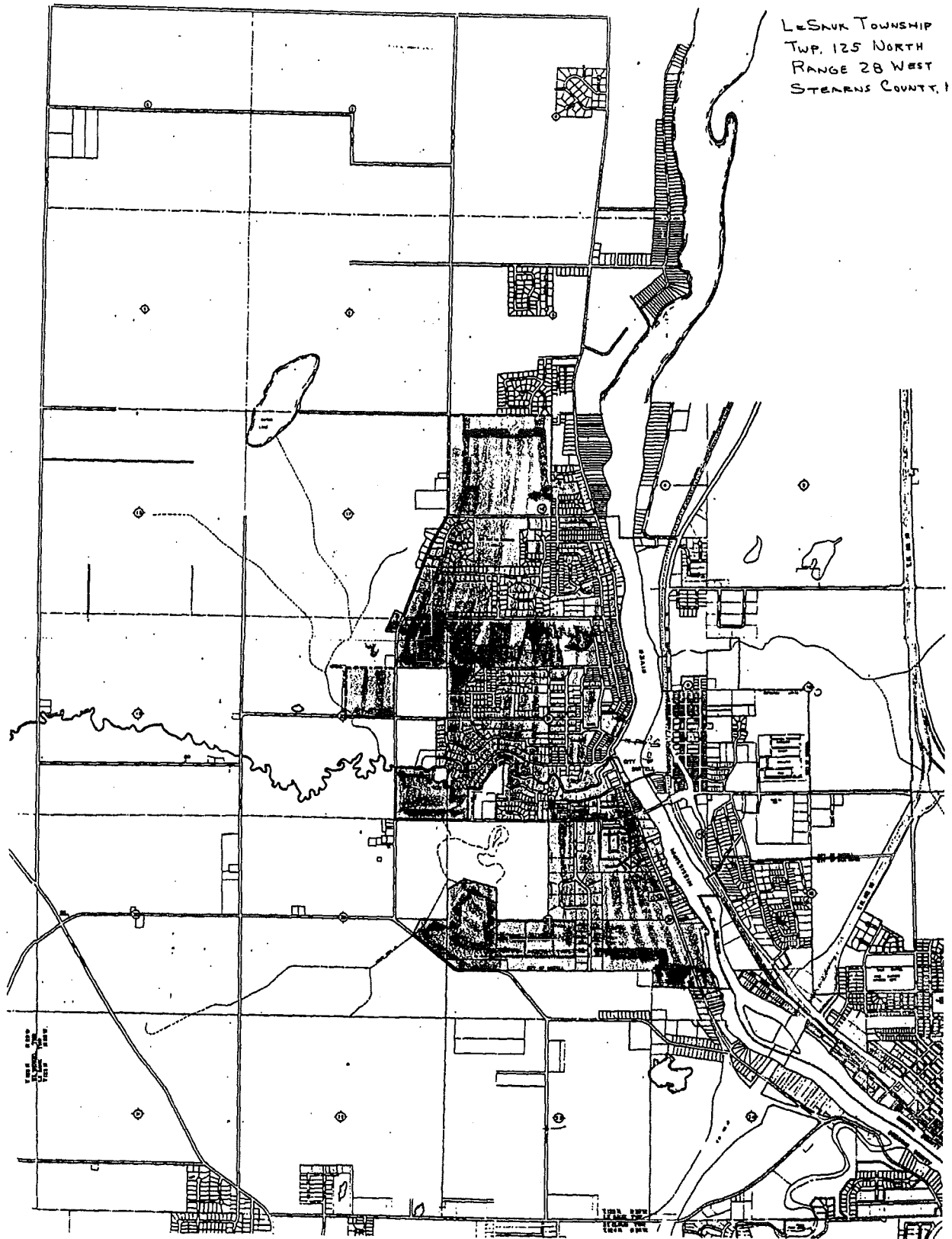


EXHIBIT "3"

LEGAL DESCRIPTION OF ORDERLY ANNEXATION AREA FOR THE
JOINT RESOLUTION AND AGREEMENT FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF LESAUK AND THE CITY OF SARTELL, MINNESOTA

The entire territory of LeSauk Township, Township 125 North, Range 28 West, Stearns County, Minnesota more particularly described as follows:

Section three (3); Section four (4); Section five (5); Section six (6); Section seven (7); Section eight (8); Section nine (9); Section ten (10); Section sixteen (16), less and except that portion within the limits of the City of Sartell; Section seventeen (17), less and except that portion within the limits of the City of Sartell; Section eighteen (18); Section nineteen (19); Section twenty (20), less and except that portion within the limits of the City of Sartell; Section twenty-one (21), less and except that portion within the limits of the City of Sartell; Section twenty-seven (27), less and except that portion within the limits of the City of Sartell; Section twenty-eight (28), less and except that portion within the limits of the City of Sartell; Section twenty-nine (29), less and except that portion within the limits of the City of Sartell; Section thirty (30); Section thirty-one (31); Section thirty-two (32); Section thirty-three (33); Section thirty-four (34), less and except that portion platted as Charter Oaks and that portion platted as Mill Creek, both within the limits of the City of St. Cloud; and Section thirty-five (35), less and except that portion platted as Mill Creek and that portion platted as R. J. Ganz Estates, both within the limits of the City of St. Cloud, all in LeSauk Township, Township 125 North, Range 28 West, Stearns County, Minnesota.

