

JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE TOWN OF WAKEFIELD AND THE CITY OF COLD SPRING

RECITALS

- A. The Town of Wakefield ("Town") and the City of Cold Spring ("City"), both of Stearns County, Minnesota, are in agreement as to the orderly annexation of certain property described in this resolution for the purpose of orderly and planned services to the community.
- B. The property proposed to be annexed is not already part of another city, and it adjoins and is contiguous to the City (see attached map).
- C. All owners of the property proposed to be annexed have petitioned the City for annexation.
- D. An orderly annexation of the proposed property is in the best interest of the area proposed for annexation.

RESOLUTION

In consideration of this resolution's mutual terms and conditions, the Town and City jointly resolve and enter into this Joint Resolution for Orderly Annexation ("Joint Resolution") as follows:

1. **Designation of Orderly Annexation Area.** The Town and City designate the area set forth on the map attached as Exhibit 1 and the legal description of the properties attached as Exhibit 2 ("designated property") as subject to orderly annexation pursuant to Minnesota Statutes § 414.0325.
2. **Minnesota Municipal Board Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Minnesota Municipal Board ("Municipal Board") to approve the annexation of the designated property pursuant to Minnesota Statutes § 414.0325.

3. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Municipal Board of the stated boundaries of the designated property for orderly annexation is appropriate.

4. **Municipal Board Review and Comment.** The Town and City agree and state that this Joint Resolution sets forth all the conditions for annexation of the designated property, and no consideration by the Municipal Board is necessary. The Municipal Board may review and comment, but shall order the annexation of the designated property according to this Joint Resolution's terms within thirty (30) days.

5. **Planning and Land Use Control Authority.** Following annexation, the City's zoning regulations and land use controls shall govern the designated property.

6. **Authorization.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.

7. **Modification.** The Town and City may modify, amend or terminate this Joint Resolution by mutual, written agreement.

8. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution invalid, illegal or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is inapplicable to any person or circumstance, it shall still remain applicable to all other persons or circumstances.

9. **Effective Date.** This Joint Resolution shall be effective from the date of the Municipal Board's order calling for annexation of the designated property to the City.

The Town of Wakefield Board of Supervisors adopts this Joint Resolution on
Nov 5, 1998.

REC'D. BY
MMB DEC 11 1998

TOWN OF WAKEFIELD

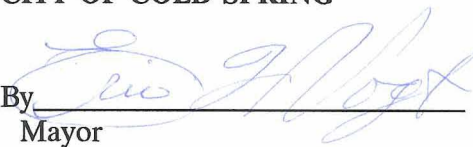
By 
Board of Supervisors Chairperson

ATTEST:

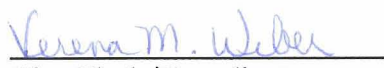

Town Clerk

The Cold Spring City Council adopts this Joint Resolution on July 24,
1998.

CITY OF COLD SPRING

By 
Mayor

ATTEST:


City Clerk/Coordinator

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EXHIBIT 2

DESIGNATED PROPERTY

Parcel No. 1 - Property owned by City of Cold Spring (formerly property owned by the John J. Fuchs and Joan K. Fuchs Revocable Trust Agreement):

A 25.00 foot strip of land being a part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and a part of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14, Township 123 North, Range 30 West, Stearns County, Minnesota. Said 25.00 foot strip of land lies 25.00 feet northwesterly of a line that begins at the intersection of the north line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ with the northwesterly right-of-way line of County Road No. 2; thence said line runs southwesterly along said northwesterly right-of-way line 1066.9 feet more or less to the intersection with the north line of the south 482.57 feet of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and there terminate said line. The side lines are lengthened or shortened to terminate on the boundary lines.

Parcel No. 2 - Property owned by City of Cold Spring (formerly property owned by Independent School District No. 750):

A 25.00 foot strip of land being a part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14, Township 123 North, Range 30 West, Stearns County, Minnesota. Said 25.00 foot strip of land lies 25.00 feet northwesterly of a line that begins at the intersection of the south line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ with the northwesterly right-of-way line of County Road No. 2; thence said line runs northeasterly along said northwesterly right-of-way line 593.05 feet more or less to the intersection with the north line of the south 482.57 feet of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and there terminate said line. The side lines are lengthened or shortened to terminate on the boundary lines.