TOWN OF LESAUK RESOLUTION NO.

92-1

REC'D. BY
J.M.B.

OCT 29 1992

CITY OF SARTELL RESOLUTION NO. 117-1992

JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF LESAUK AND THE CITY OF SARTELL, MINNESOTA

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

WHEREAS, the Town Board and the City Council have undertaken a study of the factors impacting growth and development; and

WHEREAS, the Town Board and the City Council have determined that future planning and development of land areas adjacent to the City is of mutual benefit to both parties and the residents thereof; and

WHEREAS, the Town Board and the City Council desire to accomplish future planning and development of land areas adjacent to the City in an orderly fashion and, insofar as is reasonable and possible, to resolve any present and future differences between said Town and said City by mutual agreement.

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

1. Designation of Orderly Annexation Area: The Town and the City desire to designate, by joint resolution and agreement, the area encompassing the entire territory of said Town ("Orderly Annexation Area") as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325. Said Orderly Annexation Area is further described as that area set forth in the maps attached hereto and incorporated herein as Exhibit 1 and Exhibit 2, and the legal description attached hereto and incorporated herein as Exhibit 3.

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. Review and Comment by Municipal Board: The Town and the City mutually state that this Joint Resolution and Agreement sets forth all 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 in accordance with the terms and conditions of this Joint Resolution and Agreement.

5. Special Terms and Conditions for Orderly Annexation: The Town and the City mutually agree and resolve that the following terms and conditions shall govern annexations under this Joint Resolution and Agreement for Orderly Annexation:

- a. Any request for annexation of a described area may be subject to annexation to the City only upon presentation of a petition signed by at least sixty percent (60%) of the property owners of record in a described portion of the Orderly Annexation Area requesting such annexation. Any petition for annexation signed by less than one-hundred percent (100%) of the property owners of record in the described area requesting annexation shall have a joint public hearing of the Town Board and the City Council held thereon. Annexation to the City shall require the approval of a majority of both the Town Board and the City Council acting as separate bodies.
- b. The City and the Town agree that when at least fifty-one percent (51%) of the property owners of record of the remaining Town petition the City for annexation, and the petition is approved by the Town Board, the City shall approve such annexation and forward such petition to the Municipal Board for review and comment.

6. "Trunk Reserve" or "Excess Sewage Capacity Fund": Upon recovering its costs for development of commercial or industrial properties from areas annexed pursuant to this Joint Resolution and Agreement, the City shall, for a period of five (5) years dedicate twenty-five percent (25%) of the City's share of property taxes of said areas to a separate "Trunk Reserve" or "Excess Sewage Capacity" fund for the purpose of developing oversizing for public sanitary sewer and excess sanitary sewer capacity to residents. The City and the Town shall mutually develop guidelines for the use of these funds. Said guidelines shall be adopted by a majority vote of both the Town Board and the City Council acting as separate bodies.

7. Phase-in of Property Taxes: Whenever any annexation of developed property occurs pursuant to this Joint Resolution and Agreement, the tax rate of the City on said property shall be increased in substantially equal proportions over five (5) years to equality with the local tax rate on the property already within the City. For purposes of this Joint Resolution and Agreement, the term "developed property" shall mean property platted prior to the effective date of this Joint Resolution and Agreement or existing property developed and occupied prior to the date of annexation.

8. Joint Planning Board: The City and the Town mutually agree to create a Joint Planning Board as a part of this agreement pursuant to Minnesota Statutes Section 471.59, so as to implement zoning, subdivision, building and fire code regulations. The Joint Planning Board shall have all the powers contained in Minnesota Statutes, Sections 462.351 through 462.364. Membership on the Joint Planning Board shall consist of an equal number of City residents and Town residents. Whenever a Town resident who is a member of the Joint Planning Board becomes a resident of the City as a result of annexation, that member may continue on the Joint Planning Board until a new member is appointed by the Town Board, or until their term expires, after which a new member shall be appointed by the Town Board. The Joint Planning Board

shall be responsible for advising the governing bodies as to land use controls in the Orderly Annexation Area and in the City of Sartell. The zoning, subdivision, building and fire code regulations shall be those currently being used by the Town and the City until and unless change is adopted by the respective bodies.

- a. The City and the Town mutually agree that the Joint Planning Board will review, on a continuous basis, the factors impacting orderly annexation and will from time-to-time report to the Town Board and the City Council its recommendations for changing the conditions for orderly annexation and the desirability of annexing specific areas including the remaining Town. The first such report shall be presented to the Town and the City three (3) years from the effective date of this resolution.

9. Agricultural Preservation: The City and the Town mutually agree that the preservation and protection of agricultural land is beneficial and shall immediately take steps to establish an agricultural preservation policy pursuant to Minnesota Statutes. Such program will be subject to the review of the Joint Planning Board, and shall be implemented within one (1) year after the effective date of this Joint Resolution and Agreement.

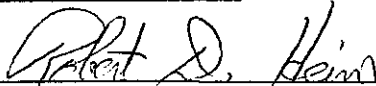
10. Joint Cost Sharing: The City agrees that the Town's cost of joint participation in the fire department, government center, and other joint Town-City projects shall be reviewed and adjusted annually at the Sartell-LeSauk Government Center Meeting.


11. Authorization: The appropriate officers of the City and the Town are hereby authorized to carry the terms of this Joint Resolution and Agreement into effect.

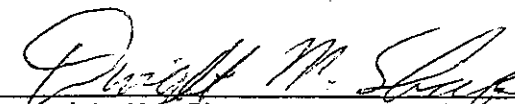
12. Severability and Repealer: All prior resolutions and ordinances of the Town and City, or portions of resolutions and ordinances in conflict herewith, are hereby repealed. Should any section of this Joint Resolution and Agreement be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall remain in full force and effect.

13. Effective Date: This Joint Resolution and Agreement shall be effective immediately upon its adoption by the respective governing bodies of the Town and the City.

Adopted by the Town Board of Supervisors for the Town of LeSauk this 13th day of October, 1992.


Robert D. Heim, Chairman


Benno H. Kuhl, Supervisor


Dwight M. Sharp, Supervisor

Attest:

Marilyn L. Plante
Marilyn L. Plante, Town Clerk

Adopted by the City Council for the City of Sartell this 26th
day of October, 1992.

Robert J. Pogatchnik
Robert J. Pogatchnik, Mayor

Pauline Carlson
Pauline Carlson, Council Member

Steve Feneis
Steve Feneis, Council Member

Dennis P. Molitor
Dennis Molitor, Council Member

Emmons Raymond
Emmons Raymond, Council Member

Attest:

Robert Therres
Robert Therres, City Clerk/Administrator

EXHIBIT "3"

LEGAL DESCRIPTION OF ORDERLY ANNEXATION AREA FOR THE
JOINT RESOLUTION AND AGREEMENT FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF LESAUK AND THE CITY OF SARTELL, MINNESOTA

The entire territory of LeSauk Township, Township 125 North, Range 28 West, Stearns County, Minnesota more particularly described as follows:

Section three (3); Section four (4); Section five (5); Section six (6); Section seven (7); Section eight (8); Section nine (9); Section ten (10); Section sixteen (16), less and except that portion within the limits of the City of Sartell; Section seventeen (17), less and except that portion within the limits of the City of Sartell; Section eighteen (18); Section nineteen (19); Section twenty (20), less and except that portion within the limits of the City of Sartell; Section twenty-one (21), less and except that portion within the limits of the City of Sartell; Section twenty-seven (27), less and except that portion within the limits of the City of Sartell; Section twenty-eight (28), less and except that portion within the limits of the City of Sartell; Section twenty-nine (29), less and except that portion within the limits of the City of Sartell; Section thirty (30); Section thirty-one (31); Section thirty-two (32); Section thirty-three (33); Section thirty-four (34), less and except that portion platted as Charter Oaks and that portion platted as Mill Creek, both within the limits of the City of St. Cloud; and Section thirty-five (35), less and except that portion platted as Mill Creek and that portion platted as R. J. Ganz Estates, both within the limits of the City of St. Cloud, all in LeSauk Township, Township 125 North, Range 28 West, Stearns County, Minnesota.