Parcel No. 3 - Property owned by City of Cold Spring (formerly property owned by the Joseph M. Witzmann Revocable Living Trust):

A 66 foot strip of land
The centerline of said strip of land is described as follows:

Commencing at the southwest corner of Section 11, Township 123, Range 30, Stearns County, Minnesota, Thence North 00 degrees 33 minutes 55 seconds West 291.56 feet along the west line of the SW $\frac{1}{4}$ thereof, to its intersection with the centerline of Meadow Ridge Lane, as platted and recorded in Green Meadows Plat 3, to the point of beginning at said centerline. Thence South 89 degrees 54 minutes 12 seconds East, 50.00 feet, Thence Southeasterly along a tangential curve concaved to the Southeast a distance of 79.38 feet, said curve having a radius of 259.81 feet, and a central angle of 17 degrees 30 minutes 18 seconds, Thence South 72 degrees 23 minutes 54 seconds East, tangential to last described

Parcel No. 3 (Cont'd.):

course 349.84 feet, Thence Southeasterly along a tangential curve concaved to the Northeast a distance of 79.06 feet, said curve having a radius of 300.00 feet and a central angle of 15 degrees 06 minutes 00 seconds, Thence South 89 degrees 29 minutes 54 seconds East tangential to last described course 1302.47 feet, Thence along a tangential curve concaved to the southwest a distance of 187.96 feet, said curve having a radius of 267.11 feet and a central angle of 40 degrees 19 minutes 06 seconds, to its intersection with the northwesterly right of way line of County Road No. 2, there terminating. Said strip of land contains 3.10 acres more or less.

Also, a deeded strip of land in said SW $\frac{1}{4}$, 25.00 feet of width lying northwesterly of, contiguous to and parallel with the northwesterly right of way line of County Road No. 2. The above described 25.00 foot strip of land is bounded on the south by the south line of said SW $\frac{1}{4}$ and on the north by the southerly line of the above described 66.00 foot wide strip of land. Said strip of land contains 0.07 acres.

Also the west 33.00 feet of the north 1054.90 feet of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 11, Township 123, Range 30, Stearns County, Minnesota. Said strip of land contains 0.799 acres more or less.

Parcel No. 4 (Arnold Schmitt Property):

That part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, Township 123 North, Range 30 West, Stearns County, Minnesota, described as follows: Beginning at the southwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 87 degrees 49 minutes 35 seconds East, assumed bearing, along the south line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 550.00 feet; thence North 02 degrees 10 minutes 25 seconds East 310.00 feet; thence North 87 degrees 49 minutes 35 seconds West 310.00 feet; thence South 02 degrees 10 minutes 25 seconds West 277.00 feet; thence North 87 degrees 49 minutes 35 seconds West 241.58 feet more or less to intersection with the west line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 00 degrees 33 minutes 55 seconds East along said west line 33.04 feet to the point of beginning. Said tract contains 2.389 acres and is subject to any easements of record.

CTION EASEMENT
PERPETUAL EASEMENT

INDEPENDENT
EASEMENT DESCRIPTION #1)

CONSTRUCTION EASEMENT

COUNTY RD. #2

NOT PLATTED

SW 1/4 NW 1/4
SEC. 14 T 123 R 30

SOUTH 482.57 OF
NW 1/4 NW 1/4

NW 1/4 NW 1/4
SEC. 14 T 123 R 30

INDEPENDENT SCHOOL DISTRICT #750
(DEED DESCRIPTION #1A)

JOHN & JOAN FUCHS - REVOCABLE TRUST
(DEED DESCRIPTION #2)

NE 1/4 NW 1/4
SEC. 14 T 123 R 30

SE 1/4 SW 1/4
SEC. 11 T 123 R 30

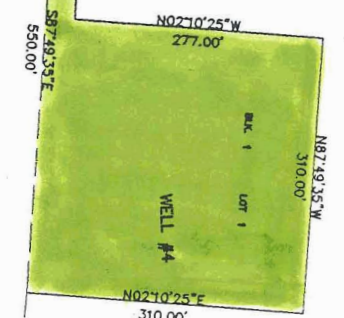
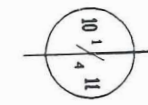
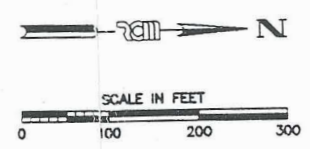
SW 1/4 SW 1/4
SEC. 11 T 123 R 30

NW 1/4 SW 1/4
SEC. 11 T 123 R 30

JOSEPH M. WITZMAN REVOCABLE LIVING TRUST, FIRST AMERICAN TRUST COMPANY OF MINNESOTA AS TRUSTEE (DEED DESCRIPTION #4)

JOSEPH M. WITZMAN REVOCABLE LIVING TRUST, FIRST AMERICAN TRUST COMPANY OF MINNESOTA AS TRUSTEE (DEED DESCRIPTION #4)

EXHIBIT
1



N00°33'55"W 291.56'
S00°33'55"E 1054.90'
S00°33'55"E 33.04'

25' TEMPORARY CONSTRUCTION EASEMENT

R=259.81
L=79.38
T=40.00
Δ=17°30'18"

R=300.00
L=79.06
T=39.76
Δ=15°06'00"

68' DEEDED TO CITY

25' TEMPORARY CONSTRUCTION EASEMENT

R=267.11
L=187.96
T=98.06
Δ=40°19'06"

REC'D. BY DEC 11 1998
M.M.B.