RECORDED OCT 29 1992

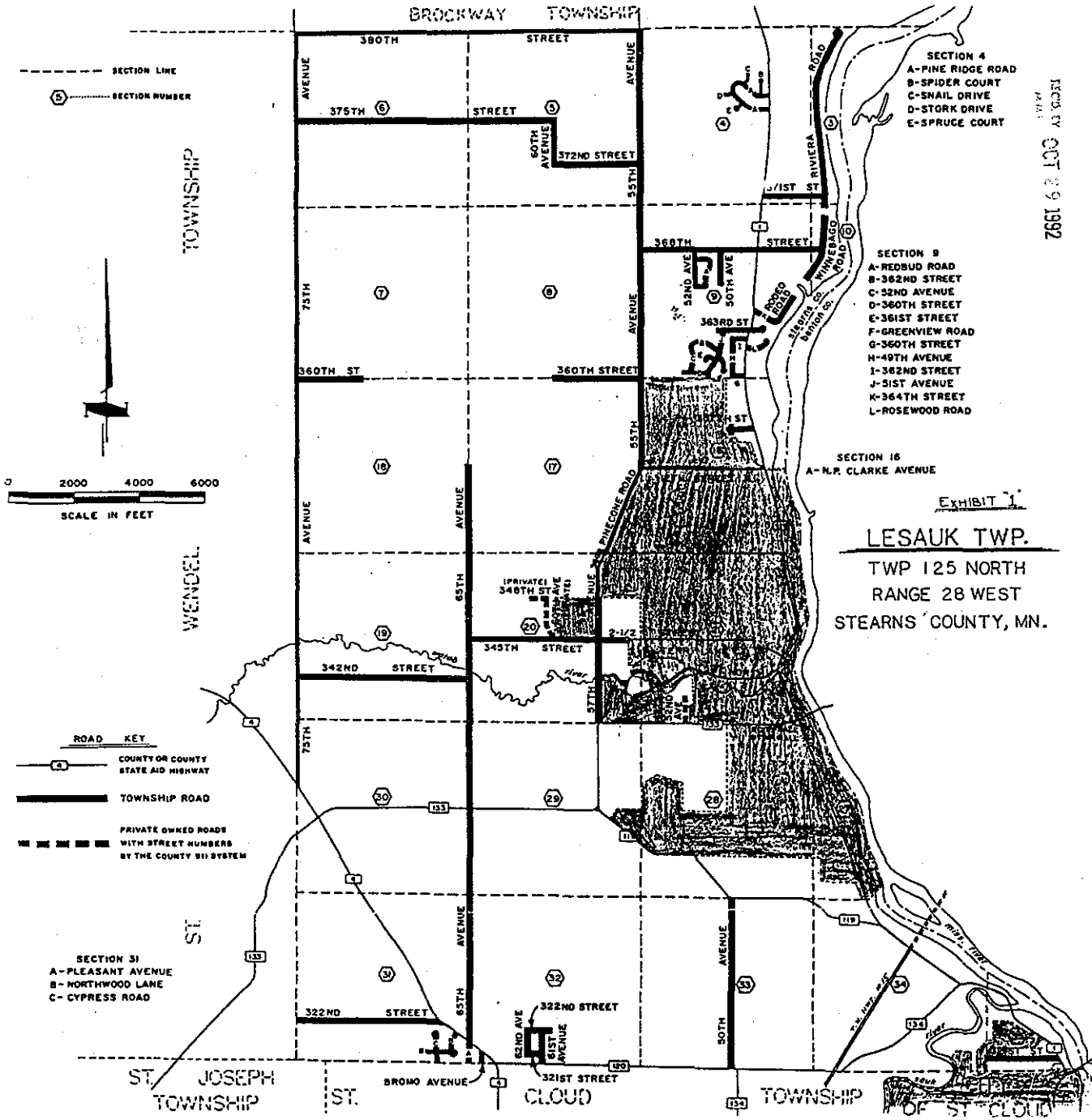


EXHIBIT 1
LESauk TWP.
TWP 125 NORTH
RANGE 28 WEST
STEARNS COUNTY, MN.

JUN 25 2001

04773-1

Town Resolution No. 04-2001
City Resolution No. 2001-4-116JOINT RESOLUTION OF THE TOWN OF LESAUK
AND CITY OF ST. CLOUD APPROVING ANNEXATION OF
AN AREA PETITIONED FOR ANNEXATION IN ACCORDANCE WITH
THE ORDERLY ANNEXATION AGREEMENT BY AND BETWEEN
THE CITY OF ST. CLOUD AND TOWN OF LESAUK

WHEREAS, the City of St. Cloud and Town of LeSauk have approved an orderly annexation agreement which sets for the terms and conditions for approval of certain areas for annexation to St. Cloud; and,

WHEREAS, a property owner initiated petition signed by owners of 84% of the parcels of records in area requesting annexation to the St. Cloud and the extension of sanitary sewer and water service has been received; and,

WHEREAS, the petition has been determined to meet the requirements set forth in the approved orderly annexation agreement.


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS FOR THE TOWN OF LESAUK AND THE COUNCIL FOR THE CITY OF ST. CLOUD, MINNESOTA:

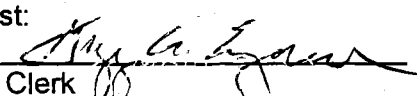
That the area described in Exhibit A and depicted in Exhibit B is hereby approved for annexation to the City of St. Cloud.

BE IT FURTHER RESOLVED:


That, in accordance with the orderly annexation agreement adopted by the City of St. Cloud and Town of LeSauk, Minnesota Planning may review and comment but shall, within 30 days, order the annexation of the property described herein.


Adopted this 9th day of April, 2001, by the Council for the City of St. Cloud.


Council President

Attest:

City Clerk

Adopted this 15 day of June, 2001, by the Board of Supervisors for the Town of LeSauk.


Board Chair

Attest:

Town Clerk

REC'D BY
MMB

JUN 25 2001

EXHIBIT "A"

Legal Description of Area for Orderly Annexation

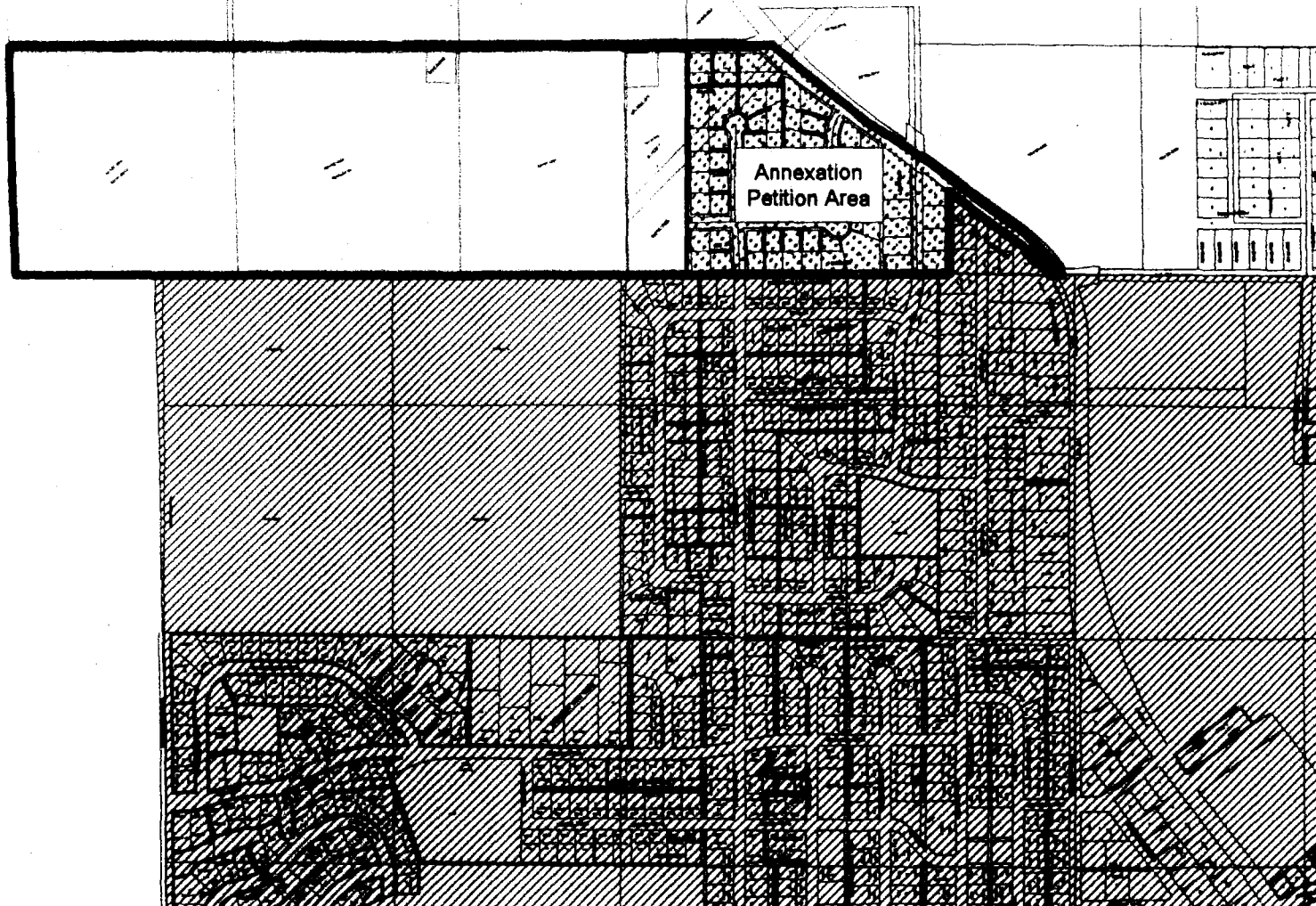
All the land West of the centerline of C.S.A.H. No. 4 as recorded in Stearns County Highway Right of Way Plat No. 6 and South of the following described line and located in Section 31, TOWNSHIP 125 North, Range 28 West of the 5th Principal Meridian, LeSauk Township, Stearns County, Minnesota: Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 31; thence South along the West line of said Southwest Quarter of the Southwest Quarter, a distance of 16.70 feet to the point of beginning of the line to be described; thence Easterly to a point designated as "M 50" on sheet No. 11 of said Stearns County Highway Right of Way Plat No. 6, and there terminating, said line being the centerline of 322nd Street, and easterly of the westerly line of Prairie View Estates, according to the recorded plat thereof.

The annexation petition area is 37 acres.
Total population for the annexation petition
area is 103 persons.

LeSauk Township/City of St. Cloud Annexation Petition Area

EXHIBIT

B



0.2 0 0.2 Miles

Map prepared by the St. Cloud Planning Office, 04/01.

This map is neither a legally recorded map nor survey and is to be used only for reference purposes. The City of St. Cloud assumes no responsibility for actual or consequential damage incurred as a result of using this data.

REC'D BY JUN 25 2001
MMB

JUN 25 2001

Sartell City Resolution No. 122-01
Town Resolution No. 03-2001

**AMENDMENT TO JOINT RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWN OF LESAUK AND THE CITY OF SARTELL**

WHEREAS, the Town of LeSauk (the "Town"), the City of Sartell ("Sartell") and the City of St. Cloud ("St. Cloud"), have had numerous discussions regarding the land areas adjacent to the City; and,

WHEREAS, the Town and Sartell are parties to a Joint Resolution as to Orderly Annexation ("LeSauk/Sartell Agreement") approved by the Minnesota Municipal Board on November 6, 1992, (Municipal Board Docket No. OA-276); and

WHEREAS, the Town, Sartell and St. Cloud have agreed that the property legally described in Exhibit A attached hereto, located in the Town and formerly included in the orderly annexation area covered by the terms of the LeSauk/Sartell Agreement, will best be served with municipal services, including utilities, from St. Cloud; and

WHEREAS, the Town Board and the Sartell Council have determined that future planning and development by St. Cloud of the property legally described in Exhibit A attached hereto, which is adjacent to St. Cloud, is of mutual benefit to all parties and the residents thereof; and,

WHEREAS, the Town Board and the Sartell Council desire to accomplish future planning and development of the property legally described in Exhibit A attached hereto by facilitating orderly annexation of the property to St. Cloud.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOWN OF LESAUK AND THE COUNCIL FOR THE CITY OF SARTELL:

1. Description of Area to be Deleted from the LeSauk/Sartell Agreement. The property legally described in Exhibit A and whose location is indicated on the map included as Exhibit B is excluded from the LeSauk/Sartell Agreement.
2. Continuing Validity of LeSauk/Sartell Orderly Annexation Agreement. Except to the extent specifically modified herein, the Joint Resolution as to Orderly Annexation approved by the Minnesota Municipal Board on November 6, 1992, shall remain in full force and effect.
3. Authorization. Appropriate officers of the Town and Sartell, are hereby authorized to carry the terms of this agreement into effect.
4. Severability and Repealer. All prior resolutions and ordinances of the Town and Sartell, or portions thereof, that are in conflict herewith, are hereby repealed. Should

JUN 25 2001

any section of this agreement be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall remain in full force and effect.

5. Effective Date. This agreement shall be effective immediately upon its adoption by the respective governing bodies of the Town and Sartell.

Adopted this 22 day of MAY, 2001, by the Board of Supervisors for the Town of LeSauk.

Ronald Haber
Board Chair

Attest:

Marlyce L. Plante
Town Clerk

Adopted this 9th day of April, 2001, by the Council for the City of Sartell.

Robert J. Rogatell
Mayor

Attest:

Peggy L. Schupp
City Administrator/Clerk
Deputy Clerk-Treasurer

EXHIBIT "A"

Legal Description of Area for Orderly Annexation

All the land West of the centerline of C.S.A.H. No. 4 as recorded in Stearns County Highway Right of Way Plat No. 6 and South of the following described line and located in Section 31, TOWNSHIP 125 North, Range 28 West of the 5th

Principal Meridian, LeSauk Township, Stearns County, Minnesota:

Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 31; thence South along the West line of said Southwest Quarter of the Southwest Quarter, a distance of 16.70 feet to the point of beginning of the line to be described; thence Easterly to a point designated as "M 50" on sheet No. 11 of said Stearns County Highway Right of Way Plat No. 6, and there terminating, said line being the centerline of 322nd Street.

LeSauk Township/City of St. Cloud Annexation Petition Area

EXHIBIT

B

Annexation
Petition Area



REC'D BY
M.M.B.

JUN 25 2001

0.2 0 0.2 Miles

Map prepared by the St. Cloud Planning Office, 04/01.

This map is neither a legally recorded map nor survey
and is to be used only for reference purposes. The City
of St. Cloud assumes no responsibility for actual or
consequential damage incurred as a result of using this data.

REC'D BY
MMB

JUN 25 2001

Area to be
attached to St. Cloud
growth corridor

Area annexed to St. Cloud
5/24/99

322ND STREET

CSAH 4

St. Cloud Resolution No. 2001-4-115
Town Resolution No. 03-3001

REC'D BY
MMB

JUN 25 2001

OA-773

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN
THE TOWN OF LESAUK AND THE CITY OF ST. CLOUD, MINNESOTA**

WHEREAS, the Town of LeSauk (the "Town"), the City of Sartell ("Sartell") and the City of St. Cloud ("St. Cloud"), have had numerous discussions regarding the land areas adjacent to the City; and,

WHEREAS, the Town and Sartell are parties to a Joint Resolution as to Orderly Annexation ("LeSauk/Sartell Agreement") approved by the Minnesota Municipal Board on November 6, 1992, (Municipal Board Docket No. OA-276); and

WHEREAS, the Town, Sartell and St. Cloud have agreed that the property legally described in Exhibit A attached hereto, located in the Town and formerly included in the orderly annexation area covered by the terms of the LeSauk/Sartell Agreement, will best be served with municipal services, including utilities, from St. Cloud; and

WHEREAS, the Town Board, the Sartell Council and the St. Cloud Council have determined that future planning and development by St. Cloud of the property legally described in Exhibit A attached hereto, which is adjacent to St. Cloud, is of benefit to all parties and the residents thereof; and,

WHEREAS, the Town Board and the St. Cloud Council desire to accomplish future planning and development of the property legally described in Exhibit A attached hereto by St. Cloud in an orderly fashion and, insofar as is reasonable and possible, to resolve any present and future differences between the Town and St. Cloud by mutual agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOWN OF LESAUK AND THE COUNCIL FOR THE CITY OF ST. CLOUD:

1. Designation of Orderly Annexation Area. The property legally described in Exhibit A and whose location is indicated on the map included as Exhibit B is designated for orderly annexation to St. Cloud under and pursuant to Minnesota Statute 414.0325, Subdivision 1. The area designated as an orderly annexation area is approximately 150 acres in size.
2. Minnesota Planning Jurisdiction. That upon approval by the parties, this agreement shall confer jurisdiction upon Minnesota Planning so as to accomplish said orderly annexation in accordance with the terms of this agreement.

JUN 25 2001

3. No Alteration of Boundaries. The Town and St. Cloud mutually state that no alteration by the Board of the boundaries of the area designated for orderly annexation to St. Cloud is appropriate.
4. Review and Comment by Minnesota Planning. The Town and St. Cloud mutually state that this agreement sets forth all of the conditions for annexation of the area designated herein for orderly annexation to St. Cloud and that no consideration by Minnesota Planning is necessary. Minnesota Planning may review and comment, but shall, within thirty (30) days order annexation in accordance with the terms and conditions of this agreement.
5. Special Terms and Conditions for Orderly Annexation of the Subject Area. The Town and St. Cloud mutually agree and resolve that the following terms and conditions shall govern annexations under this agreement for Orderly Annexation:
 - a. Petition Requirement for Annexation Approval. Any request for annexation of a described area within the designated orderly annexation area may be subject to annexation to St. Cloud only upon presentation of a petition signed by owners of a majority of the parcels of record in an area proposed for annexation. Annexation to St. Cloud shall require approval of a resolution by a majority of both the Town Board and St. Cloud Council acting as separate bodies.
 - b. Areas Requirements, for Annexation Petitions. Areas proposed for annexation must include all of an abutting right-of-way included within the orderly annexation area. Annexation of any property on Cypress Road will require inclusion of the public park property abutting Cypress Road located within the orderly annexation area. Areas proposed for annexation must have contiguity to existing corporate boundaries to prevent a leap-frog pattern of annexation and provision of services.
 - c. Urban and Rural Tax Districts. A rural tax district shall be established for those properties existing within the Town immediately prior to an annexation approval except those that are developed for commercial or industrial purposes. For property tax purposes, the tax capacity rate for the rural district will be adjusted to the mid-point between the rate in the present St. Cloud City and the most recent Town tax rate for taxes payable in 2000. Thereafter, the differential between the Town tax rate and the City tax rate will remain constant.

An urban tax district shall be established for those properties existing within the Town immediately prior to an annexation approval that are developed for commercial or industrial purposes. For property tax purposes, the tax

capacity rate for the urban district portions of the present Town will be the St. Cloud City tax capacity rate, beginning with taxes payable in 2000.

Property designated as being in a rural tax district must be predesignated as being part of the urban tax district upon development inconsistent with its rural designation. In the case of unplatted property, redesignation occurs upon; (1) platting, in whole or part, (2) whenever application is made for a permit for the construction of a commercial, industrial or urban residential development or improvement on the property, or (3) when basic urban services such as sewer, water or street improvements are extended to such property or portion. In the case of platted properties which were determined to be rural in character, the redesignation occurs whenever: (1) any lot or portion of a platted property is developed, or (2) when basic urban services such as sewer, water or street improvements are extended to any such lot or portion. All designations and redesignations of property must be consistent with the requirements of Minn. Stat. Sec. 272.67. It is the policy of St. Cloud not to make such street improvements prior to installation of water and sewer.

- d. Planning in Areas Designated for Orderly Annexation. Prior to annexation, joint planning and land use control for areas within the orderly annexation area shall be accomplished in accordance with Minn. Stat. Sec. 414.0325, Subd. 5(c), Paragraph 2 (three-member committee with one member appointed from each of the municipal, town and county governing bodies).
- e. Special Assessments. Special assessments for public improvements provided to all properties annexed to St. Cloud from the orderly annexation area will be assessed in accordance with adopted St. Cloud policy, for a period of up to 20 years, at the option of the property owner, except as follows:
 - 1) Large Tracts of Substantially Undeveloped Residential Land: At the request of the property owner, assessments for all but the first 200' of assessable frontage on unplatted, residential property will be deferred with interest waived for the first five (5) years of the deferment period. Deferment will terminate and assessments with interest will come due when the property is subdivided or 20 years from the date of the improvement, whichever comes first.
 - 2) Large Platted Lots for Single Family Dwellings: Platted lots of record for low density single family dwellings that exist at the date of annexation will be assessed for a maximum of 200' of assessable frontage. Should such a platted lot be split or subdivided in the future to create another building lot(s), each additional lot created will be charged a utility connection fee.

JUN 25 2001

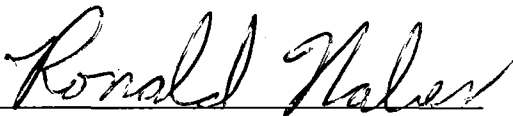
Assessment rates will be the uniform rate established annually by the St. Cloud Council.

- f. Planned Timeline for Installation of public Utility Services in Proximity to the Orderly Annexation Area. In accordance with the timeline established for extension of utility service to former parts of St. Cloud Township, St. Cloud plans to install sanitary sewer and water main along Cypress Road and in the Southview 90 area between years 2001 and 2003. These utilities will be installed with sufficient depth and capacity so that they may eventually be extended into the platted portions of the orderly annexation area.
- g. Services Provided. Upon annexation to St. Cloud, subject property shall receive all normal and customary services offered to other like properties within St. Cloud except as otherwise described herein and as follows:


Municipal refuse collection will be provided to all residential property at said time as public utility services are provided to the property.

- 6. Authorization. Appropriate officers of the Town and St. Cloud are hereby authorized to carry the terms of this agreement into effect.
- 7. Severability and Repealer. All prior resolutions and ordinances of the Town and St. Cloud or portions thereof, that are in conflict herewith, are hereby repealed. Should any section of this agreement be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provision shall remain in full force and effect.
- 8. Effective Date. This agreement shall be effective immediately upon its adoption by the respective governing bodies of the Town and St. Cloud.

Adopted this 11 day of JUNE, 2001, by the Board of Supervisors for the Town of LeSauk.

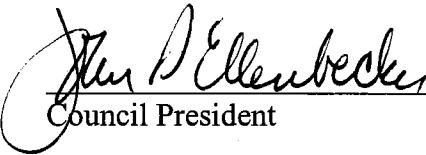

Board Chair

Attest:


Town Clerk

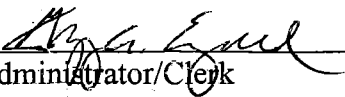
JUN 25 2001

Adopted this 21st day of June, 2001, by the Council for the City of St. Cloud.



Council President

Attest:



City Administrator/Clerk

REC'D BY
MMB

JUN 25 2001

EXHIBIT "A"

Legal Description of Area for Orderly Annexation

All the land West of the centerline of C.S.A.H. No. 4 as recorded in Stearns County Highway Right of Way Plat No. 6 and South of the following described line and located in Section 31, TOWNSHIP 125 North, Range 28 West of the 5th

Principal Meridian, LeSauk Township, Stearns County, Minnesota:

Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 31; thence South along the West line of said Southwest Quarter of the Southwest Quarter, a distance of 16.70 feet to the point of beginning of the line to be described; thence Easterly to a point designated as "M 50" on sheet No. 11 of said Stearns County Highway Right of Way Plat No. 6, and there terminating, said line being the centerline of 322nd Street.

The entire orderly annexation area is
157 acres.

LeSauk Township/City of St. Cloud Annexation Petition Area

EXHIBIT

B

Annexation
Petition Area



REC'D BY
M.M.B.

JUN 25 2001

0.2 0 0.2 Miles

Map prepared by the St. Cloud Planning Office, 04/01.

This map is neither a legally recorded map nor survey
and is to be used only for reference purposes. The City
of St. Cloud assumes no responsibility for actual or
consequential damage incurred as a result of using this data.

REC'D BY
MMB

JUN 25 2001

Area to be
attached to St. Cloud
growth corridor

Area annexed to St. Cloud
5/24/99

322ND STREET

C.S.A.H. 4



OCT 20 2006

125 Pine Cone Road North • P.O. Box 140 • Sartell, MN 56377-0140
Phone (320) 253-2171 • Fax (320) 253-3337 • www.sartellmn.com

October 18, 2006

Christine M. Scotillo, Executive Director
Office of Administrative Hearings
Municipal Boundary Adjustments
658 Cedar Street, Suite 300
St. Paul, MN 55155-1621

RE: OA-276 City of Sartell/LeSauk Township

OA-276-103 (Werschay Homes, 38 acres)
OA-276-104 (Tim Mader Property, 1.03 acres)
OA-276-105 (Glen Lauer Property, 71 acres)
OA-276-106 (Williams Property, 1 acre)

Dear Ms. Scotillo:

The City of Sartell is in receipt of your letters dated September 5, 2006; September 12, 2006 and October 12, 2006. In those letters the Office of Administrative Hearings raised concerns about its ability to order the annexation of OA-276-103, OA-276-104, OA-105 and OA-106 in light of recent amendments to Minnesota Statutes 414.036. I contacted you and discussed your agency's application of the new law to an existing orderly annexation agreement. We differed on the authority of your agency to deny any application in light of the review and comment only provision of the Sartell agreement and as to whether the law was being retroactively applied. Therefore, we focused our discussion on the language of the amended 414.036 which states in part:

Unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval under this chapter annexes part of a town to a municipality the order or other approval must provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order.

The reimbursement was to address debt, including special assessments incurred by the Town prior to the annexation and attributable to the property to be annexed.

Through this letter I am indicating to your agency that the City of Sartell and the Town of LeSauk did "otherwise" agree and have negotiated financial arrangements that stand in lieu of any other reimbursements to the Town.

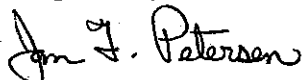
That agreement and those financial arrangements are reflected in OA-276. Note that OA-276 was first adopted in October of 1992 by the parties as Town of LeSauk Resolution No. 92-1 and City of Sartell Resolution No. 117-1992. That agreement was amended and restated in October of 1995 as Town of LeSauk Resolution No. 95-3 and City of Sartell Resolution No. 72-1995. That document replaced the first OA-276. However, there were no changes in the portions of the agreement to which I refer below.

First, in the recitals the parties note that they entered into the agreement "to resolve any present and future differences between said Town and said City by mutual agreement." This document represented the entire agreement of the parties.

Let me suggest that parties to orderly annexation agreements universally discuss the financial impacts of that agreement on the Town and its residents. In paragraph 6 of OA-276 the City agreed to dedicate 25% of the property taxes it received from the annexed areas over a set period of time to a special fund for the purpose of developing oversizing for public sanitary sewer and excess sanitary sewer capacity to residents. The Town and the City mutually developed guidelines for the use of these funds. In paragraph 7 of OA-276 the parties agreed on a phase-in of property taxes. In paragraph 10 of OA-276 the parties addressed the Town's cost of joint participation in the fire department, government center, and other joint Town-City projects. In varying degrees these agreements represent Town costs attributable to property to be annexed as well as that which will remain in the Town. The Town and the City meet annually to review and adjust these agreements. Finally, I would suggest that when a document represents the entire agreement of the parties then silence alone on any given subject indicates that the parties have "otherwise agreed" and have chosen not to include additional language.

For these reasons the City of Sartell respectfully requests that the Municipal Boundary Adjustments Unit order the annexation of properties under OA-276-103, OA-276-104, OA-105, OA-106 and all subsequent requests under OA-276. The City of Sartell has received additional petitions for annexation from LeSauk residents. Those will be forthcoming to your agency in the near future.

Respectfully submitted,



Jan F. Petersen

Sartell City Attorney

Cc: City Administrator
Town of LeSauk